

**Northwestern Legal Services**  
***Pro Se Custody Clinic***

Northwestern Legal Services  
1243 Liberty Street, Suite 420  
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814-437-3028

## Representing Yourself in a Custody Case

Northwestern Legal Services is presenting this program to assist you in understanding the legal issues involved in filing a Custody Complaint, and to explain how to complete the forms, file them, serve them and how to navigate the hearing process.

We will not be preparing the forms for you and will not be representing you at your hearing if you do decide to file a Custody Complaint with the Court. We will, however, be talking about what you should consider in deciding whether to take your custody problem to the Court and how to best represent yourself if you decide to do so.

## General Information on Custody

1. Both parents have a right to have a relationship with their child, and a child has a right to have a relationship with both parents. Usually it is best for the child if both parents can agree about custody and visitation. If an agreement cannot be reached and a Custody Complaint is filed with the Court, then the Court will decide what it believes is in the child's best interest.
2. If you and the other parent cannot agree and you file a Custody Complaint, be sure that you know what it is that you want and why you want this arrangement. Remember that the Court will almost always give the other parent extended visits with the child outside of your home, so be sure to think through your proposal to see if it seems reasonable.
3. Sometimes, it is best to take no action to have the issue of custody or visitation decided. If there have been no problems with the other parent, or the other parent has not attempted to visit the child in a while, there should be no reason to file a Custody Complaint. Since the court will *most likely* give the other parent liberal periods of time with the child, such as every other weekend, holidays and a period of time in the summer, it may be better for you and your child to simply keep the current arrangement and to make the other parent file a Custody Complaint in the future if he/she wants to change the present schedule.
4. If you are sued for Custody, read the Complaint carefully so that you know what arrangement the other parent believes is in the best interests of the child. If you can talk with the other parent without fighting, it is possible that you can work out an agreement before the hearing. If the Custody Complaint is filed by the other parent's attorney, and you would like representation at the Mediation Conference, then contact Northwestern Legal Services to see if we can represent you at that hearing.
5. It is up to each party to obey the Custody Order which you will receive after the Mediation Conference. If the other parent is not following the Order, you should keep track of the incidents and notify the other parent in writing that you expect the Order to be followed. If the violations of the Order are serious, such as the other parent refuses to bring the child back after a period of partial custody, or refuses to allow you to visit the child on the schedule which was ordered by the Court, then you may file a Petition for Civil Contempt which would result in a hearing before the Judge to determine if the other parent should be punished for disobeying the Order.
6. The Custody Order can always be changed as long as both parents agree to the changes. If the changes are major, such as where the child will live, it is best to file the attached Motion to Modify Custody. If the changes are minor, such as what time the child will be picked up for a visit, then there is no need to change the Order as long as both of you agree to the changes.

7. Normally, the Court will grant custodial rights to biological parents, only. However, if someone else, such as a grandparent, aunt/uncle, sibling, or a close family friend feels that the child would be better off with them, then they will have to prove a great deal more to be given custody than either of the child's parents will be required to prove. If the child is now living with someone other than a parent, then this person must be listed as a Defendant in your Custody Complaint along with the other parent, and this person must also be served with a copy of the Complaint so that he/she can attend the hearing.
  
8. The Venango County Court of Common Pleas requires parents to attend a seminar called "Helping Families Cope with Divorce & Custody." This seminar, which is offered periodically by the Venango County Office of Economic Opportunity (OEO), is held at OEO's office at the Human Services Complex, 1 Dale Avenue in Franklin, Venango County, Pennsylvania. You may pre-register for this seminar by calling OEO at (814) 432-9773. There is a participant fee of \$10.00 which may be reduced if you meet certain income guidelines.

**Instructions for Completing the Custody Forms if you DO have a current  
Custody Order**

**THE INFORMATION REQUESTED IN THE FOLLOWING FORMS SHOULD BE  
TYPED OR NEATLY PRINTED IN THE BLANKS PROVIDED**

A. Body of Petition for Modification:

- 1) Complete the caption of the Petition by filling-in the names of the parties exactly as they are found on your previous order of court. Also use the same civil number found on your previous court order.
- 2) At number “1”, fill-in your name after the words “petition of”. Then fill-in the date of your previous court order after the words “respectfully represents that on”. Attach a copy of your previous court order to the Petition.
- 3) At number “2”, explain why you believe the previous court order should be modified. For example, have you or the other parent moved, has the other parent’s situation gotten worse or has yours gotten better, or does the child now express an interest that he/she wants to live with you primarily? Remember that space is limited, so here you will want to hit only the highlights. At the Mediation Conference, you can tell the Mediator and other party the details of why you want custody to be modified.
- 4) Next, sign the Petition in the space provided. Underneath your signature, please provide your current mailing address and telephone number.
- 5) Next, read the “verification statement”. If it is in fact true that all of the information that you provided in your Petition is true and correct, then sign and date the verification on the lines provided.
- 6) When you file a Petition for Modification, you do not have to go through the extensive and somewhat burdensome steps which are required to make service when you file an original Complaint for Custody. Here, you simply must serve the other party by first class mail, postage pre-paid.

Therefore, in the spaces and lines provided, insert the date of service (or anticipated date of service since you will be filing the Petition before you serve it) and the address to which you will be mailing the motion. Then sign the motion again on the line above where it says “petitioner”.

B. Scheduling Order of Petition for Modification:

- 1) Complete the caption of the scheduling order in exactly the same way that you completed the caption of the Petition.

- 2) In the first line of the scheduling order, after the word “you” insert the name of the other party. After the word “child(ren)” insert the name(s) of the child or children who are the subject of your case.
- 3) Leave the lines and spaces blank which discuss the date and time of the Mediation Conference. The Court will assign the date and time.
- 4) After the words “BY THE COURT”, leave the lines for the date and the Judge’s signature blank. The Judge will sign and date the order.
- 5) Last, as the Court has to mail the order to you to let you know when your Mediation Conference is scheduled for, you must place your name and mailing address, and the other party’s name and mailing address after the abbreviation “cc:”. This abbreviation stands for “carbon copy”.

IN THE COURT OF COMMON PLEAS OF VENANGO COUNTY, PENNSYLVANIA

\_\_\_\_\_, :  
Plaintiff--Petitioner/Respondent : CIVIL ACTION--LAW  
vs. :  
 :  
 : Civ. No.  
\_\_\_\_\_, :  
Defendant--Respondent/Petitioner :

**PETITION FOR MODIFICATION OF A PARTIAL CUSTODY OR VISITATION ORDER**

1. The petition of \_\_\_\_\_ respectfully represents that on \_\_\_\_\_, 20\_\_ an Order of Court was entered for Partial Custody and/or Visitation, a true and correct copy of which is attached.
2. This Order should be modified because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
WHEREFORE, Petitioner requests that this Court modify the existing Order for Partial Custody and/or Visitation because it will be in the best interest of the child(ren).

\_\_\_\_\_  
Petitioner's Signature

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

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's Signature

I certify that I served a true and correct copy of this pleading by first class mail, postage prepaid on the Respondent on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at the address listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Petitioner's Signature

**IN THE COURT OF COMMON PLEAS OF VENANGO COUNTY, PENNSYLVANIA**

\_\_\_\_\_, :  
**Plaintiff–Petitioner/Respondent** : **CIVIL ACTION–LAW**  
vs. :  
: **Civ. No.**  
\_\_\_\_\_, :  
**Defendant–Respondent/Petitioner** :

**ORDER OF COURT**

You, \_\_\_\_\_, Respondent, have been sued in court to modify custody, partial custody or visitation of the child(ren): \_\_\_\_\_.

\_\_\_\_\_ Esquire, is appointed Mediator, for the purpose of conducting a conference with respect to the issues raised in the Petition. The Mediator shall conduct such a conference and shall report to the Court as to whether or not the issues raised in the Petition are capable of resolution by agreement between the parties. The Mediator shall confer with the parties and make every effort to achieve negotiated resolutions of the issues raised in the Petition. No testimony will be taken at the mediation conference. The parties should bring with them any relevant expert reports. If no such resolution can be achieved, the Mediator shall so report to the Court. He/She shall also submit an interim proposed order, which shall include a hearing date before the Court.

You are ordered to appear for the mediation conference which is scheduled for \_\_\_\_\_ (day and date), at \_\_\_\_\_, \_\_\_\_M. (time).

If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you or the court may issue a warrant for your arrest.

Plaintiff and Defendant are directed to attend the court-sponsored seminar “Helping Families Cope with Divorce and Custody” coordinated by Venango County O.E.O. Brochures concerning the services are available in the Prothonotary’s Office and Judge’s Office, or you may call (814) 432-9768. The Court will not finalize this proceeding until both parties have attended the seminar.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER , GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

NORTHWESTERN LEGAL SERVICES  
1001 STATE STREET, SUITE 700  
ERIE, PA 16701  
TELEPHONE NO: (800) 655-6957

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Venango County is required by law to comply with the 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.

BY THE COURT:

Date: \_\_\_\_\_

\_\_\_\_\_

J.

cc: