

CUSTODY COMPLAINT

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 Title 23 Pa.C.S.A., Domestic Relations, Sections 5321 to 5340. Please see the next section for information on accessing these laws.

C. Rules and Statutes

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.” The Pennsylvania Rules of Civil Procedure that apply to custody cases are Rules 1915.1 through 1915.25. Further, at the same location on the Court’s website as described above there is a link to “Purdon’s Pennsylvania Statutes” and “Pennsylvania Code.” Through either of these websites you can access the custody laws or any other laws that are referenced in this packet or on the forms. Look for the Title number first and then the Section number.

Here are some websites that provide basic information about the child custody process: www.palawhelp.org and www.aboutthechildrenblog.com. The Court **DOES NOT** endorse any of these websites or the information contained therein.

D. Basic Procedure

This packet contains forms and instructions on how to initiate a custody action. If a custody order already exists or if there are problems with enforcing the already existing order, then you should not use this packet but rather you should get one of the other packets from the Prothonotary and follow the instructions in those packets regarding your request to modify, relocate or enforce the custody order. **There are separate packets for Modification of a Custody Order, 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 Custody Complaint or Petition to Modify) 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 (Forms 8, 9 or 10) with the Prothonotary’s Office once you have served the other parties. The instructions in section II, paragraph I will tell you how to properly serve the other side.

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

F. Getting a Custody Order

You can start a custody action by yourself or through an attorney. Even if there is an agreement about custody, you still need to prepare and file a Custody Complaint (Form 6) if you want your custody agreement to be an Order of Court.

1. If You Have an Agreement

You can prepare a Confidential Information Form (Form 1), an Entry of Appearance (Form 2), proper cover sheets (Forms 3-5), the Notice (Form 6), Custody Complaint (Form 7), the Criminal/Abuse Verification (Form 8), the written agreement (Form 12), the Motion to Adopt an Agreement (Form 13), and the Sample Order to Adopt an Agreement (Form 14) and file them in the Prothonotary's Office at the same time.

2. If You Do Not Have an Agreement

You must prepare a Confidential Information Form (Form 1, an Entry of Appearance (Form 2), proper cover sheets (Forms 3-5), Custody Complaint (Form 6), the Criminal Abuse Verification (Form 7) 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 Complaint 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 along with a Notice. 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. Modifying a Custody Order

If a custody order already exists, but circumstances have changed, then you can file a Petition for Modification. **There is a separate packet available for your use regarding modifying a custody order.**

I. 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 and 8 and **EITHER** Form 9, 10, or 11. Forms 12-14 are only for those who have an agreement). **It will take you approximately two (2) hours to complete these forms.**

- 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).
- F. Instructions for Completing the Notice (FORM 6).
- G. Instructions for Completing the Custody Complaint (FORM 7).
- H. Instructions for Completing the Criminal Verification (FORM 8).
- I. Filing the Complaint.
- J. Instructions for Serving the Notice, Custody Complaint and Criminal Verification (FORMS 9-11).
- K. Instructions for the Sample Custody Agreement (FORM 12)
- L. Instructions for the Motion to Adopt an Agreement (FORM 13)
- M. Instructions for the Sample Order Adopting the 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 affect 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 Complaint. 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 your name above the word "Plaintiff(s)".
- Neatly print or type the name of the person or persons you are filing against above the word "Defendant(s)."
- The Prothonotary will fill in the "No." line.

Litigant Information

The Rest of the Form

- Section 1: place an “X” on the line before the word “Plaintiff.”
- Section 2: Already filled out.
- 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. Please see Appendix to find the statute referenced.
- Section 6: place a telephone number in the space provided unless protected as explained in the second paragraph. Please see the Appendix to find the statute referenced.
- 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.
- Make two (2) copies of the completed form.
- Send one copy of the completed form to the person you are filing against via First Class Mail and keep one copy for yourself.
- File the original with the Complaint 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

- a. First Box: Already filled out.
- b. Second Box: neatly type or print your name under “Lead Plaintiff’s Name.”
- c. Second Box: neatly type or print the name of the person or persons you are filing against under “Lead Defendant’s Name.”

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 your name above the word “Plaintiff(s)”.
- b. Neatly print or type the name of the person or persons you are filing against above the word “Defendant(s)”.

Case Information

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

Section 2

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

Section 3

- f. Do not fill in any information after the words "The plaintiff is represented by:"
- g. After the words "The plaintiff appears *pro se*" place your address, telephone number, and e-mail.

Section 4

- h. If the person you are filing against is represented by an attorney and you know the name and contact information of the attorney, then fill in the information after the words "The defendant is represented by"
- i. If the person you are filing against does not have an attorney, then fill in the information after the words "The defendant appears *pro se*." Be sure to include the address, phone number, and e-mail of the person you are filing against.

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 your name above the word "Plaintiff(s)".
- b. Neatly print or type the name of the person or persons you are filing against above the word "Defendant(s)".

DO NOT FILL IN ANYTHING FURTHER ON FORM 5.

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 your name above the word "Plaintiff(s)".
- b. Neatly print or type the name of the person or persons you are filing against above the word "Defendant(s)".

The Notice:

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

G. Instructions for Completing the Custody Complaint – (FORM 7)

STOP!!! REMOVE FORM 7. The custody Complaint is detailed and will require time and focus to completely fill out. This form must be filled out properly in order for your custody case to move forward. Please set aside sufficient time to properly fill out the form.

Caption

- a. Neatly print or type your name above the word "Plaintiff(s)."
- b. Neatly print or type the name of the person or persons you are filing against above the word "Defendant(s)."

Section 1

- Put your name on the line after the word "Plaintiff."
- Put your address on the line after the words "who resides at..."

Section 2

- Put the name of the person you are filing against after the word "Defendant."
- Put the address of the person you are filing against after the words "who resides at..."

Section 3

- Circle one (shared legal custody), (sole legal custody), (partial physical custody), (primary physical custody), (shared physical custody), (sole physical custody), or (supervised physical custody) based on what form of custody you are filing for. (See General Information for the legal definitions of these terms if you are not sure).
- Put the initials of the child or children who you are seeking custody, partial custody of, or supervised physical custody with on the line(s) below "Child's initials." Put each child's present address on the line below "Present Residence." Put each child's age on the line below "Age."
- Circle "was" to indicate if the child(ren) were born to parents who were not married to each other or "was not" to indicate that the child(ren) were born to parents who were married to each other at the time the child(ren) were born.
- Put the name of the person who currently has the child(ren) in their physical custody on the line after the words "the child is presently in the custody of..."
- Put that person's address on the line after the words "who resides at..."
- Put the names of all persons the child(ren) have resided with in the last five years (or since birth if the child is less than five years old) on the lines under "List All Persons."
- Put the complete address of all of those persons on the lines under "List All Addresses."

- Put the dates that the child(ren) lived with those persons on the lines under “Dates.”
- Put the name of the Mother of the child(ren) on the line after the words “The mother of the child is...” (If there is more than one child and they have different Mothers, you need to file a separate Custody Complaint against each Mother).
- Put Mother’s complete address on the line after the words “currently residing at...”
- Circle “Married”, “Divorced” or “Single” to indicate Mother’s current marital status.
- Put the name of the Father of the child(ren) on the line after “The father of the child is...” (If there is more than one child and they have different Fathers, you need to file a separate Custody Complaint against each Father).
- Put Father’s complete address on the line after the words “currently residing at...”
- Circle “Married”, “Divorced” or “Single” to indicate Father’s current marital status.

Section 4

- Put your relationship to the child(ren) on the first line (Mother, Father, Maternal Grandparent, Paternal Grandparent, etc.).
- Put the name(s) of all the people who reside in the same home with you on the lines below “Name.”
- Put the relationship of these people to you on the lines below “Relationship.”

Section 5

- Put the relationship of the person you are filing against to the child(ren) on the first line (Mother, Father, Maternal Grandparent, Paternal Grandparent, etc.).
- Put the name(s) of all the people who reside in the same home with this person on the lines below “Name.”
- Put the relationship of these people to the person you are filing against on the lines below “Relationship.”

Section 6

- Circle “has” if you have participated as a party or witness or in any other capacity in a different case concerning the child(ren) in this Custody Complaint or circle “has not” if you have not participated as a party or witness or in any other capacity in a different case concerning the child(ren) in this Custody Complaint.
- If you circled “has”, put the docket number of that other case and state what relationship that case has to the Custody Complaint that you are filing on the line provided.
- Circle “has” if you have information about another custody proceeding that is pending in Pennsylvania or in any other state concerning the child(ren) in this Custody Complaint or circle “has not” if you have no information about another custody proceeding that is pending in Pennsylvania or in any other state concerning the child(ren) in this Custody Complaint.
- If you circled “has”, put the docket number of that other case and state what relationship that case has to the Custody Complaint that you are filing on the line provided.
- Circle “knows” if you know of anyone who you did not name in this Custody Complaint but who has physical custody of the child(ren) or who claims to have custody rights to the child(ren) or circle “does not know” if you do not know of anyone who you did not name in this Custody Complaint but who has physical custody of the child(ren) or who claims to have custody rights to the child(ren).

- If you circled “knows”, put the name and address of any such person(s) on the line provided.

Section 7

- Put the names, addresses and the basis of their claim on the lines provided for any persons you know who have a right to custody of the child(ren) or who claim to have a right to custody of the child(ren) and who are not named in your Custody Complaint.

Section 8(a)

- If you are a grandparent who does not stand *in loco parentis* (see legal definitions under the General Information section) and is seeking physical and/or legal custody, then place information on the lines provided that explains why you feel you have the right to file this custody complaint. Please see the Appendix to find the statute referenced.

Section 8(b)

- If you are a grandparent or great-grandparent who is seeking physical and/or legal custody, then place information on the lines provided that explains why you feel you have the right to file this custody complaint. Please see the Appendix to find the statute referenced.

Section 8(c)

- If you are a person seeking physical and/or legal custody and you are not the biological parent of the child(ren), but you stand *in loco parentis* (see legal definitions in the General Information section), then place information on the lines provided that explains why you feel you have the right to file this Custody Complaint. Please see the Appendix to find the statute referenced.

Section 9

- Please explain in the space provided why granting you custody of the child(ren) would be in their best interest. Please use the back of this form if you need more space.

Section 10

- Please see instructions for Form 8.

Wherefore Clause

- Sign your name above the word “Plaintiff.”

Verification

- Sign your name on the line above “Plaintiff (Signature)” to verify that all the statements that you have made in the Custody Complaint are true and correct to the best of your knowledge. You may be subject to criminal penalties if you make any statements in your Custody Complaint that you know are not true. The Verification **MUST BE SIGNED**.

Service

Please note that a copy of this Complaint must be given to the person you are filing against. The proper way to ensure that they get a copy will be explained in a later instruction section.

H. Instructions for Completing the Criminal/Abuse History 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 Custody Complaint.

Caption

- a. Neatly print or type your name above the word “Plaintiff(s)”.
- b. Neatly print or type the name of the person or persons you are filing against above the word “Defendant(s)”.

Verification

- c. 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

- d. 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.
- e. Put an “X” in the box under the column labeled “Self” for every listed crime that you were convicted of or plead guilty to.
- f. 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.
- g. Put the required day, month, and year for every crime under the column labeled “Date of conviction, etc.”
- h. 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

- i. 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.
- j. 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.
- k. Put an “X” in the box under the column labeled “Self” for every situation that applies to you.
- l. Put an “X” in the box under the column labeled “Other household member” for every situation that applies to a member of your household.
- m. Put the date of the violent or abusive episode under the column labeled “Date” for every situation that applies.

Section 3

- n. 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

- o. 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

- p. 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 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, Custody Complaint and Criminal/Abuse Verification.

Once you have filled out the Entry of Appearance, Cover Sheets, Notice, Custody Complaint 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 Notice, Entry of Appearance, Custody Complaint 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, Custody Complaint, 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 Custody Complaint against have been given a copy of the Notice, Custody Complaint, 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, Complaint, 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, Complaint, 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, Complaint, and blank Criminal/Abuse Verification to the person you are filing against.

First Option, the Mail

- Send one (1) copy of the Notice, Complaint, 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, Complaint, and **blank** Criminal/Abuse Verification Form to the person you are filing against via First Class Mail.
- Fill out either Form 9 or Form 10.

Second Option, In Person

- Hand a copy of the Notice, Custody Complaint, and blank Criminal/Abuse Verification to the person you are filing against.
- Fill out Form 11.

Proof of Service (Certified Mail) (Form 9)

- Once you receive the green card back, continue onto the next steps. If you receive the documents back “refused” move on to Form 9.
- Put your name above “Plaintiff(s)”.
- Put the name of the person(s) you are filing against above “Defendant(s)”.
- Put the docket number for your custody case next to “No.” (you can find the docket number in caption of the Complaint).
- Put the date you mailed the documents after the words “I hereby certify that on...”
- 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.”
- 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 Custody Complaint.

Affidavit of Service (Form 10)

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

- Put your name above “Plaintiff(s)”.
- Put the name of the person(s) you are filing against above “Defendant(s)”
- Put the docket number for your custody case next to “No.” (you can find the docket number in caption of the completed Complaint).
- Put your name on the line before the word “Plaintiff.”
- 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.”
- 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.

- Put your name above “Plaintiff(s)”.
- Put the name of the person(s) you are filing against above “Defendant(s)”.
- Put the docket number for your custody case next to “No.” (you can find the docket number in caption of the completed Custody Complaint).
- Put the date that the person you are filing against received the Notice, Custody Complaint, and blank Criminal/Abuse Verification Form.

- Have the person you are filing against sign on the line above “Defendant or Authorized Agent.”
- 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 Custody Complaint.

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)

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 your name above the word “Plaintiff(s)”.
- b. Neatly print or type the name of the person or persons you are filing against above the word “Defendant(s)”.

Section 1

- c. Neatly print your name on the line following “The Plaintiff is...”
- d. Place your address on the line following “who resides at...”

Section 2

- e. Neatly print the name of the person you are filing against on the line following “The Defendant is...”
- f. Place the address of the person you are filing against on the line following “who resides at...”

Section 3

- g. Neatly print the name of the child(ren) on the line following “...the natural parents of...”

Signature Lines

- h. Place your signature on the line above “Plaintiff’s Signature.”
- i. Have the person you are filing against place their signature on the line above “Defendant’s Signature.”
- j. 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)

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 your name above the word "Plaintiff(s)".
- b. Neatly print or type the name of the person or persons you are filing against above the word "Defendant(s)".
- c. DO NOT fill anything out anything else on this form.
- d. 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 Sheet (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. Custody Complaint (Form 7)
- H. Criminal/Abuse Verification (Form 8)
- I. Service Documentation Forms
 1. Proof of Service - Certified Mail (Form 9)
 2. Affidavit of Service – Mail Unsuccessful (Form 10)
 3. Acceptance of Service (Form 11)
- J. Sample Custody Agreement (Form 12)
- K. Motion to Adopt an Agreement (Form 13)
- L. Sample Order Adopting an 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.