Disclaimer

by the Court of Common Pleas of Northumberland County, Pennsylvania

Neither the staff in the Custody and Protection from Abuse Office nor the staff in any Court office will be able to give you legal advice or help you fill out/complete the forms. The information in the packets is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents.

If you want to obtain the services of an attorney but do not know whom to contact, you may contact the PBA Lawyer Referral Service (LRS), which refers callers to lawyers in the counties that do not have a referral service of their own. This service covers 45 of the 67 counties in the commonwealth of Pennsylvania. The PBA LRS operates Monday through Friday, from 8:00 a.m. to 4:30 p.m., and can be reached by calling (800) 692-7375 or (717) 238-6807.

North Penn Legal Services, located in Sunbury, PA, is a regional non-profit provider of legal aid services for low-income persons. They can be contacted at (570) 286-5687. Additional information is also available online at http://northpennlegal.org/news/news/new-family-law-handbook-now-available/.

A listing of Northumberland County's bar association members is also available upon request.

Revised 9-14-2011

PRO SE COVER SHEET

(1) Case Caption

_____

vs.

_____

(2) Case No. _____

(3) Attorney for Each Party:

Plaintiff: _____

Defendant: _____

(4) If no attorney:

(Phone numbers are needed if a hearing is continued or cancelled and there is not enough time to notify by mail. The numbers will not be a part of the file and will be viewed and used only by the Court.)

Plaintiff's Address: _____

Plaintiff's Phone Number: _____

Plaintiff's Date of Birth (if known): _____

Defendant's Address: _____

Defendant's Phone Number: _____

Defendant's Date of Birth (if known): _____

(5) Has Children and Youth been involved with the above parties? _____

(6) Is Children and Youth *currently* involved with the above parties? _____

If yes, please provide caseworker's name: _____

INSTRUCTIONS FOR FILING A

CUSTODY COMPLAINTWITHOUT A LAWYER

1. **You must watch the video.** Every public library in Northumberland County has a copy of the *Child Custody Video Workshop*. When you watch the video at the library, the librarian will give you a document that must be filed with your Custody Complaint.

2. **This is to start a new custody case.** A custody complaint should usually be filed in the county where the child has resided for the last six (6) months. In situations where circumstances cannot be easily determined, an attorney should be consulted.

   2 a. A court order is not needed if you are satisfied with the current arrangement. Without a court order, both parents have equal rights to custody and either parent can lawfully take physical custody of the child at any time. The situation can be flexible. With a court order, you gain some certainty but lose some flexibility.

   2 b. Do not file a Complaint for Custody if you have ever had a court order for custody in the past. To change an existing court order, you should file a Motion for Modification of a Custody Order.

   2 c. Child support payments and custody arrangements are separate, and must be filed separately. Child support matters are handled through the Domestic Relations Office, 609 Market Street, Sunbury, PA 17801.

   2 d. If there is a health and safety issue involving the child(ren), a parent may file an Emergency Petition for Special Relief along with the Custody Complaint. Alleging that the other parent has the child(ren) and will not permit the other parent to see the child(ren) DOES NOT constitute an emergency. Only when there are serious risks to the health and safety of the child(ren) will the court consider granting any type of relief before the parties appear before the Domestic Relations Hearing Officer.

3. **Read first.** The form for a Complaint for Custody or Visitation is attached to these instructions. Read the instructions and the form *completely* before you start to write.

4. **Fill in the caption correctly.** The *caption* is the part of the form at the top of the first page where the names of the parties and the docket number are listed. You are the Plaintiff. The other parent is the Defendant. If anyone else has custody rights to your children, list them as Defendants. You must list *both* of the parents as parties even if they are no longer involved in the children's lives. They still have custody rights.

5. **Complete the form.** *Your part* of the form to complete is everything except the last page. Only fill in the case caption on the last page. When you complete *your part* of the form, give it to the court staff in *the Custody Office* to get a conference scheduled. Your conference will be held as soon as possible, depending on how many other conferences are on the court calendar at the time. If you have special scheduling needs, tell the staff at the Custody Office.

6. **File the Complaint.** <u>There is a filing fee of $113.25 that must be paid to the Prothonotary in the form of cash or a money order. Do not take a check.</u> After the Custody Office schedules a conference, you will be given the original Complaint, the Order scheduling a conference, and some photocopies of those documents. Take them all to the Prothonotary's office to file them.

7. **Serve notice.** It is your responsibility to give a copy of the Complaint and the Order to everyone else involved in the case. All parties must be served with notice of the purpose and time of the conference. This will give them the opportunity to be there and respond. Normally, the parents and their lawyers, if there are any, are the people who must be served.

   Service must be accomplished in accordance with Pa.R.C.P. 1930.4. A copy of this rule is attached to assist you in this process.

   There are separate rules for service outside of Pennsylvania. Please ask for a copy of those instructions if this applies to you.

8. **Go to the Conference.** The day of your conference, you should bring proof that the other party has been served with a copy of the custody complaint. Proof of service could be an acceptance of service signed by the other party, or an Affidavit of service and the return receipt card signed by the other party. **Note: Without proof of service, the conference may not be held.**

   8 a. The conference is conducted by the Domestic Relations Hearing Officer, an attorney who has been appointed by the court. During the conference, the hearing officer will try to work with the parties to reach a custody schedule which is agreeable to all. The hearing officer cannot take sides. **Note: The hearing officer may not be contacted by any party or by anyone on a party's behalf outside of the conference for any reason.**

   8 b. During the conference, each party will have an opportunity speak. If an agreement is reached, a copy of the agreement will be sent through the mail to both parties. If the parties cannot agree, the hearing officer will schedule a hearing. The hearing officer may also make a recommendation for an interim custody schedule for the parties to follow until a hearing.

   8 c.Only the parties on the caption of the complaint are allowed at the conference. Each party may bring an attorney. Children are not permitted to attend the conference unless specifically requested by the hearing officer. If you have to bring your children with you, please also bring someone to care for the children while you are in the conference.

   8 d. Please dress appropriately. Shorts, flip flops, tank tops, t-shirts, sweat pants, and hats are **not** appropriate.

   8 e. The conference is the time for explainin all of your concerns to the court. If information does not get presented to the court *during your conference*, it will **not** be considered in the court's decision. Criminal convictions of some specific crimes, usually violent crimes or those involving child victim(s) are a factor (among many) the court will consider in making a custody decision.

9. **Conferences can be continued.** A postponement of a conference to another time is called a continuance. If you or the other party need more time to prepare for a conference, more time to hire a lawyer, or have an emergency schedule conflict, it may be appropriate to ask for a continuance. There is a form available in the Custody Office that you can fill out to request a continuance.

10. **Conferences can be cancelled.** If you decide that you no longer want to have the court hold a conference, you may file a Praecipe to Withdraw the Petition, which is a legal paper telling the court you want to withdraw your complaint and/or cancel the

conference. You do *not* get a refund of the filing fee if you withdraw your Complaint. There is a $7.50 fee payable to completely withdrawal a new custody case.

11. **Keep in touch.** If an *emergency* arises that prevents you from appearing in court, you should let the staff at the Custody Office know immediately by calling (570) 988-4172. If you obtain a continuance of the conference, you must let the other party know by serving them with notice of the continuance. If you file a Praecipe to Withdraw the Petition, you must serve the other party with a copy to let them know the hearing is cancelled.

12. **If you have legal questions, call a lawyer.** The staff of the Custody Office cannot provide any legal advice. The Custody Office is an extension of the court, and it is only for processing papers and holding hearings.

13. If you have *general* questions about custody litigation, you may contact:

Child Custody and Protection from Abuse Office
Northumberland County Courthouse
201 Market Street
Sunbury, Pennsylvania 17801-3406
(570) 988-4172

Pa.R.C.P. No. 1930.4 – Purdon's Pennsylvania Statutes and Consolidated Statutes

(a) Persons Who May Serve: Original process in all domestic relations matters may be served by the sheriff or a competent adult (competent adult is defined as an individual eighteen (18) years of age or older who is neither a party to the action nor an employee or a relative of a party):

(1) by handing a copy to the defendant; or

(2) by handing a copy;

(i) at the residence of the defendant to an adult member of the family with whom the defendant resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which the defendant resides; or

(iii) at any office or usual place of business of the defendant to the defendant's agent or to the person for the time being in charge thereof.

(3) or pursuant to special order of court.

(c) Service by Mail. Except in Protection from Abuse matters unless authorized by special order of court pursuant to subdivision (b) above, original process may also be served by mailing the complaint and order to appear, if required, to the defendant's last known address by both regular and certified mail. Delivery of the certified mail must be restricted to addressee only, and a return receipt must be requested.

(1) If the certified mail is refused by defendant, but the regular mail is not returned within fifteen (15) days, service may be deemed complete.

(2) If the mail is returned with notation by the postal authorities that it was unclaimed, service shall be made by another means pursuant to these rules.

(d) Acceptance of Service. In lieu of service pursuant to this rule, the defendant or the defendant's authorized agent may accept service of original process by filing with the prothonotary a separate document which shall be substantially in the following form:

(e) Time for Service: Original process shall be served within thirty days of the filing of the petition or complaint.

(h) Proof of Service. Proof of service shall be made as follows:

(1) The person making service of original process shall make a return of service forthwith. If service has not been made within the time allowed, a return of no service shall be made upon the expiration of the period allowed for service.

(2) Proof of service shall set forth the date, time, place and manner of service, the identity of the person served and any other facts necessary for the court to determine whether proper service has been made.

(3) Proof of service by a person other than the sheriff shall be by affidavit. If a person other than the sheriff makes a return of no service, the affidavit shall set forth with particularity the efforts made to effect service.

(4) Proof of service by mail shall include a return receipt signed by the defendant or, if the defendant has refused to accept mail service, the returned letter with the notation that the defendant refused to accept delivery, and an affidavit that the regular mail was not returned within fifteen days after mailing.

Frequently Asked Questions

• May I keep the other parent from seeing my child(ren) because that parent does not pay child support?

No. The non-payment of child support does not allow a parent to disobey a court order for custody. The court believes that it is in the child's best interest to have a relationship with both parents. Instead, child support issues should be pursued through the Northumberland County Office of Domestic Relations Office (570-988-4227).

• Can custody ever affect support?

Yes. If the noncustodial parent can show that he or she regularly has the child in excess of a threshold amount of time over the course of the year, the support amount may be adjusted. The threshold amount of time is established by the State Support Guidelines.

• My child is 12 years old. May she decided where she wants to live?

Yes, if the parents agree to accept her choice without further litigation. But if the parents go to a hearing despite knowing the child's preference, there is no magic age in Pennsylvania when the child gets to make the decision as to where she will live. The court looks at all of the factors involving the best interest of the child and the child's preference can be a factor. The weight of that preference will depend upon the age, maturity, intelligence and reasoning of the child.

• When it is time for my child to visit the other parent, he does not want to go. Do I have to send him?

If there is a court order scheduling your child to visit with the other parent at a certain time, the schedule should be followed or you can be held in contempt of the court order.
You should be encouraging your child to spend time with the other parent unless there is a reasonable fear for the child's physical safety. However, you may have to justify your refusal at a later contempt proceeding or you may need to file a pleading to modify the custody order if your concerns continue.

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

_____	:	
Plaintiff	:	
	:	**CIVIL DIVISION**
vs.	:	***CUSTODY/VISITATION***
	:	**CV-**
_____	:	
Defendant	:	

COMPLAINT FOR: (PRIMARY CUSTODY) (SHARED CUSTODY) (PARTIAL CUSTODY) (SUPERVISED PARTIAL CUSTODY)

1. The plaintiff is _____, residing at

   _____(County)__

   _____.

2. The defendant is _____, residing at

   _____(County)___

   _____.

3. Plaintiff seeks (primary custody) (shared custody) (partial custody) (supervised partial custody) of the following children:

Name	Present Address	Date of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____

The child (was) (was not) born out of wedlock.

The child is presently in the custody of _____, who

resides at _____(County)_____.

During the past five years, the child has resided with the following persons and at the following addresses:

(List All Persons)	*(List All Addresses)*	*(Dates)*
_____	_____	_____
_____	_____	_____
_____	_____	_____

The paragraph checked below applies:

a) _____ This county has been the location of the child(ren)'s home for at least six (6) months prior to the date of this complaint (not counting temporary absences), Pa.R.C.P. 1915.2(a)(1)(i);

b) _____ The child(ren) stopped living in this county less than six (6) moths ago, but just before that, this county had been the location of the child(ren)'s home for at least six (6) months, and one or more parties to this action continues to live in this county, Pa.R.C.P.1915.2(a)(1)(ii);

c) _____ This court should decide this matter because the child(ren) and at least one party to this action have a strong connection with this county and evidence about that connection includes information about the child(ren)'s present/future care, protection, training, and personal relationships, Pa.R.C.P. 1915.2(a)(2);

d) _____ The physical presence of the child(ren) is now in this county, and there is an emergency requiring the court to act in order to avoid serious harm or danger to the child(ren), Pa.R.C.P. 1915.2(a)(3);

e) _____ Another court refused to hear the case because this court should, Pa.R.C.P. 1915.2(a)(4);

f) _____ None of the above apply, but there is no other county and no state, including Pennsylvania, in which any of the above would apply, Pa.R.C.P. 1915.2(a)(4).

The mother of the child is _____, currently residing

at _____.

She is (married) (divorced) (single).

The father of the child is _____, currently residing at

_____.

He is (married) (divorced) (single).

4. The relationship of plaintiff to the child is that of _____.

The plaintiff currently resides with the following persons:

Name	*Relationship*
_____	_____
_____	_____
_____	_____

5. The relationship of the defendant to the child is that of _____.

The defendant currently resides with the following persons:

Name	*Relationship*
_____	_____
_____	_____
_____	_____

1. Plaintiff (has) (has not) participated as a party or witness, or in another capacity, in other litigation concerning the custody of the child in this or another court. The court, term and number, and its relationship to this action is: _____

   _____.

   Plaintiff (has) (has no) information of a custody proceeding concerning the child pending in a court of this Commonwealth or any other state. The court, term and number, and its relationship to this action is: _____.

   Plaintiff (knows) (does not know) of a person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights, with respect to the child. The name and address of such person is _____

   _____.

2. The best interest and permanent welfare of the child will be served by granting the relief requested because (set forth facts showing that the granting of the relief requested will be in the best interest and permanent welfare of the child, including any convictions which would be important in determining the safety of the child)._____

   _____

   _____

   _____

   _____

   _____

   _____

3. Each parent whose parental rights to the child have not been terminated and the person who has physical custody of the child have been named as parties to this action. All other persons, named below, who are known to have or claim a right to custody or visitation of the child will be given notice of the pendency of this action and the right to intervene:

Name	*Address*	*Basis of Claim*
_____	_____	_____

Wherefore, Plaintiff requests the court to grant (primary custody) (shared custody) (partial custody) (supervised partial custody).

_____
Plaintiff

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

_____
Plaintiff

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

_____	:	
Plaintiff	:	NO. CV-_____-_____
	:	
vs.	:	CIVIL ACTION-LAW
	:	
_____	:	_____
Defendant	:	

N O T I C E

TO: _____

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must appear at the time and place indicated on the following order. You are warned that if you fail to do so, the case will proceed without you and an Order may be entered without further notice for any relief requested by the Plaintiff. Rights important to you may be affected.

You should take this paper to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office below to find out where you can receive legal help.

Court Administrator's Office
Northumberland County Courthouse
201 Market Street
Sunbury, PA 17801
570.988.4167

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

_____, Plaintiff	:	No. CV-_____-_____
vs.	:	CIVIL ACTION – LAW
_____, Defendant	:	CUSTODY

NOTICE AND ORDER TO APPEAR

You, _____, have been sued in court to obtain or modify an order for custody, partial custody, or visitation of a minor child or children.

You are ordered to appear in person at courtroom _____ of the Northumberland County Courthouse, 201 Market Street, Sunbury, Pennsylvania, on the _____ day of _____ 20__ at _____ o' clock for:

- ☐ a conciliation or mediation conference.
- ☐ a pretrial conference.
- ☐ a hearing before the court.

If the parties in this action have reached an agreement prior to the meeting date, please complete the Stipulation Packet and bring to the meeting.

IF YOU FAIL TO APPEAR AS PROVIDED BY THIS ORDER, AN ORDER FOR CUSTODY, PARTIAL CUSTODY, OR VISITATION MAY BE ENTERED AGAINST YOU, OR THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Office of the Court Administrator
201 Market Street
Sunbury, Pennsylvania 17801
(570) 988-4167

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Northumberland County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

BY THE COURT:

Date: _____ _____,
P.J.

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

_____	:	
Plaintiff	:	
	:	**CIVIL DIVISION**
vs.	:	**CUSTODY/VISITATION**
	:	**CV-**
_____	:	
Defendant	:	

ACCEPTANCE OF SERVICE

I accept service of the _____ (*Name of Document*). I certify that I am authorized to accept service on behalf of defendant.

_____
Date

_____
Defendant or Authorized Agent

_____

_____

_____
Mailing Address

Note: If defendant accepts service personally, the second sentence should be deleted.

Form A

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

_____	:	
Plaintiff	:	
	:	**CIVIL DIVISION**
vs.	:	**CUSTODY/VISITATION**
	:	**CV-**
_____	:	
Defendant	:	

AFFIDAVIT OF SIGNATURE

I, _____ (Plaintiff), being duly affirmed according to law, deposes and says that he/she has examined the signature on the Return Receipt of the Post Office Department signed by _____ (Defendant), and that he/she is familiar with the signature of the said Defendant, and that the signature on that card is the signature of the said Defendant.

Affirmed and subscribed

before me this ____ day

of _____, 20__.

_____
Plaintiff

_____
Notary Public

My Commission Expires:

Note: This form should be filed at the same time as Form A or the Certified Mail Receipt.

Form B

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

_____	:	
Plaintiff	:	
	:	**CIVIL DIVISION**
vs.	:	**CUSTODY/VISITATION**
	:	**CV-**
_____	:	
Defendant	:	

AFFIDAVIT OF SERVICE

I, _____ (Plaintiff), being duly affirmed according to law, depose and says that:

1. On _____ (date), a copy of the Custody Complaint and Order in the above-captioned matter was mailed to the Defendant by Certified Mail, Return Receipt Requested, Deliver to Addressee Only, at the Defendant's last known address, as indicated on the attached mailing receipt.

2. That on _____ (date), the Defendant received the aforesaid Complaint and the mailing receipt and return receipt card evidencing the same are attached hereto and made a part hereof.

Affirmed and subscribed

before me this ____ day of _____
Plaintiff

_____, 20__.

_____
Notary Public)

My Commission Expires:

Form C

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

_____	:	
Plaintiff	:	
	:	**CIVIL DIVISION**
vs.	:	**CUSTODY/VISITATION**
	:	**CV-**
_____	:	
Defendant	:	

AFFIDAVIT OF SERVICE

I, _____, hereby depose and say that on this date, I am an adult who is not related to either party, and I personally served the above-captioned Defendant, with a Custody Complaint and Order for conference, by personally handing the same to him/her at the following location _____.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. CS. §4904 relating to unsworn falsification to authorities.

_____ _____
Date Signature

Form D