

INSTRUCTIONS: PETITION FOR EMERGENCY CUSTODY

DISCLAIMER

IT IS STRONGLY RECOMMENDED THAT YOU CONSULT AN ATTORNEY

THE CLEARFIELD COUNTY COURTHOUSE STAFF 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.

A Petition for Emergency Custody is filed based upon an existing COMPLAINT FOR CUSTODY. It can be filed when the child is at risk of or in immediate physical danger, or has been or is about to be removed from the Court's jurisdiction. Also, this petition can be filed if the other parent of the child has been charged with certain violent crimes. These crimes can include but are not limited to: homicide, aggravated assault, terroristic threats, stalking, false imprisonment, arson or contempt.

NOTE: This emergency petition can only be filed after a COMPLAINT FOR CUSTODY has been filed, OR it can be filed along with the original COMPLAINT FOR CUSTODY. The filing fee for the initial Custody Complaint is \$181.75. The **Emergency Complaint** is based upon the information in the original Custody Complaint, and does not require an additional filing fee. However, both complaints could be filed at the same time at a fee of \$181.75.

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

1. Complete the **PETITION FOR EMERGENCY CUSTODY** form in its' entirety and include a detailed reason as to why this emergency petition should be granted. Note: You must use the identical caption for Plaintiff and Defendant as it appears on the COMPLAINT FOR CUSTODY.
2. Complete the **CRIMINAL RECORD / ABUSE HISTORY VERIFICATION** form for you and **all** household members. File this form with the Prothonotary, along with the **PETITION FOR EMERGENCY CUSTODY, AND A COPY OF THE ORIGINAL COMPLAINT FOR CUSTODY**
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 PETITION FOR EMERGENCY CUSTODY, the scheduling ORDER, and a blank CRIMINAL RECORD / ABUSE HISTORY VERIFICATION form on the defendant(s).**

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6. When you have properly served the other party(s), 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.****

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

*Same caption
as existing*
 _____ Plaintiff(s)
 COMPLAINT vs. NO. ----- CD
 FOR
 CUSTODY Defendant(s)

COMPLAINT FOR EMERGENCY CUSTODY

1. The Plaintiff is _____, residing at

 (street) (city)

 (state) (zip code) (county) (phone)

2. The Defendant is _____, residing at

 (street) (city)

 (state) (zip code) (county) (phone)

3. Petitioner's relationship to the following minor child(ren) is _____
LIST FULL NAME(S) AND DATE OF BIRTH(S) OF CHILD(REN).

4. Respondent's relationship to the child(ren) is _____

5. CIRCLE ONE:

- A. No custody order exists concerning this/these child(ren).
- B. A custody order was entered on _____ (date) that states the following:

6. CIRCLE ONE:

A. The initial Custody Complaint/petition is being filed with this petition.

B. The initial Custody Complaint/petition was filed on _____ and a hearing (is) (was) scheduled on _____.

7. Petitioner believes that a situation exists that requires an emergency hearing because:

This section must be completed in detail for the Petition to be considered.

a. _____

b. _____

c. _____

WHEREFORE, petitioner respectfully requests that this honorable court grant the following relief:

YOU MUST DATE AND SIGN THE PETITION:

Date: _____
_____ **Petitioner**

NOTICE: If your petition is granted by the judge, you will receive the Order with a date written on it for a hearing or conference, which will be in the near future. **IMMEDIATELY upon receiving the Certified copy of the Judge’s Order, you must PERSONALLY serve the certified copy of the Custody Complaint and scheduling Order on the other party before the hearing date. This can be done either by hand delivering it ‘face to face’ with the other party, OR by Certified Mail ‘Restricted Delivery’ via the U.S. Postal Service, OR the preferred method is to hire a Constable to make service on your behalf. Once you have provided service on the other party, you must file your Certificate of Service with the Prothonotary. If service was performed by the U.S. Postal Service, you must attach to your Certificate of Service the ‘green card’ showing proof of delivery. If Service was provided by a Constable, they will provide you with a Certificate of Service which must be attached to your Certificate of Service form.**

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YOU MUST DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE:

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of PA.C.S.A. § 4904 relating to unsworn falsification to authorities. I have read and understand the requirements for serving a certified copy of this document on all parties to the case, and filing a Certificate of Service with the Prothonotary.

Date: _____

Petitioner

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

Plaintiff : NO. 20 - ____ -CD
vs. :

Defendants :

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]*

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**

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.

[Custody of _____ shall be placed with
_____ pending further hearing in this matter.]

It shall be the responsibility of the Petitioner to immediately serve a certified copy of this Order AND a certified copy of the *Petition for Emergency Custody* upon the other party. It shall also be the responsibility of the Petitioner to file Certificate of Service with the Prothonotary's Office.

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.

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)]:

by:

_____ Personally hand delivering to the (opposing party) (opposing attorney)

_____ Mailing a certified copy of the petition **using first class USPS mail, AND**, via postage prepaid, 'Certified Mail – **Restricted Delivery, Return Receipt Requested**',
at _____, **Green 'Return Receipt' card, with recipient's signature, must be attached to this document.**
(name of post office)

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

Current address of Respondent:

[person who was served with this petition]

[NAME]

[CURRENT ADDRESS]

DATE

Petitioner's SIGNATURE

This document must be signed, dated, and filed with the Prothonotary before any further action can be taken regarding the petition.

rev 9/4/2018