

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

INSTRUCTIONS: COMPLAINT FOR CUSTODY

DISCLAIMER

IT IS STRONGLY RECOMMENDED THAT YOU CONSULT AN ATTORNEY

THE CLEARFIELD COUNTY COURTHOUSE STAFF MEMBERS ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE OR HELP IN FILLING OUT OR COMPLETING ANY LEGAL FORMS THAT MAY BE AVAILABLE. THE INFORMATION PROVIDED IN THE FOLLOWING FORM IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THIS DOCUMENT, INCLUDING RELIANCE ON ITS' CONTENTS.

In order to file a petition for custody of a minor in Clearfield County, Pennsylvania, you will need to follow these steps:

1. Complete the **CUSTODY COMPLAINT** form in its' entirety and include on item #7 a detailed reason as to why this petition should be granted.
2. Complete the **CRIMINAL RECORD / ABUSE HISTORY VERIFICATION** form for you and all household members.
3. On the [scheduling] **ORDER OF COURT**, complete all information on the first page only. Leave the second page blank; the Judge or Court Administrator will complete this section.
4. **The original and two copies of all forms and documents are filed with the Prothonotary.**
5. Once the Custody Complaint form and Order have been processed by the Court and returned to the Prothonotary, **it is your responsibility to immediately serve a certified copy of the CUSTODY COMPLAINT, the scheduling ORDER, and a blank CRIMINAL RECORD / ABUSE HISTORY VERIFICATION form on the defendant(s).**
6. When you have done this, the CERTIFICATE OF SERVICE **MUST** then be filed with the Prothonotary along with proof that the documents have been served.

BE AWARE THAT:

- IF YOU DO NOT PROPERLY SERVE THE OPPOSING PARTY **AND** FILE THE CERTIFICATE OF SERVICE, NO LATER THAN SEVEN (7) DAYS BEFORE THE SCHEDULED HEARING, **THE HEARING WILL BE CANCELLED.**
- **IF YOU HAVE ATTEMPTED TO SERVE THE OTHER PARTY BUT HAVE BEEN UNABLE TO DO SO, YOU MUST ADVISE THE COURT NO LATER THAN SEVEN (7) DAYS PRIOR TO THE SCHEDULED HEARING DATE.**
- **WHEN YOU HAVE PROPERLY SERVED THE OTHER PARTY AND YOU HAVE FILED THE CERTIFICATE OF SERVICE WITH THE PROTHONOTARY, ANY ADDITIONAL DOCUMENTS THAT YOU FILE WITH THIS CASE CAN BE SERVED USING REGULAR U.S. MAIL.**

| Name | Present Address | Age and Birthdate |
|-------|-----------------|-------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

The child(ren) (was/were) (was not/were not) born out of wedlock.

The child(ren) is/are presently in the custody of _____ who
resides at _____
(street) (city)
_____ (state) (zip code) (county) (phone)

During the past five years, the child(ren) has/have resided with the following and at the following addresses:

| List all persons | List all addresses | Dates |
|------------------|--------------------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

The Mother of the child is _____, currently residing at
_____ (street)
_____ (city) (state) (zip code)
_____ (county) (phone)

The Father of the child is _____, currently residing at
_____ (street) (city) (state) (zip code)
_____ (county) (phone)

4. The relationship of the Plaintiff to the child(ren) is that of _____.

The Plaintiff currently resides with the following persons:

| Name | Relationship |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

5. The relationship of the Defendant to the child(ren) is that of _____.

The Defendant currently resides with the following persons:

| Name | Relationship |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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

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

c. 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 custodial rights with respect to the child. The name and address of such person is: _____ .

7. The best interest and permanent welfare of the child(ren) 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)_____

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

| Name | Address | Basis of Claim |
|-------|---------|----------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

b. If the plaintiff is a **grandparent** who is not *'in loco parentis'* [in other words, acting in the capacity or role of parent or guardian] to the child and is seeking physical and/or legal custody pursuant to 23 Pa.C.S. §5323, you must plead facts establishing standing pursuant to 23 Pa.C.S. §5324(3).

c. If the plaintiff is a grandparent or great-grandparent who is seeking partial custody or supervised partial custody pursuant to 23 Pa.C.S. §5325, you must plead facts establishing standing pursuant to §5325: _____

d. If the plaintiff is a **person** seeking **primary** physical and/or legal custody pursuant to 23 Pa.C.S. §5324(2) as a person **who stands** *'in loco parentis'* [in other words, acting in the capacity or role of parent or guardian] to the child, you must plead facts establishing standing:

9. I have attached the Criminal Record/Abuse History Verification form required pursuant to Pa. R.C.P. No. 1915.3-2.

.....
WHEREFORE, Plaintiff requests the Court to grant Plaintiff:

LEGAL CUSTODY

_____ shared legal custody _____ sole legal custody

PHYSICAL CUSTODY

_____ partial physical custody _____ primary physical custody

_____ shared physical custody _____ sole physical custody

_____ supervised physical 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. Sec. 4904 relating to unsworn falsification to authorities.

Date

Plaintiff

Note: This form of complaint is appropriate where there is one plaintiff and one defendant and where the custody of one child is sought, or where the custody of several children is sought and the information required by paragraphs 3 through 9 is identical for all of the children. Where there are multiple parties, the complaint should be appropriately adapted to accommodate them. Where the custody of several children is sought and the information required is not identical for all, the complaint should contain a separate paragraph for each child.

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

vs. Plaintiff(s) : NO. ____ - ____ -CD

Defendant(s) :

ORDER OF COURT

Petitioner must complete the first page only:

You, _____ have been sued in court to obtain custody, or partial custody
print opposing party's name

of the following child(ren): _____,
print complete names of all children subject to this petition and their dates of birth

Plaintiff has filed for a [check ✓ the appropriate box]

[] custody (or) mediation conference.

[] a hearing before the court.

You must file with the Court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the Court (including, but not limited to, a conference with a conference officer or judge or conciliator) but not later than thirty (30) days after service of the Complaint or Petition.

No party may make a change in the residence of the child(ren) which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S.§5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

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.

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 EAST MARKET ST, SUITE 228
CLEARFIELD, PA 16830
814/765-2641 x 5010

additional information on next page.....

Court Administration will complete the following information:

You are ordered to appear in person on the _____ day of _____, 20____,
at _____ o'clock AM / PM. A conference / hearing will be held in room _____
_____ floor, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA, 16830.

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.

BY THE COURT:

Date: _____

JUDGE

.....
AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield 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.

rev. 9-2013

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

Plaintiff(s)
vs. _____
Defendant(s)

NO. _____ - _____ -CD

CERTIFICATE OF SERVICE*

AND NOW, on the date stated below, I, _____,
hereby certify that I this day served the foregoing *indicate which document(s):* **‘Custody Complaint’**,
a blank ‘Criminal Record/Abuse History Verification’, (and) (or) **‘Scheduling Order’**
by:

____ Personally hand delivering to the (opposing party) (opposing attorney) at this
address: _____

____ Depositing a copy of the same via United States mail, first class, postage prepaid,
‘Certified Mail, Return Receipt Requested’**, at _____
(name of post office),

____ Hiring Constable _____, who has provided me with proof of
service (see attached)

The document(s) were addressed to the following:

(Name)

(Street / PO Box)

(City / State)

DATE

SIGNATURE

* **Document must be signed, dated, and filed with the Prothonotary.**

** **Green ‘Return Receipt’ card, with recipient’s signature, must be attached to this document.**