

**CUSTODY COMPLAINT
INSTRUCTION SHEET**

These instructions are meant to give you general information and not legal advice.

A Custody Complaint is the first step in the process of obtaining primary custody, partial custody, or visitation rights of minor children. It can be filed when the child is at risk of or in immediate physical danger, or has been or is about to be removed from the Court's jurisdiction. Also, this petition can be filed if the other parent of the child has been charged with certain violent crimes. These crimes can include but are not limited to: homicide, aggravated assault, terroristic threats, stalking, false imprisonment, arson or contempt.

1. Complete, date and sign the **Custody Complaint** form. Fill in the names of every plaintiff and defendant involved in this complaint. The plaintiff is the person(s) who files the custody complaint. The defendant is the person(s) against whom the custody action is filed. The plaintiff and defendant keep those titles throughout the case. Leave the Docket Number blank; the Prothonotary will assign this a case number when you appear in person to file this document.
2. **Complete the Scheduling Order. You must enter the names for Plaintiff and Defendant in the blanks at the top of the form, and complete all of the blank spaces in the first paragraph, including whether you are requesting a custody conference (without a judge present) or a custody hearing (with a judge).** Leave the scheduling section of the form blank; the Judge and /or Court Administrator will complete these, based upon the judge's recommendation and approval. **If you fail to enter the required information, your case will not be scheduled for any hearing or conference until the form is correctly completed.**
3. Take the completed Custody Complaint and Scheduling Order (the original and two (2) copies) to the Clearfield County Prothonotary's Office to file the complaint. The filing fee for a Custody Complaint is currently \$164.00. **You may pay the filing fee by money order, cash, or check.** Make the money order / check payable to "PROTHONOTARY." If you cannot pay the filing fee, you may ask to be excused from paying the fee by filing a **Petition to Proceed 'In Forma Pauperis' (IFP)**; this form can be found on the following webpage: www.courtadmin.clearfieldco.org . If you receive welfare or SSI, bring your welfare photo ID or proof that you receive SSI. File the completed Petition, with the filing fee, by hand-delivering them in person at:
Office of the Prothonotary
Clearfield County Courthouse
230 Market Street, 1st Floor
Clearfield, PA 16830

Once you file this petition, it will be forwarded to the Court Administrator's Office to schedule a conference OR hearing, and for further processing.

4. If your petition is granted by the judge, you will receive the Order with a date written on it for a hearing OR conference, which will be in the near future. **IMMEDIATELY upon receiving the Certified copy of the Judge's Order, you must PERSONALLY serve the certified copy of the Custody Complaint and scheduling Order on the other party before the hearing date. This can be done either by hand delivering it 'face to face' with the other party; OR by Certified Mail 'Restricted Delivery' AND ALSO by regular mail via the U.S. Postal Service; OR the preferred method is to hire a Constable to make service on your behalf. Once you have provided service on the other party, you must file your Certificate of Service with the Prothonotary. If service was performed by the U.S. Postal Service, you must attach to your Certificate of Service (the 'green card') showing proof of delivery. If Service was provided by a Constable, they will provide you with a Certificate of Service which must be attached to your Certificate of Service form.**
5. If your petition is denied, any open petitions will be heard at a later date. If the open petitions do not address your concerns you may want to file a different petition.

PROVISIONS OF THE LAW THAT MAY HELP YOU FILL OUT THE PETITION

23 Pa. C.S. § 5322. Definitions

“Child.” An un-emancipated individual under 18 years of age.

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

“Partial physical custody.” The right to assume physical custody of the child for less than a majority of the time.

“Physical custody.” The actual physical possession and control of a child.

“Primary physical custody.” The right to assume physical custody of the child for the majority of time.

“Shared legal custody.” The right of more than one individual to legal custody of the child.

“Shared physical custody.” The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.

“Sole legal custody.” The right of one individual to exclusive legal custody of the child.

“Sole physical custody.” The right of one individual to exclusive physical custody of the child.

“Supervised physical custody.” Custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.

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

rev. 9/4/2018

	Plaintiff(s)	:			
vs.		:	NO. _____ - _____ -CD		
		:			
		:			
	Defendant(s)	:			
		:			
		:			
		:			

*(docket number to be assigned
by Prothonotary)*

COMPLAINT FOR (CUSTODY) (PARTIAL CUSTODY)

1. The plaintiff is _____

residing at _____
(Street) (City) (Zip Code) (County)

PHONE NUMBER: _____ (home) _____ (work) _____ (cell)

2. The defendant is _____

residing at _____
(Street) (City) (Zip Code) (County)

PHONE NUMBER: _____ (home) _____ (work) _____ (cell)

3. Plaintiff seeks (custody)(partial custody) of the following child(ren):

Name	Present Residence	Age
.....
.....
.....

The child(ren) (was/were) (was/were not) born out of wedlock.

The child(ren) is presently in the custody of _____, (Name) who resides at

.....
(Street) (City) (State)

During the past five years, the child(ren) resided with the following persons and at the following addresses:

(List All Persons) (List All Addresses) (Dates)

.....
.....
.....

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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The mother of the child is _____ currently residing at _____.

She is (married) (divorced) (single).

The father of the child is _____, currently residing at _____.

He is (married) (divorced) (single).

4. The relationship of plaintiff to the child is that of _____.

The plaintiff currently resides with the following persons:

Name	Relationship
.....
.....

5. The relationship of defendant to the child is that of _____.

The defendant currently resides with the following persons:

Name	Relationship
.....
.....

6. Plaintiff (has) (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. If yes, the court, term and number, and its relationship to this action is:

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

Plaintiff (knows) (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. If yes, the name and address of such person is:

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7. The best interest and permanent welfare of the child will be served by granting the relief requested because (set forth facts showing that the granting of the relief requested will be in the best interest and permanent welfare of the child:

8. 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 partial custody of the child will be given notice of the pendency of this action and the right to intervene:

Name	Address	Basis of Claim
.....
.....
.....

WHEREFORE, plaintiff requests the court to grant (custody) (partial custody) of the child.

.....
Signature of Plaintiff or Attorney for Plaintiff

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.

.....
Signature of Plaintiff

Note: The form of complaint is appropriate where there is one plaintiff and one defendant and where the custody of one child is sought, or where the custody of several children is sought and the information required by paragraphs 3 to 7 is identical for all of the children. Where there are multiple parties, the complaint should be appropriately adapted to accommodate them. Where the custody of several children is sought and the information required is not identical for all, the complaint should contain a separate paragraph for each child.

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

rev. 9/4/2018

Plaintiff(s)
vs.

Defendant(s)

:
:
:
NO. ____ - ____ -CD
:
(docket number will be assigned
by the Prothonotary)
:
:
:

ORDER OF COURT
Petitioner must complete the following section:

You, _____ (defendant) (respondent), have been sued in court to obtain
print opposing party's name

custody, or partial custody of the following child(ren): _____
print complete names of all children subject to this petition

Plaintiff has filed for a *[check √ the appropriate box]*

custody (or) mediation conference.

a hearing before the court.

Court Administration will complete the following:

You are ordered to appear in person on the _____ day of _____, 20____,
at _____ o'clock AM / PM. A conference / hearing will be held in room _____,
2nd floor, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA, 16830.

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.

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.

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 EAST MARKET ST, SUITE 228
CLEARFIELD, PA 16830
814/765-2641

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

BY THE COURT:

Date: _____

JUDGE

Plaintiff(s)	:	
vs.	:	NO. _____-_____-CD
Defendant(s)	:	

CERTIFICATE OF SERVICE

AND NOW, on the date stated below, I, _____,
hereby certify that I this day served the foregoing [indicate which document(s)]:
‘Custody Complaint’ (and) (or) **‘Scheduling Order’**

by: _____ Personally hand delivering to the (opposing party) (opposing attorney)

_____ Mailing a certified copy of the petition using first class USPS mail, AND, via
postage prepaid, **‘Certified Mail – Restricted Delivery, Return Receipt Requested’**, at

(name of post office) **Green ‘Return Receipt’ card, with recipient’s signature,
must be attached to this document.**

_____ Hiring Constable _____, who has provided me
with proof of service (see attached)

Current address of Respondent:

[person who was served with this petition]

[NAME]

[CURRENT ADDRESS]



DATE

Petitioner’s SIGNATURE

***This document must be signed, dated, and filed with the Prothonotary before any
further action can be taken regarding the petition.***