

McKean County

MODIFICATION OF A CUSTODY ORDER

FORMS AND INSTRUCTIONS

WARNING

Custody is civil litigation and is a very serious matter. It is highly recommended that you hire an attorney to represent you in any custody action. If you choose not to hire an attorney, you may lose rights important to you. The court will expect you to follow the rules of procedure the same as though you had an attorney representing you. The information contained in this packet is not to be used as a substitute for professional legal advice. Most individuals seeking a medical remedy for a medical problem will consult a medical expert—a doctor. If you are seeking a legal remedy for a legal problem, we recommend that you consult a legal expert—a lawyer.

Disclaimer

Court staff is not able to give you legal advice or help you fill out/complete these forms. The information in this packet 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.

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I. General Information

A. Introduction

These materials are intended to assist individuals involved in a custody action by providing general information and legal forms. IT IS HIGHLY RECOMMENDED THAT YOU HIRE AN ATTORNEY TO REPRESENT YOU IN ANY CUSTODY ACTION. The information contained in this packet is not to be used as a substitute for professional legal advice. Even if you do not hire an attorney to begin your custody action, you can change your mind and choose to hire an attorney at any time.

B. Legal Definitions

There are two forms of custody: Legal Custody and Physical Custody

1. Legal Custody is the right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions. Legal custody can be shared or can be solely with one person.
2. Physical Custody is when a person has actual physical possession and control of a child.

There are different types of physical custody, which include:

- a. Partial Physical Custody: The right to assume physical custody of the child for less than the majority of the time.
 - b. Primary Physical Custody: The right to assume physical custody of the child for the majority of the time.
 - c. Shared Physical Custody: The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.
 - d. Sole Physical Custody: The right of one individual to exclusive physical custody of the child.
 - e. Supervised Physical Custody: Custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.
3. *In Loco Parentis*: For all intents and purposes you are the parent of the child(ren). You have clothed them, fed them, and otherwise cared for them for longer than six (6) months without the consent of the parents.

Further information about custody law can be found in the Pennsylvania statutes (Purdon's) at 23 Pa.C.S.A. Sections 5321 to 5340.

C. Rules of Court

A copy of the McKean County Local Rules of Civil Procedure and the Pennsylvania Rules of Civil Procedure can be obtained from the law library located on the 2nd Floor of the Courthouse or on the County's website www.mckeancountypa.org. Select the "Court of Common Pleas" under "Departments" and from the menu on the right select "Rules and Statutes."

D. Basic Procedure

This packet contains forms and instructions on how to modify a custody order. **There are separate packets for a Custody Complaint, Emergency Petition for Custody, Enforcing a Custody Order and Custody Relocation.**

STOP!! Read the next paragraph carefully!

E. Service (providing a copy of the documents you are filing to all other parties)

Pennsylvania Rule of Civil Procedure 1930.4 requires that Original Process (such as a Petition to Modify or Custody Complaint) must be properly served on (mailed or handed to) all other parties, or their attorney, if any. Please read this rule carefully and select the best method for service. Please file one of the Proof of Service documents with the Prothonotary's Office once you have served the other parties.

If you do not properly serve all other parties, your case maybe delayed, or even dismissed.

F. Modifying a Custody Order

You can petition the Court to modify (change) your Custody Order by yourself or through an attorney. If there is an agreement about the new custody arrangement, you can file your custody agreement with a Motion to Adopt an Agreement.

1. If You Have an Agreement

You can prepare the Local and Supplemental Cover Sheet, the State Cover Sheet, the written agreement, the Motion to Adopt an Agreement and the Sample Order to Adopt an Agreement and file them in the Prothonotary's Office.

2. If You Do Not Have an Agreement

You must prepare a Petition for Modification, the Entry of Appearance, the Notice, the Local and Supplemental Cover Sheet, the State Cover Sheet and file them in the Prothonotary's Office at the same time. After the court receives all of your properly filed documents, the case will be scheduled for Orientation. You must then properly serve a copy of the Petition to Modify to the other party. You must prove that you properly served the other parties by completing a Proof of Service document (see Pennsylvania Rule of Civil Procedure 1930.4(h) and Forms 9, 10, and 11).

G. Enforcing a Custody Order

If someone violates the provisions of a Custody Order, you can file a Petition for Civil Contempt. After the Court receives a completed Petition for Civil Contempt along with a Notice, then a date and time will be scheduled for a hearing before the Court. These documents must be properly served on (mailed or handed to) all parties and proper proof of service must be submitted to the Court. At the hearing, the Court will review the evidence, and if necessary, take testimony from any witnesses. If someone violates a

custody order, then he/she can be subject to a fine, imprisonment or other remedies. **There is a separate packet available for your use regarding enforcing a custody order.**

H. Relocating

If you are planning to change the residence of the child(ren) and this change will significantly impair the ability of a nonrelocating party to exercise custodial rights, you may need to file a Petition for Relocation along with a Proposed Revised Custody Schedule and a Counter-Affidavit Regarding Relocation. **There is a separate packet available for your use regarding custody relocation.**

II. Instructions

(If you have not already done so, prior to beginning this Section, please detach the Forms at the end of this packet. Please note that the Forms at the end of the packet are in the same order as these instructions. You **MUST** use Forms 1, 2, 3, 4, 5, 6, 7, 8 and **EITHER** Form 9, 10 11. If you have an agreement, you may use Form 12 and **MUST** use Forms 13-14)

- A. Instructions for Completing the Confidential Information Form (FORM 1)
- B. Instructions for Completing the Entry of Appearance (FORM 2)
- C. Instructions for Completing the State Cover Sheet (FORM 3)
- D. Instructions for Completing the Local Cover Sheet (FORM 4)
- E. Instructions for Completing the Supplemental Cover Sheet (FORM 5)
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- J. Instructions for Completing Service (Forms 9, 10, and 11)
- K. Instructions for Completing a Custody Agreement (Form 12)
- L. Instructions for Completing a Motion to Adopt a Custody Agreement (Form 13)
- M. Instructions for Completing a Sample Order to Adopt a Custody Agreement (Form 14)

A. Instructions for Completing the Confidential Information (Form 1)

STOP!!! REMOVE FORM 1. The following information is confidential and shall not be included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified. "Financial Account Numbers" include financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.
3. Driver License Numbers
4. State Identification (SID) Numbers
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355). "Minor" is a person under the age of eighteen.
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. §

6101 et seq. or Pa.R.C.P. No. 1951 et seq. and 42 Pa.C.S § 62A01 et seq. **If necessary, this information must be provided on the separate Abuse Victim Addendum. Please note there are separate instructions for the completion of the Addendum located on the form.**

Please note this form does not need to be filed in types of cases that are sealed or exempted from public access pursuant to applicable authority (e.g. juvenile, adoption, etc.).

- **The best way to protect confidential information is not to provide it to the court. Therefore, only provide confidential information to the court when it is required by law, ordered by the court or is otherwise necessary to effect the disposition of a matter.**
- Do not include confidential information in any other document filed with the court under this docket.
- If you need to refer to a piece of confidential information in a document, use the alternate references. If you need to attach additional pages, sequentially number each alternate reference – i.e. SSN 3, SSN 4, etc.
- This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

A court or custodian is not required to review or redact any filed document for compliance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

If a filed document fails to comply with the requirements of the above referenced policy, a court of record may, upon motion or its own initiative, with or without a hearing, order the filed document sealed, redacted, amended or any combination thereof; a magisterial district court may, upon request or its own initiative, redact, amend or both. A court of record may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

B. Instructions for Completing the Entry of Appearance – (FORM 2)

STOP!!! REMOVE FORM 2. All parties representing themselves must fill out and file an Entry of Appearance form before they can file their Petition to Modify. The Prothonotary uses the information on the form to ensure that all legal documents and orders are sent to the required parties:

Caption

- Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word "Plaintiff(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word "Defendant(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to "No." on the right side of the caption – look at your existing Custody Order to get this number.

Litigant Information

The Rest of the Form

- Section 1: place an "X" on the line before the word "Plaintiff" or "Defendant" accordingly.
- Section 3: place an "X" on the situation that applies to you. Only check one. If you choose option 3, be sure the attorney signs the sheet as well.
- Section 4: place an "X" on the line before the word "I" and sign on the line at the end of the sentence.
- Section 5: place a full mailing address in the space provided unless protected as explained in the second paragraph.
- Section 6: place a telephone number in the space provided unless protected as explained in the second paragraph.
- Section 7: read and understand.
- Section 8: place the name and address of the opposing party or the opposing party's attorney.
- Section 9: Read, date and sign the verification.
- Send a copy of the completed form to the individuals named via First Class Mail.
- File the Original with the Petition to Modify as proscribed in Section H.

C. Instructions for Completing the State Cover Sheet– (FORM 3)

STOP!!! REMOVE FORM 3. The State Cover Sheet is used by the Pennsylvania Court Administrator to collect data that is used to improve the Pennsylvania Court System.

Section A: Case Information

- Second Box: neatly type or print your name under "Lead Plaintiff's Name" or "Lead Defendant's Name" accordingly
- Second Box: neatly type or print the name of the person or persons you are filing against under "Lead Defendant's Name" or "Lead Plaintiff's Name" accordingly

DO NOT FILL IN ANYTHING FURTHER ON FORM 3

D. Instructions for Completing the Local Cover Sheet – (FORM 4)

STOP!!! REMOVE FORM 4. The Local Cover Sheet is used by the Court for case tracking purposes. Parties can use the Local Cover Sheet to quickly find contact information for the opposing party.

Caption

- a. Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word "Plaintiff(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- b. Neatly print or type the name of the person or persons who the original complaint was filed against above the word "Defendant(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- c. Fill in the Docket number next to "No." on the right side of the caption – look at your existing Custody Order to get this number.

Case Information

- d. Write the current date in the space provided.

Section 2

- e. Put an "X" on the line before "Plaintiff" or "Defendant" accordingly.
- f. Do not fill in any other information on Section 2.

Section 3

- g. If you are the Plaintiff, do not fill in any information after the words "The plaintiff is represented by:" If you are the Defendant and you know the name and contact information of the Plaintiff's attorney, then fill in the information after the words "The plaintiff is represented by:"
- h. If you are the Plaintiff, after the words "The plaintiff appears *pro se*" place your address, telephone number, and e-mail. If you are the defendant and you know that the Plaintiff is not represented by an attorney, then place the Plaintiff's contact information after the words "The plaintiff appears *pro se*..."

Section 4

- i. If you are the Plaintiff and you know the name and contact information of the Defendant's attorney, then fill in the information after the words "The defendant is represented by..."
- j. If you are the Defendant, then fill in your personal contact information after the words "The defendant appears *pro se*." Be sure to include your address, phone number, and e-mail.

Section 5

- k. Do not fill in this section.

E. Instructions for Completing the Supplemental Cover Sheet – (FORM 5)

STOP!!! REMOVE FORM 5. The Supplemental Cover Sheet is used by the Court for statistical purposes.

Caption:

- a. Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word "Plaintiff(s)" (this maybe you or the other Party – look at your existing Custody Order to be sure).
- b. Neatly print or type the name of the person or persons who the original complaint was filed against above the word "Defendant(s)" (this maybe you or the other Party – look at your existing Custody Order to be sure).
- c. Fill in the Docket number next to "No." on the right side of the caption – look at your existing Custody Order to get this number.

F. Instructions for Completing the Notice – (FORM 6)

STOP!!! REMOVE FORM 6. The Notice is required by law. Every person who files against another person must give them notice that suit has been filed and the consequences for not responding.

Caption:

- a. Neatly print or type the name of the person or persons who originally filed the custody complaint above the word "Plaintiff(s)" (this maybe you or the other Party – look at your existing Custody Order to be sure).
- b. Neatly print or type the name of the person or persons who the original complaint was filed against above the word "Defendant(s)" (this maybe you or the other Party – look at your existing Custody Order to be sure).
- c. Fill in the Docket number next to "No." on the right side of the caption – look at your existing Custody Order to get this number.

The Notice:

- d. Write the name of the person you are filing against on the line following the word "You."
- e. Circle the type of custody you are requesting either primary physical or partial physical.
- f. Write the initials of all children involved in the custody action on the line provided after the word "children."

G. Instructions for Completing the Petition to Modify Custody – (FORM 7)

STOP!!! REMOVE FORM 7. Carefully go through each section while you follow along with the form itself. Use the checklist in the instructions below to help you complete this form. All of the information should be accurate and complete. Please set aside sufficient time to properly fill out the form.

Caption

- a. Neatly print or type the name of the person or persons who originally filed the custody complaint above the word "Plaintiff(s)" (this maybe you or the other Party – look at your existing Custody Order to be sure).
- b. Neatly print or type the name of the person or persons who the original complaint was filed against above the word "Defendant(s)" (this maybe you or the other Party – look at your existing Custody Order to be sure).
- c. Fill in the Docket number next to "No." on the right side of the caption – look at your existing Custody Order to get this number.

Section 1

- Put your name after the phrase "The Petition of..."
- Put the date listed on the current custody order after the phrase "represents that on..."

- Circle all of the terms that apply (see definitions for more information). You must circle at least one form of legal custody and one form of physical custody.
- Attach one copy of the current Custody Order. Attached the order with a paper clip. **DO NOT STAPLE** a copy of the Order to this Petition.

Section 2

- Put the reasons why you believe that the existing Custody Order should be modified (changed) – be as specific as possible.

Wherefore Clause

- Put your signature on the line above “Petitioner.”
- Circle all of the terms that apply (see definitions for more information). You must circle at least one form of legal custody and one form of physical custody.

Verification

- Put today’s date on the line to the above “Date”.
- Sign your name on the line above “Petitioner” to verify that all the statements that you have made in the Petition to Modify are true and correct to the best of your knowledge. You may be subject to criminal penalties if you make any statements in your Petition to Modify that you know are not true. The Verification **MUST BE SIGNED**.

H. Instructions for Completing the Criminal Verification Form – (FORM 8)

STOP!!! REMOVE FORM 8. This form is also required by law. It must be filled out completely or you cannot file your Petition to Modify

Caption

- a. Neatly print or type the name of the person or persons who originally filed the custody complaint above the word “Plaintiff(s)” (this maybe you or the other Party – look at your existing Custody Order to be sure).
- b. Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this maybe you or the other Party – look at your existing Custody Order to be sure).
- c. Fill in the Docket number next to “No.” on the right side of the caption – look at your existing Custody Order to get this number.

Verification

- d. Neatly print or type your name after the word “I” to verify that all the statements you will make in the Criminal Record/Abuse History Verification are true and correct to the best of your knowledge. You may be subject to criminal penalties if you make any statements that you know are not true.

Section 1

- e. Put an "X" in the box under the column labeled "Check all that apply" for every listed crime that you or a member of your household have been convicted of or plead guilty to.
- f. Put an "X" in the box under the column labeled "Self" for every listed crime that you were convicted of or plead guilty to.
- g. Put an "X" in the box under the column labeled "Other household member" for every listed crime that any member of your household has been convicted of or plead guilty to.
- h. Put the required day, month, and year for every crime under the column labeled "Date of conviction, etc."
- i. Put the number of days/months/years served in prison or jail, the number of days/months/years served on probation or other sentence under the column labeled "Sentence" for every crime you or a member of your household was convicted of or plead guilty to.

Section 2

- j. Put an "X" in the box under the column labeled "Check all that apply" if either listed situation applies to you or any member of your household.
- k. Put an "X" in the box before the option "Other" if there is an episode of abuse or violent conduct that is not covered in the listed situations that applies to you or any member of your household.
- l. Put an "X" in the box under the column labeled "Self" for every situation that applies to you.
- m. Put an "X" in the box under the column labeled "Other household member" for every situation that applies to a member of your household.
- n. Put the date of the violent or abusive episode under the column labeled "Date" for every situation that applies.

Section 3

- o. Write the evaluation, counseling or treatment received following a conviction or finding of abuse including, but not limited to: drug and alcohol treatment, psychiatric counseling, psychological counseling, medicine, etc. in the lines provided.

Section 4

- p. Write the name, date of birth, and relationship to child of any person who was convicted of one of the crimes listed in Section 1, but is not a part of this law suit.

Section 5

- q. If you know that the party you are filing against has a criminal/abuse history, please explain the details in the space provided including the types of crimes/abuse and the dates when it occurred. Please use the back of the form if you need more space.

Second Verification

- Sign your name on the line above "Signature" to verify that all the statements that you have made are true and correct to the best of your knowledge. Neatly print or type your name on the line above "Printed Name." You may be subject to criminal penalties if you make any statements in your Criminal/Abuse Verification that you know are not true. The Verification **MUST BE SIGNED**.

Service

Please note that a **blank** copy of this form must be sent to the party you are filing against. This will be explained further in the next instruction section.

I. Instructions for Filing the Entry of Appearance, Cover Sheets, Notice, Petition to Modify and Criminal Verification.

Once you have filled out the Entry of Appearance, Cover Sheets, Notice, Petition to Modify and Criminal/Abuse Verification, each must be filed with the McKean County Prothonotary. The case is initiated once these documents are filed.

- a. Make four (4) copies of the Entry of Appearance, Notice, Petition to Modify and Criminal/Abuse Verification.
- b. Bring all four (4) copies, plus the original, of each document and the cover sheets to the McKean County Prothonotary's Office located at the Courthouse on 500 W. Main Street, Smethport, Pennsylvania.
- c. Have the Prothonotary time stamp the original and each copy of each document. The Prothonotary will keep the original for filing and will give one copy to the Family Law Office.
- d. Pay the filing fee.
- e. Keep the other three (3) copies.

J. Instructions for Serving the Notice, Petition to Modify, and Criminal/Abuse Verification – (FORMS 9-11)

STOP!!! REMOVE FORMS 9-11. There are three (3) documents in this packet that can be used to prove that the person(s) you are filing the Petition to Modify against has been given a copy of the Notice, Petition to Modify, and **blank** Criminal/Abuse Verification. Use Form 9 if you send them their copies by certified mail restricted to the addressee only and the mail is accepted; meaning you received the green card back with their signature. Use Form 10 if you send them their copies by certified mail restricted to addressee only, but they refuse to accept the certified mail; meaning you receive the documents back with a notation from the Postal Service that says "refused." Please note that Form 10 must be signed in the presence a notary public. Use Form 11 if you hand a copy of the Notice, Petition to Modify, and blank Criminal/Abuse Verification to the person you are filing against. **YOU ONLY NEED TO COMPLETE ONE OF THESE FORMS.**

Executing Proper Notice

You have two (2) options to properly provide notice. One, send a copy of the Notice, Petition to Modify, and blank Criminal/Abuse verification to the person you are filing against via certified **AND** first-class mail. Two, personally hand a copy of the Notice,

Petition to Modify, and blank Criminal/Abuse Verification to the person you are filing against.

First Option, the Mail

- Send one (1) copy of the Notice, Petition to Modify, and **blank** Criminal/Abuse Verification Form to the person you are filing against via certified mail, restricted delivery to addressee only, return receipt requested **AND**
- Send one (1) copy of the Notice, Petition to Modify, and **blank** Criminal/Abuse Verification Form to the person you are filing against via First Class Mail.
- Fill out either Form 8 or Form 9.

Second Option, In Person

- Hand a copy of the Notice, Petition to Modify, and blank Criminal/Abuse Verification to the person you are filing against.
- Fill out Form 10.

Proof of Service (Certified Mail) (Form 9)

- a. Neatly print or type the name of the person or persons who originally filed the custody complaint above the word "Plaintiff(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- b. Neatly print or type the name of the person or persons who the original complaint was filed against above the word "Defendant(s)" (this maybe you or the other Party – look at your existing Custody Order to be sure).
- c. Fill in the Docket number next to "No." on the right side of the caption – look at your existing Custody Order to get this number.
 - Put the date you mailed the documents after the words "I hereby certify that on..."
 - Circle "Plaintiff" or "Defendant" accordingly.
 - Put the address that you sent the documents to after the words "return receipt requested, at..."
 - Put the green card on the form. **THE ORIGINAL GREEN CARD MUST BE ATTACHED TO THIS FORM.** You can tape it to a blank 8 ½ by 11 inch sheet of paper and paper clip that paper to this Form. **DO NOT STAPLE THE GREEN CARD ONTO THE FORM.**
 - Put your signature on the line above the word "Plaintiff/Defendant."
 - Circle "Plaintiff or Defendant" accordingly.
 - After this Form is completed, you must file it in the Prothonotary's Office so the Court has proof that the person(s) you are filing against has been notified that you filed a Petition to Modify.

Affidavit of Service (Form 10)

If you mailed all of the necessary documents and they came back "refused."

- d. Neatly print or type the name of the person or persons who originally filed the custody complaint above the word "Plaintiff(s)" (this maybe you or the other Party – look at your existing Custody Order to be sure).

- e. Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this maybe you or the other Party – look at your existing Custody Order to be sure).
- f. Fill in the Docket number next to “No.” on the right side of the caption – look at your existing Custody Order to get this number.
 - Put your name on the first blank line.
 - Put the address of the person you are filing against on the line before the word “address.”
 - Put the date that you sent the certified mail on the line before the word “date.” DO NOT SIGN THE FORM YET.
 - Take the filled-out form to a Notary Public.
 - In front of the Notary Public, sign your name on the line above “Plaintiff/Defendant.”
 - Circle “Plaintiff or Defendant” accordingly.
 - Have the Notary Public sign and date in the appropriate place on the form.
 - After this Form is completed, you must file it in the Prothonotary’s Office so the Court has proof that you attempted to give notice to the person(s) you are filing against.

Acceptance of Service (Form 11)

If you hand delivered all of the necessary documents to the person(s) you are filing against.

- g. Neatly print or type the name of the person or persons who originally filed the custody complaint above the word “Plaintiff(s)” (this maybe you or the other Party – look at your existing Custody Order to be sure).
- h. Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this maybe you or the other Party – look at your existing Custody Order to be sure).
- i. Fill in the Docket number next to “No.” on the right side of the caption – look at your existing Custody Order to get this number.
- j. Circle “Plaintiff” or “Defendant” accordingly.
 - Put the date that the person you are filing against received the Notice, Petition to Modify, and blank Criminal/Abuse Verification Form.
 - Have the person you are filing against sign on the line above “Plaintiff/Defendant or Authorized Agent.”
 - Have the person you are filing against circle “Plaintiff or Defendant” accordingly.
 - Put the address of the person you are filing against on the line above “Mailing Address.”
 - After this Form is completed, you must file it in the Prothonotary’s Office so the Court has proof that the person(s) you are filing against have been notified that you filed a Petition to Modify.

K. Instructions for the Sample Custody Agreement (FORM 12)

STOP!!! REMOVE FORM 12. This form allows for you and the person you are filing against to put your agreement into writing. The Court cannot explain to you how to fill this form out because it will reflect your agreement, not the Court’s. You do not have to use this sample agreement to put your agreement into writing; however, it is a useful place to start.

L. Instructions for the Motion to Adopt an Agreement (FORM 13)

STOP!!! REMOVE FORM 13. This form must be filed for the Court to adopt your agreement as a Court Order. Remember that you and the person you are filing against must agree.

Caption

- a. Neatly print or type the name of the person or persons who originally filed the custody complaint above the word "Plaintiff(s)" (this maybe you or the other Party – look at your existing Custody Order to be sure).
- b. Neatly print or type the name of the person or persons who the original complaint was filed against above the word "Defendant(s)" (this maybe you or the other Party – look at your existing Custody Order to be sure).
- c. Fill in the Docket number next to "No." on the right side of the caption – look at your existing Custody Order to get this number.

Section 1

- d. Neatly print the name of the Plaintiff on the line following "The Plaintiff is..."
- e. Place the Plaintiff's address on the line following "who resides at..."

Section 2

- f. Neatly print the name of the Defendant on the line following "The Defendant is..."
- g. Place the address of the Defendant on the line following "who resides at..."

Section 3

- h. Neatly print the name of the child(ren) on the line following "...the natural parents of..."

Signature Lines

- i. Place your signature on the appropriate line whether you are Plaintiff or Defendant
- j. Have the other party also place their signature on the appropriate line whether they are Plaintiff or Defendant
- k. File this Form along with a copy of your agreement and the sample order (Form 14) at the Prothonotary's Office.

M. Instructions for the Sample Order Adopting an Agreement (FORM 14)

STOP!!! REMOVE FORM 14. This form is used by the Court to officially adopt the agreement that you and the party you are filing against have reached.

Caption:

- a. Neatly print or type the name of the person or persons who originally filed the custody complaint above the word "Plaintiff(s)" (this maybe you or the other Party – look at your existing Custody Order to be sure).

- b. Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- c. Fill in the Docket number next to “No.” on the right side of the caption – look at your existing Custody Order to get this number.
- d. DO NOT fill out anything else on this form.
- e. File this form, along with a copy of your agreement and the Motion to adopt at the Prothonotary’s Office.

III. Forms

- A. Confidential Information Form (Form 1)
- B. Entry of Appearance (Form 2)
- C. State Cover Sheet (Form 3)
- D. Local Cover Sheet (Form 4)
- E. Supplemental Cover Sheet (Form 5)
- F. Notice (Form 6)
- G. Petition to Modify (Form 7)
- H. Criminal/Abuse Verification (Form 8)
- I. Service Documentation Forms
 - 1. Proof of Service - Certified Mail (Form 9)
 - 2. Affidavit of Service (Form 10)
 - 3. Acceptance of Service (Form 11)
- J. Sample Custody Agreement (Form 12)
- K. Motion to Adopt Agreement (Form 13)
- L. Sample Order to Adopt Agreement (Form 14)

PLEASE DETACH THE FOLLOWING FORMS AND FILL IN THE FORMS WHILE GOING THROUGH THE INSTRUCTIONS.

PLEASE NOTE THAT YOU MAY NOT NEED TO FILL IN OR USE ALL THE FORMS THAT HAVE BEEN PROVIDED.

**CONFIDENTIAL
INFORMATION
FORM**



Case Records Public Access Policy of the Unified Judicial System of Pennsylvania

204 Pa. Code § 213.81

www.pacourts.us/public-records

Form 1

(Party name as displayed in case caption)

Docket/Case No.

Vs.

(Party name as displayed in case caption)

Court

This form is associated with the pleading titled _____, dated _____, _____.

Pursuant to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, the Confidential Information Form shall accompany a filing where confidential information is **required by law, ordered by the court, or otherwise necessary to effect the disposition of a matter**. This form, and any additional pages, shall remain confidential, except that it shall be available to the parties, counsel of record, the court, and the custodian. This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

This Information Pertains to:	Confidential Information:	References in Filing:
(full name of adult) OR This information pertains to a minor with the initials of ____ and the full name of	Social Security Number (SSN):	Alternative Reference: SSN 1
	Financial Account Number (FAN):	Alternative Reference: FAN 1
	Driver License Number (DLN):	Alternative Reference: DLN 1
(full name of minor) and date of birth:	State of Issuance:	
(full name of adult) OR This information pertains to a minor with the initials of ____ and the full name of	State Identification Number (SID):	Alternative Reference: SID 1
	Social Security Number (SSN):	Alternative Reference: SSN 2
	Financial Account Number (FAN):	Alternative Reference: FAN 2
(full name of minor) and date of birth:	Driver License Number (DLN):	Alternative Reference: DLN 2
	State of Issuance:	
(full name of minor) and date of birth:	State Identification Number (SID):	Alternative Reference: SID 2

**CONFIDENTIAL
INFORMATION
FORM**



Additional page(s) attached. _____ total pages are attached to this filing.

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Party Signature of _____ Attorney or Unrepresented
Date
Name: _____ Attorney Number: (if applicable) _____
Address: _____ Telephone: _____
_____ Email: _____

NOTE: Parties and attorney of record in a case will have access to this Confidential Information Form. Confidentiality of this information must be maintained.

**CONFIDENTIAL
INFORMATION
FORM**



Additional page (if necessary)

This Information Pertains to:	Confidential Information:	References in Filing:
(full name of adult) OR This information pertains to a minor with the initials of ____ and the full name of	Social Security Number (SSN):	Alternative Reference: SSN ____
	Financial Account Number (FAN):	Alternative Reference: FAN ____
	Driver License Number (DLN):	Alternative Reference: DLN ____
(full name of minor) and date of birth:	State of Issuance:	
(full name of adult) OR This information pertains to a minor with the initials of ____ and the full name of	State Identification Number (SID):	Alternative Reference: SID ____
	Social Security Number (SSN):	Alternative Reference: SSN ____
	Financial Account Number (FAN):	Alternative Reference: FAN ____
(full name of minor) and date of birth:	Driver License Number (DLN):	Alternative Reference: DLN ____
	State of Issuance:	
(full name of adult) OR This information pertains to a minor with the initials of ____ and the full name of	State Identification Number (SID):	Alternative Reference: SID ____
	Social Security Number (SSN):	Alternative Reference: SSN ____
	Financial Account Number (FAN):	Alternative Reference: FAN ____
(full name of minor) and date of birth:	Driver License Number (DLN):	Alternative Reference: DLN ____
	State of Issuance:	
(full name of adult) OR This information pertains to a minor with the initials of ____ and the full name of	State Identification Number (SID):	Alternative Reference: SID ____
	Social Security Number (SSN):	Alternative Reference: SSN ____
	Financial Account Number (FAN):	Alternative Reference: FAN ____
(full name of minor) and date of birth:	Driver License Number (DLN):	Alternative Reference: DLN ____
	State of Issuance:	
(full name of adult) OR This information pertains to a minor with the initials of ____ and the full name of	State Identification Number (SID):	Alternative Reference: SID ____
	Social Security Number (SSN):	Alternative Reference: SSN ____
	Financial Account Number (FAN):	Alternative Reference: FAN ____
(full name of minor) and date of birth:	Driver License Number (DLN):	Alternative Reference: DLN ____
	State of Issuance:	

**CONFIDENTIAL
INFORMATION
FORM**



Abuse Victim Addendum

Instructions for Completing the Abuse Victim Addendum: The Abuse Victim Addendum shall accompany a filing where confidential information is being provided by an abuse victim, as defined in this policy, **in family court actions** (see Pa.R.C.P. No. 1931(a)), **as required by law, ordered by the court, or otherwise necessary to effect the disposition of a matter.** This addendum, and any additional pages, shall only be provided to the court and shall remain confidential. The best way to protect confidential information is not to provide it to the court. Therefore, only provide confidential information to the court when it is required by law, ordered by the court or is otherwise necessary to effect the disposition of a matter.

Type of Family Court Action		
Divorce, Annulment, Dissolution of Marriage	Child Custody	
Support	Paternity	Protection from Abuse
This Information Pertains to:	Confidential Information:	References in Filing:
	AV Address:	Alternative Reference: AV 1 Address
(full name of abuse victim)	AV Employer's Name & Address:	Alternative Reference: AV 1 Employer's Name & Address
Docket/Case No. of Protection Order	AV Work Schedule:	Alternative Reference: AV 1 Work Schedule
Court/County	AV Other contact information:	Alternative Reference: AV 1 Other contact information

Attach additional page(s) if necessary.

**CONFIDENTIAL
INFORMATION
FORM**



Abuse Victim Addendum
Additional page (if necessary)

Type of Family Court Action		
Divorce, Annulment, Dissolution of Marriage	Child Custody	
Support	Paternity	Protection from Abuse
This Information Pertains to:	Confidential Information:	References in Filing:
	AV Address:	Alternative Reference: AV __ Address
(full name of abuse victim)	AV Employer's Name & Address:	Alternative Reference: AV __ Employer's Name & Address
Docket/Case No. of Protection Order	AV Work Schedule:	Alternative Reference: AV __ Work Schedule
Court/County	AV Other contact information:	Alternative Reference: AV __ Other contact information

Type of Family Court Action		
Divorce, Annulment, Dissolution of Marriage	Child Custody	
Support	Paternity	Protection from Abuse
This Information Pertains to:	Confidential Information:	References in Filing:
	AV Address:	Alternative Reference: AV __ Address
(full name of abuse victim)	AV Employer's Name & Address:	Alternative Reference: AV __ Employer's Name & Address
Docket/Case No. of Protection Order	AV Work Schedule:	Alternative Reference: AV __ Work Schedule
Court/County	AV Other contact information:	Alternative Reference: AV __ Other contact information

PLAINTIFF

vs.

IN THE COURT OF COMMON PLEAS

McKEAN COUNTY, PENNSYLVANIA

DEFENDANT

NO. _____

ENTRY OF APPEARANCE AS SELF-REPRESENTED PARTY

1. I am the _____Plaintiff_____Defendant in the above-captioned case.

2. I intend to represent myself in the ___custody, ___divorce case.

Check only one line in Question 3

3. ___This is a new case and I am representing myself. I have decided not to hire an attorney to represent me. **OR**

___This is not a new case and I am representing myself. I have decided not to hire an attorney to represent me. **OR**

___This is not a new case. _____previously

(Name of Attorney)

represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case. I have provided a copy of this form to that attorney listed above at the following address:

That attorney has acknowledged his/her withdrawal from this case by signing this form.

_____, Esq.

(Attorney Signature)

4. ___I am entering my appearance as a self-represented party_____

(Your Signature)

5. I understand that I need to provide a street address or P.O. Box for the purpose of receiving all future pleadings and other legal notices. I further understand that this does not need to be my home address. My address for the purpose of receiving all future pleadings and other legal notices is:

I understand that this address will be the only address to which notices and pleadings in this case will be sent and that I am responsible to check the mail at this address so I do not miss important deadlines or proceedings.

___**I am not providing my address because I reside at a confidential location** protected by the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Address Confidentiality Program, 23 Pa. C.S. §6701-6713, and/or the Child Custody Act, 23 Pa. C.S. §5336(b).

6. My telephone number where I can be reached is _____.

___**I am not providing my telephone number because it is confidential** pursuant to the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Child Custody Act, 23 Pa. C.S. § 5336(c).

7. I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.

8. I understand that I must ensure that a copy of this form is served on all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name_____

Address_____

Name_____

Address_____

9. **I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities that could result in a fine and/or prison term.**

Date

(Your Signature)

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet



_____ County

<i>For Prothonotary Use Only:</i>		TIME STAMP
Docket No: _____		

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:	
<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Writ of Summons
<input type="checkbox"/> Transfer from Another Jurisdiction	<input type="checkbox"/> Petition
	<input type="checkbox"/> Declaration of Taking
Lead Plaintiff's Name: _____	Lead Defendant's Name: _____
Are money damages requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dollar Amount Requested: _____ (check one) <input type="checkbox"/> within arbitration limits <input type="checkbox"/> outside arbitration limits
Is this a <i>Class Action Suit</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this an <i>MDJ Appeal</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of Plaintiff/Appellant's Attorney: _____	
<input checked="" type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)	

SECTION B

<p>Nature of the Case: Place an "X" to the left of the <u>ONE</u> case category that most accurately describes your PRIMARY CASE. If you are making more than one type of claim, check the one that you consider most important.</p>		
<p>TORT (do not include Mass Tort)</p> <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: _____	<p>CONTRACT (do not include Judgments)</p> <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other _____ <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other _____ <input type="checkbox"/> Other: _____	<p>CIVIL APPEALS</p> <input type="checkbox"/> Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other _____ <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: _____
<p>MASS TORT</p> <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: _____	<p>REAL PROPERTY</p> <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other: _____	<p>MISCELLANEOUS</p> <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input checked="" type="checkbox"/> Other: Custody _____
<p>PROFESSIONAL LIABILITY</p> <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: _____		

Plaintiff

vs.

Defendant

: IN THE COURT OF COMMON PLEAS OF
: McKEAN COUNTY, PENNSYLVANIA

: CIVIL DIVISION - ____ Law ____ Equity
: ____ Medical Professional Liability Action

: NO. _____

LOCAL COVER SHEET

Dated: _____, 20____

1. Type of Pleading (e.g. Complaint in Divorce) Petition to Modify Custody

2. By whom filed: ___Plaintiff ___ Defendant Are monetary damages requested? ___Yes X No
Jury trial demanded ___Yes X No Complex* ___ Yes X No Small Claim (<\$12,000) ___ Yes X No

To be listed for Arbitration? ___ Yes X No *Note: A civil action is to be listed for Arbitration unless (1) the amount in controversy exceeds \$50,000 exclusive of interest and costs or (2) the case involves title to real property. * For definition: See Note following [L205.2\(b\)\(2\)](#).*

3. The plaintiff is represented by:

Attorney _____ Email _____
Firm _____
Address _____
Tel. # _____ Fax # _____ Supreme Court ID No. _____

The plaintiff appears *pro se*:

Address _____
Telephone number _____ Email _____

4. The defendant(s) is (are) represented by (attach a separate sheet of paper, if necessary):

Attorney _____ Email _____
Firm _____
Address _____
Tel.# _____ Fax # _____ Supreme Court ID No. _____

The defendant(s) appear(s) *pro se* (attach a separate sheet of paper, if necessary):

Address _____
Telephone number _____ Email _____

Plaintiff

vs.

Defendant

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

NO. C.D. 2012

McKEAN COUNTY COURT OF COMMON PLEAS
SUPPLEMENT TO Pa.R.C.P. No. 205.5 COVER SHEET

FAMILY LAW

- Annulment
 Child Custody/Visitation
 Divorce
 Paternity

Divorce Counts

Check all that apply

- Alimony/Spousal Support
 Alimony *pendente lite*, counsel fees & costs
 Child Custody/Visitation
 Child Support
 Equitable Distribution/Property Rights

Other: _____

ORPHAN'S COURT

- Adoption
 Wills
 Administration of Estates
 Accounts
 Trust Estates
 Minors
 Incapacitated Persons
 Auditors & Masters
 Official Examiners
 Absentees & Presumed Decedents
 Real Property Transactions
 Non-Profit Corporations
 Other: _____

Nature of the Case

Petition to Modify Custody

Note: Be brief and concise. Type or print legibly.

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

NOTICE

You, _____, have been sued in court to obtain (primary physical custody) (partial physical custody) of the following child(ren):

If you fail to defend against the claims set forth in the following pages, an Order for custody or partial custody could be entered against you or the Court may issue a warrant for your arrest.

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 but not later than thirty (30) days after service of the complaint.

No party may make a change in residence of any child 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 ATTORNEY AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT. 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 REDUCE FEE OR NO FEE.

Northwestern Legal Services
100 Main Street
Bradford, PA 16701
(814) 362-6596
1-800-665-6957

AMERICANS WITH DISABILITIES ACT OF 1990: The Court of Common Pleas of McKean 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.

FORM 6

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

PETITION TO MODIFY CUSTODY

1. The Petition of _____ respectfully represents that on _____ an Order of Court was entered for (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody), a true and correct copy of which is attached.

2. This Order should be modified because:

WHEREFORE, Petitioner requests that the Court modify the existing Order for (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) because it will be in the best interest of the child(ren).

Petitioner

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 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Petitioner

Plaintiff,

vs.

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

I _____, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. §6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or	<input type="checkbox"/>	<input type="checkbox"/>		

	structure)				
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>		

<input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Driving under the influence of drugs or alcohol	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>		

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct or involvement with a Children and Youth agency, including the following:

Check all that apply		Self	Other household member	Date
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Involvement with a Children & Youth agency in Pennsylvania or another jurisdiction. Where? _____	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>	

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Signature

Printed Name

FORM 8

Plaintiff,

vs.

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

PROOF OF SERVICE

I hereby certify that on _____(date), a copy of the Notice, Petition to Modify and Criminal/Abuse Verification was served upon Plaintiff/Defendant by regular mail, postage pre-paid, and by certified mail, restricted delivery to addressee only, return receipt requested, at _____(address). The return receipt signed by the defendant is attached.

Plaintiff/Defendant

Plaintiff,

vs.

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

AFFIDAVIT OF SERVICE

_____, being duly sworn according to the law deposes and states that he/she served a true and correct copy of the Notice, Petition to Modify and Criminal/Abuse Verification filed in this matter by certified/registered mail, return receipt requested, restricted to addressee only and also by regular mail at _____ (address), on _____ (date). The regular mail has not been returned within fifteen days after mailing. Attached to this affidavit is the returned letter with the notation that the defendant refused to accept delivery.

Plaintiff/Defendant

Sworn and subscribed before me this _____ day of _____, 20_____.

Notary Public

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

ACCEPTANCE OF SERVICE

I accept service of the Notice, Petition to Modify and Criminal/Abuse Verification. I certify that I am authorized to accept service on behalf of Plaintiff/Defendant.

Date

Plaintiff/Defendant or Authorized Agent

Mailing Address

Weekend Custody:

Mother's Father's weekend custody shall begin on _____ from _____ a.m./p.m. Friday _____ Saturday to _____ a.m./p.m. Sunday _____ Monday _____.

Alternate every other weekend? Yes _____ No _____

Other Custody Arrangement (e.g. supervised custody) as follows:

6. Transportation for exchange between parents

Party receiving custody shall provide transportation unless otherwise agreed.

Other _____

7. Place for custody exchanged between parents

The exchange of the child(ren) between parents shall take place at the following location(s):

Drop off: Where and when: _____

Pick up: Where and when: _____

Other: _____

We do not propose assistance with the transfer.

The following third party(ies) to conduct or supervise the transfer:

<i>Name</i>	<i>Phone</i>	<i>Conduct</i>	<i>Supervise</i>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

8. Communications

Contact parent to child:

The non-custodial parent shall have phone contact with the children as follows:

Frequency: **Once a day** **Multiple calls as agreed (#_____ per day)**

Other: _____

Contact parent to parent:

- All communications between the parents shall be via:
- Telephone Text-Messaging
- E-mail Other: _____

9. Holiday and special occasion schedule

All non-fixed holidays shall alternate annually and holiday custody shall have precedence over regular custody.

- a. **CHRISTMAS** - _____ a.m./p.m. Christmas Eve through _____ a.m./p.m. Christmas Day. Mother
Father alternated Fixed
_____ a.m./p.m. Christmas Day through _____ a.m./p.m. December 26th
Mother Father alternated Fixed
- b. **NEW YEAR'S EVE AND DAY** – _____ a.m./p.m. New Year's Eve to _____ a.m./p.m. New Year's Day
Mother Father alternated Fixed
- c. **EASTER SUNDAY** – _____ a.m./p.m. to _____ a.m./p.m.
Mother Father alternated Fixed
- d. **MOTHER'S DAY** – Mother Fixed _____ a.m./p.m. to _____ a.m./p.m.
- e. **MEMORIAL DAY WEEKEND** – _____ a.m./p.m. Friday to _____ a.m./p.m. Monday. Mother
Father alternated Fixed
- f. **FATHER'S DAY** – Father Fixed _____ a.m./p.m. to _____ a.m./p.m.
- g. **4th OF JULY** – _____ a.m./p.m. to _____ a.m./p.m. July 5th
Mother Father alternated Fixed
- h. **LABOR DAY WEEKEND** – _____ a.m./p.m. Friday to _____ a.m./p.m. Monday. Mother
Father alternated Fixed
- i. **THANKSGIVING DAY** – _____ a.m./p.m. to _____ a.m./p.m. Mother
Father alternated Fixed

Other: _____

10. Summer Vacation Custody.

Each parent shall have up to two weeks of consecutive or non-consecutive summer vacation custody upon _____ weeks prior notice to the other parent.

Other:

11. Additional Provisions: Check all that apply

A party, while the child is in his/her presence, shall refrain from imbibing alcoholic beverages in excess or using illicit drugs.

Neither party shall smoke in the indoor presence of the child(ren) or in vehicles and shall not allow anyone else to smoke in the presence of the children.

Both parties may attend the child(ren)'s extra-curricular activities.

The following person(s) shall not be present during partial custody or supervised custody:

Other provision:

12. **Child Restraints:** The child(ren) shall at all times be secured in age appropriate safety restraints in any vehicle in which they ride.

13. **Mutual Agreements:** This custody arrangement may be changed by mutual agreement. A change intended to be permanent shall be put in writing and filed with the Court along with a Petition to Modify.

14. **Appendix:** Attached is an Appendix that is an integral part of the Order as the parties are Ordered to fully comply with it.

15. This Order supersedes any previous Orders in this matter and shall remain in effect until further Order of Court.

DATE: _____

Plaintiff's Signature

Defendant's Signature

Plaintiff's Name

Defendant's Name

Plaintiff's Attorney Signature

Defendant's Attorney Signature

APPENDIX TO ORDER

Certain rules of conduct apply to custody matters. These rules are binding on the parties. Breaching them could result in contempt of court or a modification of the custody order. In the event these general rules are different from any specific provision in the custody order, the order shall prevail.

RULE 1. The parties shall always consider the best interests of the children and act accordingly.

RULE 2. The provisions in the custody order are to be considered minimum requirements. The parties are free to expand the provisions by mutual agreement. However, no party can increase or decrease periods of custody without agreement.

RULE 3. The parties shall permit reasonable telephone contact with the children as set forth in Paragraph 8.

RULE 4. In the event of a serious illness or an accident requiring medical attention, the party having custody of the child shall immediately notify the other party and shall inform the other party as to the nature of the illness or injury. During such illness or injury either party shall have the right to visit the child as long as such visit does not interfere with the proper medical care of the child.

RULE 5. A party shall provide the other with an address and a phone number to that party's residence. In the event of a change in this information, the party shall notify the other within 72 hours. Further, a party shall provide an address and contact information in the event of an overnight stay at a location other than that party's residence.

RULE 6. Both parties shall have access to any school or medical records of the child.

RULE 7. Neither party should attempt to influence the children against the other party by making derogatory or uncomplimentary statements. The parties shall not argue or engage in heated discussions in the presence of the children.

RULE 8. Neither party shall question the children about the personal life of the other party, except to the extent necessary to insure the personal safety of the children. Children should not be used as spies; this is a harmful role for a child to fill.

RULE 9. If a party is unable to make a scheduled custody exchange, that party should give advance notice to the other party to avoid subjecting the children to unnecessary travel and the failure of expectations.

RULE 10. Predetermined schedules may encounter complications, and both parties should be flexible for the sake of the children. However, neither party may change the regular custody schedule without prior agreement of the other party.

RULE 11. A party or the person responsible for transporting the children must refrain from the use of alcohol and illicit drugs and must possess a valid driver's license with current operating privileges. Any party who arrives to pick up the children and has used alcohol excessively, is intoxicated, or does not possess a valid driver's license automatically forfeits that custody period. Any party that returns the children under the same

conditions automatically forfeits the next scheduled period of custody. Further, a party, while the child is in his or her presence, shall refrain from imbibing alcoholic beverages in excess or using illicit drugs. Chronic violations of this rule may result in a modification or suspension of custody.

RULE 12. In the event of a proposed relocation, any party to this action shall comply with the provisions of 23 Pa.C.S.A. § 5337 relating to a change in residence.

RULE 13. The parties to this action should welcome their parenting duties, but may at times delegate these responsibilities to capable babysitters or others unless Right of First Refusal applies.

RULE 14. Child support and divorce issues are separate issues from child custody. Under no circumstances should a parent refuse contact between a child and a parent on the basis of a child support or divorce issue. Failure to follow this directive may result in contempt proceedings.

RULE 15. Clothing and personal belongings a child arrives with at the beginning of a period of custody are to return with the child at the end of that period of custody.

RULE 16. If either party feels the other party has violated these rules or the custody order, that party may petition the court as set forth in Pa.R.C.P. 1915.12.

EXHIBIT A

RELOCATION

Any party to this action shall comply with the provisions of 23 Pa.C.S. § 5337 relating to a proposed relocation. The child custody statute defines "relocation" as a parent proposing to change the residence of a child which significantly impairs the ability of a non-relocating parent to exercise custodial rights shall follow the procedures required by 23 Pa. C.S. § 5337 and Rule of Civil Procedure 1915.17 as set forth in this Exhibit B attached to the Custody Order. The following is a portion of the statute. Copies of the full statute are available at the Domestic Relations Office. As always, if you have any questions, you should seek the assistance of an attorney.

(a) Applicability.--This section applies to any proposed relocation.

(b) General rule.--No relocation shall occur unless:

- (1) every individual who has custody rights to the child consents to the proposed relocation; or
- (2) the court approves the proposed relocation.

(c) Notice.-

(1) The party proposing the relocation shall notify every other individual who has custody rights to the child.

(2) Notice, sent by certified mail, return receipt requested, shall be given no later than:

- (i) the 60th day before the date of the proposed relocation; or
- (ii) the tenth day after the date that the individual knows of the relocation, if:
 - (A) the individual did not know and could not reasonably have known of the relocation in sufficient time to comply with the 60- day notice; and
 - (B) it is not reasonably possible to delay the date of relocation so as to comply with the 60-day notice.

(3) Except as provided by section 5336 (relating to access to records and information), the following information, if available, must be included with the notice of the proposed relocation:

- (i) The address of the intended new residence.
- (ii) The mailing address, if not the same as the address of the intended new residence.
- (iii) Names and ages of the individuals in the new residence, including individuals who intend to live in the new residence.
- (iv) The home telephone number of the intended new residence, if available.
- (v) The name of the new school district and school.
- (vi) The date of the proposed relocation.
- (vii) The reasons for the proposed relocation.
- (viii) A proposal for a revised custody schedule.
- (ix) Any other information which the party proposing the relocation deems appropriate.
- (x) A counter-affidavit as provided under subsection (d)(1) which can be used to object to the proposed relocation and the modification of a custody order.
- (xi) A warning to the non-relocating party that if the nonrelocating party does not file with the

court an objection to the proposed relocation within 30 days after receipt of the notice, that party shall be foreclosed from objecting to the relocation.

(4) If any of the information set forth in paragraph (3) is not known when the notice is sent but is later made known to the party proposing the relocation, then that party shall promptly inform every individual who received notice under this subsection.

(d) Objection to proposed relocation.-

(1) A party entitled to receive notice may file with the court an objection to the proposed relocation and seek a temporary or permanent order to prevent the relocation. The nonrelocating party shall have the opportunity to indicate whether he objects to relocation or not and whether he objects to modification of the custody order or not. If the party objects to either relocation or modification of the custody order, a hearing shall be held as provided in subsection (g)(1). The objection shall be made by completing and returning to the court a counter-affidavit, which shall be verified subject to penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), in substantially the following form:

(2) An objection made under this subsection shall be filed with the court within 30 days of receipt of the proposed relocation notice and served on the other party by certified mail, return receipt requested.

(3) If notice of the proposed relocation has been properly given and no objection to the proposed relocation has been filed in court, then it shall be presumed that the nonrelocating party has consented to the proposed relocation.

(4) If a party who has been given proper notice does not file with the court an objection to the relocation within 30 days after receipt of the notice but later petitions the court for review of the custodial arrangements, the court shall not accept testimony challenging the relocation.

(e) Confirmation of relocation.--If no objection to the proposed relocation is filed under subsection (d), the party proposing the relocation shall file the following with the court prior to the relocation:

(1) an affidavit stating that the party provided notice to every individual entitled to notice, the time to file an objection to the proposed relocation has passed and no individual entitled to receive notice has filed an objection to the proposed relocation;

(2) Proof that proper notice was given in the form of a return receipt with the signature of the addressee and the full notice that was sent to the addressee.

(3) a petition to confirm the relocation and modify any existing custody order; and

(4) a proposed order containing the information set forth in subsection (c)(3).

EXHIBIT B

FORM 12

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

JOINT MOTION TO ADOPT CUSTODY AGREEMENT

1. The Plaintiff is _____, who resides at

_____.

2. The Defendant is _____, who resides at

_____.

3. Plaintiff and Defendant are the natural parents of _____

4. Plaintiff and Defendant have mutually agreed on the custody arrangement for the abovementioned children.

5. Plaintiff's and Defendant's agreement is attached to this Motion.

WHEREFORE, Plaintiff and Defendant respectfully request the Court to adopt the attached custody agreement as a Court Order.

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

Plaintiff's Signature

Defendant's Signature.

FORM 13

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

ORDER

On this _____ day of _____, 20____, the Court hereby adopts the Custody Agreement filed _____ by the abovementioned Parties as a Court ORDER.

BY THE COURT:

CHRISTOPHER G. HAUSER, J.

STATUTORY APPENDIX

23 Pa.C.S. § 6112 (Protection from Abuse)

During the course of a proceeding under this chapter, the court or hearing officer may consider whether the plaintiff or plaintiff's family is endangered by disclosure of the permanent or temporary address of the plaintiff or minor children. Neither in the pleadings nor during proceedings or hearings under this chapter shall the court or hearing officer require disclosure of the address of a domestic violence program. Where the court concludes that the defendant poses a threat of continued danger to the plaintiff and where the plaintiff requests that his or her address, telephone number and information about whereabouts not be disclosed, the court shall enter an order directing that law enforcement agencies, human service agencies and school districts (both in which a plaintiff's child in custody of the plaintiff is or has been enrolled) shall not disclose the presence of the plaintiff or the child in the jurisdiction or district or furnish any address, telephone number or any other demographic information about the plaintiff and child except by further order of the court.

23 Pa.C.S. § 6703

(a) Establishment.--The Office of Victim Advocate shall establish a program to be known as the Address Confidentiality Program. Upon application and certification, persons eligible under section 6704 (relating to persons eligible to apply) shall receive a confidential substitute address provided by the Office of Victim Advocate.

(b) Administration.--The Office of Victim Advocate shall forward all first class, registered and certified mail at no expense to a program participant within three business days. The Office of Victim Advocate may arrange to receive and forward other classes or kinds of mail at the program participant's expense.

(c) Notice.--Upon certification, the Office of Victim Advocate shall provide notice of participation and the program participant's substitute address to appropriate officials involved in an ongoing civil or criminal case in which a program participant is a victim, witness, plaintiff or defendant.

(d) Records.--All records relating to applicants and program participants are the property of the Office of Victim Advocate. These records, including program applications, participants' actual addresses and waiver proceedings, shall be kept confidential and shall not be subject to the provisions of the act of June 21, 1957 (P.L. 390, No. 212),¹ referred to as the Right-to-Know Law, except that records may be released as specifically set forth in this chapter and to a district attorney to the extent necessary for the prosecution of conduct as set forth in section 6711 (relating to penalties).

23 Pa.C.S. § 5336

(a) General rule.--Except as provided in subsections (b) and (c):

(1) A party granted sole or shared legal custody under section 5323 (relating to award of custody) shall be provided access to:

- (i) the medical, dental, religious and school records of the child;
- (ii) the address of the child and any other party; and

(iii) any other information that the court deems necessary or proper.

(2) Access to any records and information pertaining to the child may not be denied solely based upon a parent's physical custody schedule.

(3) Upon request, a parent, party or entity possessing any information set forth in paragraph (1) shall provide it to any party granted sole or shared legal custody.

(b) Nondisclosure of confidential information.--The court shall not order the disclosure of any of the following information to any parent or party granted custody:

(1) The address of a victim of abuse.

(2) Confidential information from an abuse counselor or shelter.

(3) Information protected under Chapter 67 (relating to domestic and sexual violence victim address confidentiality).

(4) Information independently protected from disclosure by the child's right to confidentiality under the act of July 9, 1976 (P.L. 817, No. 143),¹ known as the Mental Health Procedures Act, or any other statute.

(c) Other information.--The court may determine not to release information set forth in subsection (a), in which case it shall state the reason for its denial on the record.

18 Pa.C.S. § 4904

(a) In general.--A person commits a misdemeanor of the second degree if, with intent to mislead a public servant in performing his official function, he:

(1) makes any written false statement which he does not believe to be true;

(2) submits or invites reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or

(3) submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.

(b) Statements "under penalty".--A person commits a misdemeanor of the third degree if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

(c) Perjury provisions applicable.--Section 4902(c) through (f) of this title (relating to perjury) applies to this section.

(d) Penalty.--In addition to any other penalty that may be imposed, a person convicted under this section shall be sentenced to pay a fine of at least \$1,000.

23 Pa.C.S. § 5323

(a) Types of award.--After considering the factors set forth in section 5328 (relating to factors to consider when awarding custody), the court may award any of the following types of custody if it is in the best interest of the child:

(1) Shared physical custody.

(2) Primary physical custody.

(3) Partial physical custody.

(4) Sole physical custody.

(5) Supervised physical custody.

- (6) Shared legal custody.
- (7) Sole legal custody.

(b) Interim award.--The court may issue an interim award of custody to a party who has standing under section 5324 (relating to standing for any form of physical custody or legal custody) or 5325 (relating to standing for partial physical custody and supervised physical custody) in the manner prescribed by the Pennsylvania Rules of Civil Procedure governing special relief in custody matters.

(c) Notice.--Any custody order shall include notice of a party's obligations under section 5337 (relating to relocation).

(d) Reasons for award.--The court shall delineate the reasons for its decision on the record in open court or in a written opinion or order.

(e) Safety conditions.--After considering the factors under section 5328(a)(2), if the court finds that there is an ongoing risk of harm to the child or an abused party and awards any form of custody to a party who committed the abuse or who has a household member who committed the abuse, the court shall include in the custody order safety conditions designed to protect the child or the abused party.

(f) Enforcement.--In awarding custody, the court shall specify the terms and conditions of the award in sufficient detail to enable a party to enforce the court order through law enforcement authorities.

(g) Contempt for noncompliance with any custody order.—

(1) A party who willfully fails to comply with any custody order may, as prescribed by general rule, be adjudged in contempt. Contempt shall be punishable by any one or more of the following:

- (i) Imprisonment for a period of not more than six months.
- (ii) A fine of not more than \$500.
- (iii) Probation for a period of not more than six months.
- (iv) An order for nonrenewal, suspension or denial of operating privilege under section 4355 (relating to denial or suspension of licenses).
- (v) Counsel fees and costs.

(2) An order committing an individual to jail under this section shall specify the condition which, when fulfilled, will result in the release of that individual.

(h) Parties in same residence.--Parties living separate and apart in the same residence may seek relief under this chapter, but any custody order made under such a circumstance shall be effective only upon:

- (1) one party physically vacating the residence; or
- (2) an order awarding one party exclusive possession of the residence.

23 Pa.C.S. § 5324

The following individuals may file an action under this chapter for any form of physical custody or legal custody:

- (1) A parent of the child.
- (2) A person who stands in loco parentis to the child.

- (3) A grandparent of the child who is not in loco parentis to the child:
- (i) whose relationship with the child began either with the consent of a parent of the child or under a court order;
 - (ii) who assumes or is willing to assume responsibility for the child; and
 - (iii) when one of the following conditions is met:
 - (A) the child has been determined to be a dependent child under 42 Pa.C.S. Ch. 63 (relating to juvenile matters);
 - (B) the child is substantially at risk due to parental abuse, neglect, drug or alcohol abuse or incapacity; or
 - (C) the child has, for a period of at least 12 consecutive months, resided with the grandparent, excluding brief temporary absences of the child from the home, and is removed from the home by the parents, in which case the action must be filed within six months after the removal of the child from the home.

23 Pa.C.S. § 5325

In addition to situations set forth in section 5324 (relating to standing for any form of physical custody or legal custody), grandparents and great-grandparents may file an action under this chapter for partial physical custody or supervised physical custody in the following situations:

- (1) where the parent of the child is deceased, a parent or grandparent of the deceased parent may file an action under this section;
- (2) where the parents of the child have been separated for a period of at least six months or have commenced and continued a proceeding to dissolve their marriage; or
- (3) when the child has, for a period of at least 12 consecutive months, resided with the grandparent or great-grandparent, excluding brief temporary absences of the child from the home, and is removed from the home by the parents, an action must be filed within six months after the removal of the child from the home.