

Northwestern Legal Services

Pro Se Custody Clinic

Northwestern Legal Services
1243 Liberty Street, Suite 420
Franklin, PA 16323
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 a 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 NOT have a
current Custody Order**

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

A. **THE COMPLAINT:**

1. The Scheduling Order:

a. In the caption¹ of the Scheduling Order:

- (1) You are the plaintiff. Type or print your full name above the word “Plaintiff” in the caption.
- (2) The other parent or the person who currently has physical possession of the child is the defendant. Type or print that person’s full name above the word “Defendant”.
- (3) Leave the civil number (in the order it is abbreviated “Civ. No.”) blank. Your case will be assigned a number when you file your Complaint with the Court.

b. As you are suing the defendant for custody, place the defendant’s full name after the word “you” in the blank in the first line of the scheduling order.

c. Place the names of the child or children who are at issue in your case in the blank after the words “rights of”.

d. Leave the name of the Custody Mediator—*the blank line before the word “Esquire”*— blank (the Court will appoint this person).

e. Also, leave the date, time and place of the Mediation Conference blank (the Court will set the date, time and place).

f. Additionally, on the last page of the scheduling order, leave the blank above the word “Judge” and the date blank (the Judge assigned to your case will sign and date the order when he approves it).

g. 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 defendant’s name and mailing address after the

¹ The caption, which is found at the top of legal pleadings, identifies the parties, the cause of action, the court, and the number assigned to your case.

abbreviation “cc:”. This abbreviation stands for “carbon copy”.

2. The Body of the Complaint:

- a. Complete the caption in the same way as you did on the Scheduling Order per instruction A.(1)(a) above.
- b. As you are the plaintiff, at number “1” of the Complaint, fill in your full name, your mailing address (street address, city, state, zip code and county), and telephone number.
- c. At number “2”, fill in the defendant’s full name, mailing address (street address, city, state, zip code and county), and telephone number.
- d. At number “3”, list the full name, present address and age of the child or children involved in the case.
- e. At number “4”, cross out the verb set which does not apply to your situation (that is, “was” or “was not”) regarding whether you and the defendant were married when the child was born.
- f. At number “5”, fill in the blank with the full name and address of the person with whom the child or children now live.
- g. At number “6”, list all of the persons, addresses and dates where the child has lived in the past five years.
- h. At number “7”, fill in the biological mother’s full name and current address. Indicate her marital status, that is, whether she is single, married or divorced.
- i. At number “8”, fill in the biological father’s full name and current address. Indicate his marital status, that is, whether he is single, married or divorced.
- i. At number “9”, state your relationship to the child (mother, father, grandmother, etc). List everyone who now lives with you and your relationship to each of these persons.
- k. At number “10”, state the defendant’s relationship to the child (mother, father, grandmother, etc). List everyone who now lives with the defendant and the defendant’s relationship to each of these persons.
- l. At number “11”, cross-out whichever verb set does not apply. For example, if this is the first time that you have participated as a party or witness in litigation concerning this child, then cross-out “has”. On the other hand, if you previously were a party or witness in a case involving

this child in **any kind** of court case before, such as a Dependency proceeding or a Protection from Abuse proceeding, then cross-out “has not” and write the name of the court, the civil number of that case, and its relationship to the present case in the space provided.

- m. At number “12”, cross-out whichever verb set does not apply concerning whether you know of any other **custody case** which has been filed in another court concerning this child. If there was a previous **custody case** involving this child in **any** court—whether in this Commonwealth or another State—then write the name of that court, the civil number of that case, and its relationship to the present case in the space provided.
 - n. At number “13”, cross-out whichever verb set does not apply. For example, if no one else has physical custody of the child or claims a right to have physical custody, then cross-out “knows”. However, if you know the child is living with someone other than you or the defendant, or that someone else, such as, a grandparent, claims to have a right to custody, then cross-out “does not know”. If the latter is the case, then write down the full name and current address of the person who has custody or claims to have a right to custody in the space provided.
 - o. At number “14”, state briefly why you believe what you are asking for will be in the best interests of the child. This may be the most important part of the Complaint. This is where you tell the Court, the Mediator, and the other party what you believe is in the child’s best interests and why. You may have a lot to say at this point. But remember, that your space is limited. You will want to hit only the highlights, such as, “my housing situation is more stable than the defendant’s”; “I take better care of the child”; or “the child does better in school when she/he resides with me”. You can explain the details of your positions to the other party and the Mediator at the Mediation Conference.
 - p. At number “15”, list any other person that you believe has a legal right to be a part of the hearing concerning custody. Someone may have a legal right because they have had possession, that is, custody of the child for a substantial and continuous amount of time. For example, a grandparent, in certain situations, by law may have a legal right to be part of the custody hearing.
2. The “wherefore clause” simply summarizes what you are asking the court to do, that is, to grant you custody of the child.
 3. Sign your full name to the Complaint in blue ink on the line provided after the words “respectfully submitted”.

B. VERIFICATION:

The “Verification”, which is required by the Court, says that all of the information which you have provided in the Complaint is true and correct. If this is the case, then sign this form.

C. IN FORMA PAUPERIS:

You can expect that the Prothonotary will charge you a fee somewhere between \$80.00 and \$100.00 to file your Complaint. The Sheriff’s fee for service will run around \$50.00. If you can afford to pay these fees then you should do so. However, if you have to choose between buying food for your children and paying the filing fee, then you should ask the Court to waive its fees.

If you wish to ask the Court to waive its fees, then you must file pleadings called a “Praecipe to Proceed *In Forma Pauperis*” and an “Affidavit in Support of Praecipe to Proceed *In Forma Pauperis*”. A copy of these pleadings is included in this packet after the Complaint. Detailed instructions on how to complete these pleadings is also included.

D. MAKE COPIES OF YOUR COMPLAINT & FILE IT:

1. Before you file your Complaint you will need to make *three copies* of the Complaint. You will then file the original (the one that you signed in blue ink) and your three copies at the Prothonotary’s Office which is located on the 1st floor of the Venango County Courthouse, 1168 Liberty Street, Franklin, Pennsylvania. The Prothonotary’s Office will write the docket number on the Complaint and copies. It will then keep the original Complaint and return the copies to you.
2. If you can afford to pay the Prothonotary’s filing fee, you will want to bring a check, money order or cash with you and pay the Prothonotary at this time.
3. If you cannot afford to pay the Prothonotary’s filing fee, then you should file the original and *one copy* of the Praecipe to Proceed *In Forma Pauperis* and the supporting Affidavit at the Prothonotary’s Office at this time.

E. SERVING THE COPIES OF YOUR COMPLAINT:

Obviously, for the defendant to be able to participate in your custody case, he/she must know that you sued him/her for custody of your child. The Court will not notify him/her and the Court will not schedule a Mediation Conference until the defendant is notified.² When you have properly notified the defendant of your lawsuit, then it is said that you have properly “served”

² Incidentally, if a Mediation Conference is somehow scheduled and held without the defendant being properly notified, then the Court will reverse whatever you achieved at the Mediation Conference and force you to notify the defendant properly.

the defendant. You must serve the defendant within thirty (30) days of filing your Complaint. See the instructions below for the four alternative ways to make service.

“Helping Families Cope with Divorce and Custody” Seminar

As stated above, the parties in a custody case must, within certain time limitations, complete the seminar called “Helping to Cope with Divorce and Custody” which is offered by the Venango County Office of Economic Opportunity (“OEO”). Both Plaintiff and Defendant are required to attend this seminar.

This packet includes a brochure/application that you must complete and return to OEO’s office at the Human Services Complex, 1 Dale Avenue, Franklin, Pa 16323. There is a fee of \$10.00 for attendance at the seminar. This fee will be required even if you are granted *In Forma Pauperis* status. If you cannot afford the \$10.00 fee, then you must ask the OEO office if they can reduce or waive this fee. Please call (814) 432-9773 if you have any questions.

DEFINITIONS

PLAINTIFF - the person who starts the lawsuit

DEFENDANT - the person who is being sued

CHILD - Any unemancipated person under 18 years of age.

LEGAL CUSTODY - the legal right to make major decisions affecting the best interests of a minor child, including but not limited to, medical, religious and educational decisions

PHYSICAL CUSTODY - the actual physical possession and control of a child

SHARED CUSTODY – shared legal or shared physical custody, or both, of a child in such a way as to assure the child of frequent and continuing contact, including physical access, to both parents

PARTIAL CUSTODY – the right to take possession of a child away from the custodial person for a certain period of time

VISITATION - the right to visit a child, but does not include the right to remove the child from the custodial person's control

SUPERVISED VISITATION - the right to visit the child while someone else is supervising the visit

PRIMARY RESIDENCE - the home of the parent where the child spends most of the time

NON-CUSTODIAL PARENT - the parent who has custodial rights, but with whom the child does not live with most of the time

THIRD PARTY - any person who is not a natural parent of the child

STANDING - the legal right to be a part of a custody lawsuit

JURISDICTION - the power of the Court to decide your custody case

VENUE – the proper Court in which to have your custody case heard

BEST INTEREST OF THE CHILD - the factors which the Court looks at in deciding with whom and where the child should reside

		: IN THE COURT OF COMMON PLEAS OF
Plaintiff		: VENANGO COUNTY, PENNSYLVANIA
		:
vs.		: CIVIL DIVISION—CUSTODY ACTION
		:
		: CIV. NO: _____
Defendant		:

ORDER OF COURT

You, _____, have been sued in Court to modify custody, partial custody, and/or visitation rights of _____.

_____, 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:

_____ at _____.

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 service are available in the Prothonotary’s Office and Judge’s Office, or you may call (814) 432-9773. The Court will not finalize this proceeding until both parties have attended the seminar.

A video tape which explains the mediation process is available for viewing at every public library within Venango County, the County Law Library (by appointment only) and Northwestern Legal Services.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE

THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Northwestern Legal Services
1001 State Street, Suite 700
Erie, PA 16501
Telephone: 1-800-665-6957

The Court of Common Pleas of Venango County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be 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: _____

Judge

cc:

		: IN THE COURT OF COMMON PLEAS OF
Plaintiff		: VENANGO COUNTY, PENNSYLVANIA
		:
vs.		: CIVIL DIVISION—CUSTODY ACTION
		:
		: CIV. NO: _____
Defendant		:

COMPLAINT FOR CUSTODY

1. The plaintiff is _____, an adult individual, residing at _____ . The plaintiff can be reached at the following telephone number: _____.

2. The defendant is _____, an adult individual, residing at _____ . The defendant can be reached at the following telephone number: _____.

3. The plaintiff seeks custody of the following child(ren):

<u>Name</u>	<u>Permanent Residence</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. The child (was or was not) born out of wedlock.

5. The child is presently in the custody of _____ who resides at _____.

6. During the past five years, the child has resided with the following persons and at the following addresses:

<u>Persons</u>	<u>Addresses</u>	<u>Dates</u>
a. _____	_____	_____
b. _____	_____	_____
c. _____	_____	_____
d. _____	_____	_____

7. The mother of the child is _____. She currently resides at _____. Her marital status is _____.

8. The father of the child is _____. He currently resides at _____. His marital status is _____.

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

<u>Name</u>	<u>Relationship</u>
_____	_____
_____	_____
_____	_____

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

Name

Relationship

_____	_____
_____	_____
_____	_____

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

12. The plaintiff (has or has no) information of a custody proceeding concerning the child pending in a court of this Commonwealth or any other state. The court, term and number, and its relationship to this action is:

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

_____.

14. The best interest and permanent welfare of the child will be served by granting the relief requested because:

15. Each parent whose parental rights to the child have not been terminated and the person who has physical custody of the child 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 of the child will be given notice of the pendency of this action and the right to intervene.

<u>Name</u>	<u>Address</u>	<u>Base of Claim</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

WHEREFORE, Plaintiff requests this Honorable Court to grant him/her custody of the said minor child(ren).

Respectfully submitted,

Plaintiff

_____ : **IN THE COURT OF COMMON PLEAS OF**
Plaintiff : **VENANGO COUNTY, PENNSYLVANIA**
 :
 vs. : **CIVIL DIVISION—CUSTODY ACTION**
 :
 _____ : **CIV. NO:** _____
Defendant :

VERIFICATION

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. Section 4904 relating to unsworn falsification to authorities.

Date:

Plaintiff

IN FORMA PAUPERIS FORM INSTRUCTIONS

If you want to file a Complaint, but you cannot afford to pay the Prothonotary's Office's filing fee, then you must fill-out the enclosed Praecipe to Proceed *In Forma Pauperis* and the supporting Affidavit (collectively known as the "IFP"). The IFP will ask the Court to waive the Prothonotary's filing fee based on your financial circumstances.

Please be sure to read these instructions and fill-out these forms as completely and carefully as you can. If you have any trouble understanding them, please call our office at (814) 437-3028. Remember to print or type neatly. Your answers must be truthful and complete. Do not leave blanks. If a question or section does not apply to you, then neatly write "not applicable" or "none" in the space provided.

Step 1 Fill-out the Praecipe to Proceed *In Forma Pauperis* as follows:

- (1) Complete the caption of the Praecipe to Proceed *In Forma Pauperis* in the same way as you did on the Scheduling Order per the instructions for the Complaint in section A.(1)(a) above.
- (2) The first paragraph of the Praecipe to Proceed *In Forma Pauperis* should be completed as follows:
 - (a) Kindly allow (your name), the plaintiff in this matter, to proceed *in forma pauperis*.
 - (b) Date and sign your name on the Praecipe to Proceed *In Forma Pauperis*.

Step 2 Fill out the Affidavit in Support of Praecipe to Proceed *In Forma Pauperis* as follows:

- (1) Complete the caption of the Affidavit in Support of Praecipe to Proceed *In Forma Pauperis* in the same way as you did on the Scheduling Order per the instruction for the Complaint in section A.(1)(a) above.
- (2) Insert your full name and current street address in section (a).
- (3) Insert information concerning your employment or unemployment situation, as may be applicable, in section (b).
- (4) List all business or self-employment income (e.g., babysitting or selling Avon);

investment income (e.g., stock market, pension/retirement account or bank-related investments); or government benefit income (e.g., Social Security, Workers' Compensation, Unemployment Compensation or Welfare benefits) which you have received within the past 12 months in section (c).

- (5) If your husband or wife works, receives self-employment or non-employment income; your children work, receive Social Security income or child support payments; or your parents or others support you or contribute to your household income, then please list the amount and frequency of this income in the space provided in section (d).
- (6) List the amount of money which you have in your pocket or your bank accounts and the value of all assets which you own, such as, real estate, vehicle(s) (make, year, cost and amount owed) and any other investments in section (e).
- (7) List all of your debts and other financial obligations (don't forget about credit card bills, personal loans, medical bills, student loans, utility bills, government benefit overpayments, debts owed to former landlords or car loans) in section (f). For this section, it is important to honestly state all of your debts, since it is more likely that your IFP will be granted if your disposable income (that is, the difference between your income and expenses) is very low.
- (8) List all of the people who are dependent upon you for financial support, e.g., your husband or wife, children or other persons in section (g).
- (9) Sign and date the verification clause in paragraph 5 where indicated.

Step 3 Complete the caption of the Order according to the instructions for the Complaint in section A.(1)(a) above.

Step 4 File the completed IFP form along with your Complaint. Remember to keep a copy for yourself.

		: IN THE COURT OF COMMON PLEAS OF
Plaintiff		: VENANGO COUNTY, PENNSYLVANIA
		:
vs.		: CIVIL DIVISION—CUSTODY ACTION
		:
		: CIV. NO: _____
Defendant		:

PRAECIPE TO PROCEED IN FORMA PAUPERIS

To the Prothonotary:

Kindly allow _____, the plaintiff in this matter, to proceed *in forma pauperis*.

I hereby certify that I am unable to pay the costs associated with this action. My affidavit showing inability to pay the costs of litigation is attached hereto.

Respectfully submitted,

Date

Plaintiff

		: IN THE COURT OF COMMON PLEAS OF
Plaintiff		: VENANGO COUNTY, PENNSYLVANIA
		:
vs.		: CIVIL DIVISION—CUSTODY ACTION
		:
		: CIV. NO: _____
Defendant		:

**AFFIDAVIT IN SUPPORT OF PRAECIPE
TO PROCEED IN FORMA PAUPERIS**

1. I am the plaintiff in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.
2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct.

(a) Name: _____

Address: _____

(b) Employment:

If you are presently employed, state:

Employer: _____

Address: _____

Salary or wages per month: _____

Type of work: _____

If you are presently unemployed, state:

Date of last employment: _____

Salary or wages per month: _____

Type of work: _____

(c) Other income within the past twelve months:

Business or 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:

(Wife/Husband) Name: _____

If your wife/husband is employed, state:

Employer: _____

Salary or wages 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 Owed: \$ _____

Stocks and bonds: _____

Other: _____

(f) Debts and obligations:

Mortgage: _____

Rent: _____

Loans: _____

Other: _____

(g) Persons dependent upon you for support:

(Wife/Husband) Name: _____

Children, if any:

Name: _____ Age _____

_____ Age _____

_____ Age _____

Other persons:

Name: _____

Relationship: _____

4. I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.
5. I verify that the statements made in this affidavit 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

Plaintiff

Plaintiff

vs.

Defendant

: **IN THE COURT OF COMMON PLEAS OF**
: **VENANGO COUNTY, PENNSYLVANIA**
:
: **CIVIL DIVISION—CUSTODY ACTION**
:
: **CIV. NO:** _____
:

ORDER

AND NOW, this _____ day of _____, 20__, upon presentation of the within Complaint, in the above-captioned case, it is hereby ORDERED that the Plaintiff shall be permitted to proceed *in forma pauperis*. The Prothonotary's Office shall accept this Complaint in Custody for filing and the Sheriff's Office shall service it without costs to the Plaintiff.

IT IS FURTHER ORDERED that costs in this matter will be assessed at the time of the hearing.

JUDGE

INSTRUCTIONS FOR MAKING SERVICE OF THE CUSTODY COMPLAINT

There are four alternative ways to properly notify or serve the defendant:

- (a) You can serve the Complaint on the defendant by mail. If you serve the defendant by mail, then you must ask the Prothonotary's Office to "certify" two copies of your Complaint when you file it.

You must then serve one of these certified copies by mailing it to the defendant by first-class mail, postage pre-paid. You must serve the other certified copy by mailing it to the defendant by certified mail, return receipt requested, and restricted delivery.

Once you receive the return receipt requested postcard back from the defendant, then you can attach it to the "Affidavit of Service by Mail" form, which is enclosed in this packet. You then must complete and sign this Affidavit in the presence of a notary, make a copy of both the postcard and Affidavit, and then file your original Affidavit and copy at the Prothonotary's Office. The Prothonotary's Office will "time stamp" both of your Affidavits, retain the original for its records and return the copy to you.

- (b) The defendant can accept service of the Complaint by simply completing and signing the "Acceptance of Service" form, which is enclosed in this packet, in the presence of a notary. You can then make a copy of this form and file it at the Prothonotary's Office. The Prothonotary's Office will "time stamp" both of your "Acceptance of Service" forms, retain the original for its records and return the copy to you.
- (c) The Sheriff can make service of the Complaint for you. If you go this route, you must have the Prothonotary "certify" two copies of the Complaint for you. Then you must fill-out the "Sheriff's Instructions" which is enclosed with this packet. You must give the Sheriff, who is a few doors down from the Prothonotary's Office in the Venango County Courthouse, a copy of your instructions and your certified copies of the Complaint.

If you are able to pay the Sheriff's fees then you should do so. If you are unable to afford these fees, then the Order approving your Praecipe to Proceed *In Forma Pauperis*, which you may have already filed at the Prothonotary's Office, should waive these fees as well as the Prothonotary's fees.

After the Sheriff has made service on the defendant, then he will file a “Return of Service” form at the Prothonotary’s Office which says that he has served the defendant. You should give the Sheriff a self-addressed, stamped envelope when you give him your instructions if you want a copy of this “Return of Service” form sent to you.

- (d) A “competent adult”, who is 18 years of age or older, is not a party, a relative of a party, or an employee of a party, may serve a certified copy of the Complaint on the defendant simply by handing a copy of the Complaint to him/her. Once this person has made service, then they must complete the enclosed “Affidavit of Service by Personal Delivery” form in the presence of a notary. You must then make a copy of this form and file it at the Prothonotary’s Office.

		: IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	VENANGO COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL DIVISION—CUSTODY ACTION
	:	
	:	CIV. NO: _____
Defendant	:	

AFFIDAVIT OF SERVICE BY MAIL PURSUANT TO Pa. R.C.P. 1930.4

COMMONWEALTH OF	:	
PENNSYLVANIA	:	SS.
	:	
COUNTY OF VENANGO	:	

I, _____, being duly sworn according to law, deposes and says that he/she mailed a copy of the Complaint for Custody filed in this matter by certified mail, return receipt requested, addressee only, and separately by first-class mail, postage prepaid to the Defendant at _____, on the ____ day of _____, 20___. The return receipt signed by the Defendant is evidence of delivery to him/her and is attached hereto as Exhibit "A".

Plaintiff

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

Notary Public

		: IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	VENANGO COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL DIVISION—CUSTODY ACTION
	:	
	:	CIV. NO: _____
Defendant	:	

SHERIFF'S INSTRUCTIONS

TO THE SHERIFF OF VENANGO COUNTY:

Kindly, please serve the within Complaint for Custody on the Defendant, _____, who is residing at _____ and employed at _____ (use actual street addresses; don't use a P.O. Box #). You can find the Defendant at this location on these days: _____ between the hours of ____M. and ____M. A brief physical description of the Defendant is as follows:_____. The Defendant's home telephone number is:_____ and his/her cell phone number is:_____.

When service is complete, please file a return of service and provide proof thereof to the undersigned. A self-addressed, stamped envelope is enclosed for this purpose. Thank you.

Respectfully submitted,

Dated:

(signature), Plaintiff

Address: _____

Phone: _____

The Plaintiff was granted leave to proceed *in forma pauperis* on _____, 20___. A copy of the Order is attached hereto and filed of record at the above term and number.

Plaintiff

vs.

Defendant

: IN THE COURT OF COMMON PLEAS OF
: VENANGO COUNTY, PENNSYLVANIA
:
: CIVIL DIVISION—CUSTODY ACTION
:
: CIV. NO: _____
:

ACCEPTANCE OF SERVICE

I accept service of the Complaint for Custody. If I am not the defendant, I certify that I am authorized to accept service on behalf of the defendant. My relationship to the defendant is that of _____.

Date: _____

[Defendant or Authorized Agent]

[Street Address]

[City, State, Zip]

		: IN THE COURT OF COMMON PLEAS OF
Plaintiff		: VENANGO COUNTY, PENNSYLVANIA
		:
vs.		: CIVIL DIVISION—CUSTODY ACTION
		:
		: CIV. NO: _____
Defendant		:

AFFIDAVIT OF SERVICE BY PERSONAL DELIVERY

COMMONWEALTH OF	:	
PENNSYLVANIA	:	SS.
	:	
COUNTY OF VENANGO	:	

I, _____, being duly sworn according to law, deposes and says that he/she is a competent adult over 18 years of age; that he/she served a true and correct copy of the Complaint for Custody filed in this matter upon the Defendant, _____, who identified himself/herself to the deponent, by personally handing him/her a true and correct copy thereof and informing him/her of its contents at _____, on the ____ day of _____, 20__, at _____ o'clock ____ .M.

Deponent further avers that at the time of such service, the deponent identified himself/herself to the Defendant.

Signature of Deponent

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

Notary Public