

GENERAL INFORMATION ON MODIFYING A CUSTODY ORDER

Last Revised: 11/19/2018

Until the child(ren) are 18 years old, custody can be litigated and changed. As circumstances change, you may think the Order in effect now is not in the child's best interest. If you are unable to reach an agreement with the other parent concerning a change in the current custody order, you can request a change in the Order from the Court. This is called Modification.

1. Know what it is you are asking the court to change and why. In order to file a Modification Petition, you must state that there has been a **significant** change in circumstances since the last order was entered. If the changes are occasional, like changing a weekend visit so the other parent can take the child to a family reunion, you do not need to have the order changed if you and the other parent agree. If the changes would affect the ability of a parent to see the child under the terms of the current order, such as one parent wants to move out of state, then a petition to modify the custody order must be filed with the court.

2. Erie County must still be the proper court to review this custody case. The order which you want to modify must have come from Erie County. If the Erie County Court of Common Pleas did not enter the current order, but the child lives here now and has for at least six months, you need to file a new Complaint for Custody, rather than a modification, and attach a copy of the current custody Order to that Complaint.

3. Please note that if you are sued for custody/partial custody and an attorney represents the other party, call Northwestern Legal Services (1-800-665-6957 toll-free, or 452-6957 Erie local) to see if we can represent you. Or Apply Online at www.nwls.org . You will need to find out the name of the opposing attorney before calling.

DEFINITIONS

Plaintiff - The person who starts the lawsuit.

Defendant - The person who the Plaintiff is suing.

Physical Custody - Having the child under your actual care and control.

Legal Custody - The right to make major decisions on behalf of the child, including, but not limited to, medical, religious, and educational decisions.

Sole Legal Custody - The right to decide the child's medical care, education, religion, etc. to the exclusion of the other parent. Rarely does the court grant sole legal custody to a parent.

Shared Legal Custody - The right of both parents to participate in major decisions about the child.

Primary Physical Custody - The home of the parent where the child spends most of the time based on the number of overnight visits during the week.

Shared Physical Custody - All parties are entitled to periods of physical custody.

Sole Physical Custody - The right of one parent to have exclusive physical custody of the child.

Non-Custodial Parent - The parent with whom the child does not live most of the time.

Partial Physical Custody - The time the child is in the home of the non-custodial parent. Most non-custodial parents get partial custody with their child, typically on weekends and for periods of time during the summer.

Supervised Physical Custody - The right of the non-custodial parent to visit only if someone is supervising the visit. Supervised physical custody is only ordered if the court decides the non-custodial parent may endanger the child unless another appropriate adult is present during the visit.

Third Party - Any person who is not a natural parent of the child.

Standing - The legal right to be part of a custody suit.

Jurisdiction - The proper court in which to sue.

Best Interest of the Child - The standard the court applies in deciding what legal rights to custody and visitation each parent should have and how those rights will affect the child.

INSTRUCTIONS FOR COMPLETING CUSTODY MODIFICATION FORM

ALL FORMS SHOULD BE TYPED IF POSSIBLE, OR NEATLY PRINTED CAPTION:

- A. Fill in the names of the Plaintiff and Defendant and the Docket Number the same way they appear on the Order you wish to modify.

MODIFICATION PETITION:

- B. The following instructions correspond to each numbered paragraph in your Complaint form.
1. Fill in your full legal name and your full mailing address (street number/route/box number, city, state, zip code).
 2. Fill in the Defendant's full legal name and full mailing address (street number/route/box number, city, state, zip code).
 3. Circle whichever action you are requesting. Refer to the Definitions page which explains what each of these options mean. Then list the initials, present address, and age of the child or children involved in this case. The child/ren's full name and date of birth will be included in a confidential information form, which is addressed later. If there are more than two children, add more lines when you retype the form or print two names (neatly) per line instead of one.
 - a) Circle "was" or "was not" to indicate whether or not the child or children were born out of wedlock.
 - b) Fill in the full name and address of the person with whom the child or children now live.
 - c) List all the persons, their addresses and dates where the child has lived in the past five years.
 - d) Fill in the natural mother's full name and current address.
 - e) Circle whether she is single, married, or divorced. If she is separated but not yet divorced, this is still considered married.
 - f) Fill in the natural father's full name and current address.
 - g) Circle whether he is single, married, or divorced.
 4. Fill in your relationship to the child (mother, father, grandmother, etc.) List everyone who now lives with you and your relationship to each person.
 5. Fill in the Defendant's relationship to the child (mother, father, grandmother, etc.). List everyone who now lives with the Defendant and the relationship between the Defendant and each of those people.
 6. Circle "has" to indicate that there has been a custody case involving this child(ren) and how that case is related to this action on the line provided. Put the current docket number from the Caption on the line provided.
 - a) Circle either "has" or "has no" to indicate whether or not you know of any custody case involving this child(ren) being filed or pending in any other court

in Pennsylvania. If there is a case pending, circle “has” and write the name of the Court, the docket number, and how that case is related to this action on the line provided.

- b) Circle either “knows” or “does not know of” to indicate whether or not you know of another party who has physical custody of or claims to have custody or visitation rights to the child(ren) involved. If you do know of another party to this action, circle “knows” and write the full name and address of this person on the line provided.
7. State briefly in the space provided why you believe that what you are asking for will be best for the child.
8. List any other person that you believe has a right to be a part of the hearing concerning custody because they have standing (see Definitions). This individual must also be served with a copy of the Complaint and their name should also be listed as a Defendant in the caption.
9. If you are not a parent of the child, state the reasons that you have standing.
 - a) If you are a grandparent seeking physical and/or legal custody, state the facts that prove you have standing by showing the relationship either began with consent of the parent or by court order; you are willing to assume responsibility for the child; and one of the following: the child was determined to be a dependent, the child is substantially at risk due to parental abuse, neglect, drug/alcohol abuse or incapacity, or the child has resided with you for at least 12 months (must file within 6 months of the child leaving your home).
 - b) If you are a grandparent seeking partial physical custody or supervised physical custody then you must state the facts that prove you have standing by showing one of the following: the parent of the child is deceased; the parents of the child have been separated for a period of at least six months or are divorced; or the child has resided with the grandparent for at least 12 months (the complaint must be filed within 6 months of the child leaving your home).
 - c) If you are seeking physical custody and/or legal custody and stand in loco parentis to the child (you have been the primary care giver for a long time) then you must state facts that prove why you have in loco parentis standing.
10. States that you have attached the Criminal Record/Abuse History Verification form to the complaint. You must complete the Criminal Record/Abuse History Verification form for you and anyone living in your home and attach it to the Complaint that you file with the Court. At the first Court hearing, the forms will be reviewed and it will be determined if further evaluation or counseling is required. You must also include a blank copy for the other party to complete along with the copy of the complaint you serve on them. An updated Criminal Record/Abuse History form must be filed five (5) days before the trial.

- C. On the line beginning with “Wherefore” write in whatever it is that you are requesting (what you circled in paragraph 3 of the Petition).
- D. The last paragraph is a verification statement that all the information you have listed in the Petition is true. Date and sign your full name beneath the verification paragraph.
- E. Attach a copy of the order you are asking the court to modify.
- F. Complete the Entry of Appearance as a Self-Represented Party. In section 2, if you were represented by an attorney at your prior hearing, check “This is not a new case...”, write that attorney’s name in the blank, and either select that you have attached a copy of that attorney’s Withdrawal from your prior case, OR that you will notify that attorney by sending a copy of this notice to him/her. If you represented yourself at the prior hearing, write N/A on the line where the attorney’s name should go.

CONFIDENTIAL INFORMATION FORM: As of January 6, 2018, all confidential information must be submitted to the court on a separate document that is filed with your other documents. Confidential information is:

1. Social Security Numbers
 2. Financial Account Numbers
 3. Driver License Numbers
 4. State Identification (SID) Numbers
 5. Minor’s names and dates of birth except when minor is charged as a defendant in a criminal matter. Minor is a person under the age of 18.
 6. Abuse victim’s address and other contact information, including employer’s name, address and work schedule, in family court actions, except for victim’s name. “Abuse Victim” is a person who has obtained either a Protection from Abuse Order or a Protection of Sexual Violence or Intimidation Order. This information is provided on a separate Abuse Victim Addendum Form. Note that this does not merely apply to you. If you know that a person’s information will be shared who would be included in this definition, including the opposing party, you should complete this form and only include that information on this form.
- A. Fill in names of the Plaintiff and Defendant and the same Docket Number from above.
 - B. Fill in the name of the pleading, in this case Modification Petition, and the date you file this pleading.
 - C. In the “This Information Pertains to:” box fill in one child’s initials, full name, and date of birth. If you have more than one child, go to the next section and repeat, filling in the next child’s initials, full name, and date of birth. *It is important to only provide the confidential information needed to the court*
 - D. Put the number of pages you used for this, including the page this number is on.
 - E. Sign your name.

- F. Date.
- G. Fill in your name.
- H. Fill in your address.
- I. Fill in your telephone number.
- J. Fill in your email (only if you have one that is appropriate to provide to the court).
- K. If it is necessary to use the Abuse Victim Addendum
 - 1. Fill in the Abuse Victim's name.
 - 2. Fill in the Abuse Victim's address *Do not include information other than the abuse victim's address unless it is somehow necessary to the pleading.*
 - 3. If there is more than one Abuse Victim, go to the next section filling in the next Abuse Victim's name and address.

CRIMINAL RECORD/ABUSE HISTORY VERIFICATION:

- A. Complete the caption the same as the Modification Petition.
- B. In the first paragraph, type or neatly print in your full name in the blank space.
- C. For number 1, check the box for every crime that you or anyone else living in your household have been convicted of, plead guilty or no contest to, or was adjudicated delinquent, including pending charges. Indicate if it is for you or another household member, the date, and sentence. If there are none, leave blank.
- D. For number 2, check the box next to each item listed to indicate if you or any other members of your household have been found to have a history of violence or abuse by a Children & Youth agency, PFA Order, or any other similar finding. Indicate if it is for you or another household member and the date of the finding. If there is none, leave blank.
- E. For number 3, list any evaluation, counseling, or treatment received following each conviction or finding of abuse. If there was none, write N/A.
- F. For number 4, if any convictions you check are for someone else in your household who is not one of the parties in this custody action, you must write the full name(s), date(s) of birth, and relationship to the child or children in question.
- G. For number 5, if you are aware of any convictions or findings of abuse that the other party or anyone else living in the other party's household has, write what you know here.
- H. Under the verification paragraph, sign your name on the top line, and then print your name on the line beneath it.

INSTRUCTIONS FOR FILING YOUR MODIFICATION PETITION

- A. Make three (3) photo copies of your completed Modification Petition, Criminal Record/Abuse History form, and Entry of Appearance, plus the original, for a total of four (4). If there are more than two (2) parties to your custody action you will need to fill out one (1) additional form for each person.
- B. IF YOU ARE FILING A PETITION TO PROCEED IN FORMA PAUPERIS, YOU MUST PRESENT YOUR PETITION IN MOTION COURT AND GET THE ORDER SIGNED BEFORE YOU FILE YOUR MODIFICATION PETITION. MOTION COURT IS HELD **MONDAY - THURSDAY MORNINGS AT 9:00AM** IN THE COURTROOM OF THE FAMILY COURT JUDGE WHO IS DESIGNATED TO HEAR MOTIONS THAT PARTICULAR WEEK.

Check the Assignment Board on the 2nd Floor of the Erie County Court House to see which Judge is assigned to Family Court motions.

- C. Take your completed forms and copies to:

Erie County Courthouse
The Office of Custody Conciliation
Ground Floor, Room 02
140 West 6th Street
Erie, PA 16501

The office is open from 8:30 a.m. to 4:30 p.m. but is closed from 12:00 p.m. to 1:00 p.m. for lunch.

- D. A conference scheduling order will be attached to your paperwork.
- E. Take the original Modification Petition and your copies to the Prothonotary Office on the first floor of the Courthouse, Room 120. They will keep the original Modification Petition and certify your copies and return them to you.
- F. Take one of the copies back to the Custody Conciliator's office.
- G. **SERVING THE PETITION FOR MODIFICATION:** You are to mail a copy of the petition and scheduling order to the other party/ies by regular first class mail or certified restricted delivery. You must complete the Certificate of Service for the regular first class mail and present that on the day of your conference or the signed green card returned to you by the Post Office will be your proof of service.

Blank Custody Forms

- ❖ **Petition for Modification**
- ❖ **Criminal Record/Abuse History Verification (2)**
- ❖ **Certificate of Service**
- ❖ **Petition for Leave to Proceed In Forma Pauperis (IFP)**
- ❖ **Family Motion Coversheet & Notice**
- ❖ **Entry of Appearance as a Self-Represented Party**
- ❖ **Confidential Information Forms**

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	
vs.	:	OF ERIE COUNTY, PENNSYLVANIA
_____	:	
Defendant	:	DOCKET NO.

MODIFICATION PETITION

1. The plaintiff is _____ residing at _____
(city, state & zip code)
2. The defendant is _____ residing at _____
(city, state & zip code)
3. The plaintiff seeks (*shared legal custody*) (*sole legal custody*) (*partial physical custody*) (*primary physical custody*) (*shared physical custody*) (*sole physical custody*) (*supervised physical custody*) of the following child/ren:

<u>Initials (of Child/ren)</u>	<u>Present Address (of Child/ren)</u>	<u>Age (of Child/ren)</u>
_____	_____	_____
_____	_____	_____

- a) The child/ren (was) (was not) born out of wedlock.
- b) The child/ren is presently in the custody of _____ who resides at _____
- c) During the past five (5) years, the child/ren has resided with the following persons and at the following addresses:

<u>List the Persons</u>	<u>List the Addresses</u>	<u>Dates</u>
_____	_____	_____
_____	_____	_____
- d) The mother of the child/ren is _____, currently residing at _____.
- e) She is (married) (divorced) or (single).
- f) The father of the child/ren is _____, currently residing at _____.
- g) He is (married) (divorced) or (single).

4. The relationship of the plaintiff to the child/ren is that of _____. The plaintiff currently resides with the following persons:

Name of Persons

Relationship to Plaintiff

5. The relationship of the defendant to the child/ren is that of _____. The defendant currently resides with the following persons:

Name of Persons

Relationship to Defendant

6. The plaintiff (has) (has not) participated as a party or witness, or in another capacity, in other litigation (*court case*) concerning the custody of the child/ren in this or another Court. The Court term and number and its relationship to this action is:

a) The plaintiff (has) (has no) information of a Custody proceeding concerning the child/ren pending in a Court of this Commonwealth or any other state. The Court term and number and its relationship to this action is: _____

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

7. The best interest and permanent welfare of the child/ren will be served by granting the relief requested because: _____

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

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9. I am not a parent of the child/ren, nevertheless, I have standing for the following reason:
- a) If the plaintiff is a grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody pursuant to 23 Pa.C.S. §5323, you must plead facts establishing standing pursuant to 23 Pa.C.S. §5324(3). _____
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- b) If the plaintiff is a grandparent or great-grandparent who is seeking partial physical custody or supervised physical custody pursuant to 23 Pa.C.S. §5325 you must plead facts establishing standing pursuant to §5325. _____
-
- c) If the plaintiff is a person seeking physical and/or legal custody pursuant to 23 Pa.C.S. §5324(2) as a person who stands in loco parentis to the child/ren, you must plead facts establishing standing. _____
-

10. I have attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. 1915.3-2.

(You must file and serve with your Complaint for Custody a completed verification regarding any criminal or abuse history of your own and anyone living in your household. You must also attach a blank verification form to your Complaint for Custody for the defendant to file and serve. A form Criminal Record or Abuse History Verification form is available at eriecountygov.org/custody).

Wherefore, the plaintiff requests the Court to grant _____ .
(List here what it is you are seeking, whether it is shared legal custody, sole legal custody, partial physical custody, primary physical custody, shared physical custody, sole physical custody, supervised physical custody)

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

 Date

 Signature

Plaintiff

VS.

Defendant

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
: FAMILY DIVISION - CUSTODY
:
: NO.

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 structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

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|--------------------------|---|--------------------------|--------------------------|-------|-------|
| <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. §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 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"/> 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

You must complete this form every time that you file a custody complaint or any petition for modification. The completed form must be served and filed with your complaint or petition. You must also serve a blank version of this form with your complaint or petition for the other party to complete. If you are the respondent to a complaint or petition, you must file this form before your custody conference (but no later than 30 days after the petitioner serves the complaint or petition upon you). All parties must also file and serve an updated version of this form five days prior to any custody trial.

Plaintiff

VS.

Defendant

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
: FAMILY DIVISION - CUSTODY
:
: NO.

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 structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

- | | | | | | |
|--------------------------|---|--------------------------|--------------------------|-------|-------|
| <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. §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 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"/> 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

You must complete this form every time that you file a custody complaint or any petition for modification. The completed form must be served and filed with your complaint or petition. You must also serve a blank version of this form with your complaint or petition for the other party to complete. If you are the respondent to a complaint or petition, you must file this form before your custody conference (but no later than 30 days after the petitioner serves the complaint or petition upon you). All parties must also file and serve an updated version of this form five days prior to any custody trial.

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	
vs.	:	OF ERIE COUNTY, PENNSYLVANIA
_____	:	
Defendant	:	DOCKET NO.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petition for Modification and Scheduling Order for the custody conference scheduled for _____ (date) at _____ (time) were served on (names and addresses where served):

and in the following manner (describe manner of service for each person served—i.e. certified mail and/or regular mail; give the date and time of service)

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

Date: _____

 (Signature of Petitioner)

 (Print Name)

	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	
v.	:	OF ERIE COUNTY, PENNSYLVANIA
	:	CIVIL DIVISION
	:	
Defendant	:	NO.

PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

1. I am the Plaintiff/Defendant listed above. Because of my financial condition, I am unable to pay the required fees.

2. Have you ever applied for an In Forma Pauperis (IFP) in the past? ___yes ___no.
 If so, was it granted? ___yes ___no.
 If not, please state why. _____

3. If you have petitioned for an IFP in the past, have your financial circumstances changed since the last request? ___yes ___no.
 If yes, please briefly explain that change. _____

 _____.

4. I am unable to obtain funds from anyone, including my family and friends, to pay the costs.

5. I represent that the information below relating to my ability to pay the fees and costs is true and correct:
 - a. Name: _____
 Address: _____
 City, State, & ZIP: _____

 - b. EMPLOYMENT
 If presently employed, state Employer: _____
 Address: _____
 City, State, & ZIP: _____
 Wages/salary per month: _____
 Type of work: _____
 If presently unemployed, state date of last employment: _____
 Wages/salary per month: _____
 Type of work: _____
 Reason no longer employed at last job: _____

 - c. OTHER INCOME WITHIN PAST TWELVE MONTHS
 Business/Profession: _____
 Other self-employment: _____
 Interest: _____ Dividends: _____
 Pension and annuities: _____
 Social Security benefits: _____
 Support payments: _____
 Disability payments: _____
 Unemployment compensation and supplemental benefits: _____
 Workers' compensation: _____
 Public Assistance: _____
 Other: _____

d. OTHER CONTRIBUTIONS TO HOUSEHOLD SUPPORT

Name of spouse/significant other: _____
If your spouse is employed, state employer: _____
Wages/salary per month: _____
Type of work: _____
Contributions from Children: _____
Contributions from Parents: _____
Other Contributions: _____

e. PROPERTY OWNED

Cash: _____
Checking Account: _____
Savings Account: _____
Certificates of Deposit: _____
Real Estate (including home): _____
Motor Vehicle: Make: _____ Year: _____
 Cost: _____ Amount now owed: _____
Stocks/bonds: _____
Other: _____

f. DEBTS AND OBLIGATIONS

Mortgage: _____ Rent: _____
Loans: _____
Other: _____

g. PERSONS DEPENDENT UPON YOU FOR SUPPORT

Name of spouse: _____
Children, if any: _____
Name: _____ Age: _____
 _____ Age: _____
 _____ Age: _____
Other persons:
Name: _____ Relationship: _____

6. I understand that I have a continuing obligation to inform the Court of any improvement in my financial circumstances which would permit me to pay the costs.

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

Wherefore, I request the Honorable Court to enter an Order granting me leave to file an action as an indigent party without the necessity of paying any filing fees or costs.

DATE: _____ Petitioner: _____

ORDER

AND NOW, to-wit, this _____ day of _____, the above Petition for Leave to Proceed In Forma Pauperis is _____ as it pertains to the filing fees of the Prothonotary office in this matter.

BY THE COURT:

Judge

DATE: _____ HEARING REQUIRED: YES NO

MOTIONS JUDGE: _____

HEARING JUDGE: _____ N/A _____

CAPTION: _____ VS. _____

DOCKET NO.: _____

**FAMILY / ORPHAN'S DIVISION
MOTION COVER SHEET AND NOTICE**

You are hereby notified that the attached motion/petition will be presented by me on:

_____, _____:

- to the Court Administrator as a contested matter:
- to Motion Court at 9:00 a.m.

**CERTIFICATION OF NOTICE AND SERVICE
(To be completed for Motion Court presentation)**

The undersigned represents that a copy of this motion and proposed order have been serviced upon all parties or their counsel of record on _____, _____ in accordance with:

- A. Local Rule No. 440, hereby providing:
 - Two full business days prior notice by hand delivery, fax,
 - Five full business days prior notice by mail; or
- B. Local Orphan's Court Rule 12 for Special Petitions, thereby providing:
 - Ten full business days written notice.

UNCONTESTED MOTION CERTIFICATE

The undersigned represents that:

- All parties or counsel have consented and consents are attached.
- The Order seeks only a return hearing or argument date and no other relief.

INFORMATION FOR COURT ADMINISTRATOR

- A. If a Judge has heard previously, please identify:
 - DiSantis Dunlavey
 - Kelly Cunningham Connelly
 - Trucilla Domitrovich
 - Bozza Garhart

B. Estimated court time required _____ minutes _____ hours _____ days

C. Is this motion / position opposed? yes no unknown

(OVER)

FAMILY COURT MOTIONS

CUSTODY: Petition/Motion relating to:

- Temporary custody
- Approval of custody agreement
- Waive attendance at sem
- Custody Other: IFP
- Special relief (Cust)
- Cust Contempt
- Continuance (Cust)
- Counsel fees & expenses(Cust)

DIVORCE: Petition/Motion relating to:

- Exclusive possession of property
- Bifurcation
- Filing Inven/Pre-Trial Stmt
- Waive Attendance at sem
- Alimony Pende Lite
- Divorce Other: _____
- Approve QDRO
- Divorce Contempt
- Divorce, Special Relief
- Amend pleadings divorce
- Counsel fees & expenses(Divo)

SUPPORT: Petition/Motion relating to:

- Cont conf/de novo hrg (support)
- Support Other: _____
- Paternity/Blood tests
- Support Contempt

ORPHANS' COURT MOTIONS

DECEDENTS' ESTATES: Petition/Motion relating to: **ADOPTIONS:** Petition for:

- Inheritance Tax Return
- Family Exemption
- Settlement of Small Estate
- Approval of sale of property
- App settlement/Wrongful Death, et
- Decedents' Estates Other: _____
- Adoption
- Voluntary Relinquishment
- Involuntary Termination
- Confirm Consent Adop
- Adoption Other: _____

MINOR'S ESTATES: Petition for:

- Appr Set of Minor's Claim
- Auth to Release Funds from Minor's Account
- Minor's Estates Other: _____

GUARDIANSHIPS: Petition for:

- Minor guardianship
- Alleged Incapacitated
- Emergency Intervention
- Discharge/Sub/Guardian
- Guardianship Other: _____

I hereby certify all of the above statements are true and correct.

By _____ Name(s) of opposing counsel or pro se litigants
 Plaintiff Defendant _____

_____ : IN THE COURT OF COMMON PLEAS
 Plaintiff :
 v. : OF ERIE COUNTY, PENNSYLVANIA
 _____ :
 Defendant : DOCKET NO. _____

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

Please complete each section by marking the boxes and providing all applicable information.

Section 1

In the above captioned matter I am the (choose one) Plaintiff Defendant

I have chosen not to be represented by an attorney for the following action (choose one)

Custody Divorce Support Protection from Abuse Paternity Case

Section 2 (choose one)

This is a new case in which I will be representing myself and have chosen not to hire an attorney.

This is not a new case and Attorney _____ previously represented me. I have chosen not to be represented by said attorney and request the attorney of record be removed as my counsel.

(If you choose this option, you must check one of the following boxes)

The Withdrawal of Appearance signed by Attorney _____ is attached.

I will send a copy of this notice to Attorney _____ who previously represented me.

Section 3

My entire Address for the purpose of receiving all future pleadings and other legal notices is:

This is my home address This is not my home address

_____ City, State _____ Zip Code
 Number and Street or P.O. Box

_____ Fax number (optional) _____ Email address (optional)
 Telephone number

I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER IS CHANGED AND MUST PROVIDE A COPY OF THIS FORM TO THE COURT OFFICE ADMINISTERING MY CASE (i.e. Domestic Relations Office, Custody Office or PFA Office) ALL ATTORNEYS OF RECORD AND SELF-REPRESENTED PARTIES INVOLVED IN THIS CASE. I FURTHER UNDERSTAND THAT IF I PROVIDE A FAX NUMBER OR EMAIL ADDRESS ABOVE THAT I AM AGREEING TO ACCEPT SERVICE OF PLEADINGS AND NOTICES VIA ONE OF THOSE ELECTRONIC MEANS, RATHER THAN PAPER COPY.

I understand that by deciding to represent myself, the Court will hold me to standards of knowledge regarding the statutory law, evidence law, Local and State Rules of Procedure and applicable case law and that I must be fully prepared to meet those responsibilities.

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

_____ Date _____ Signature

After filling out this form, you must file it with the Prothonotary in Room 120 of the Erie County Courthouse. You must also give a copy to all other self-represented parties and all attorneys of record.