



# **WASHINGTON COUNTY COURT OF COMMON PLEAS PRO SE CENTER CUSTODY PACKET**

## **NOTICE**

**ALL PARTIES INVOLVED IN LITIGATION ARE STRONGLY ENCOURAGED TO SEEK PROFESSIONAL LEGAL ADVICE FROM AN ATTORNEY.** Court staff cannot offer any legal advice. The information in this packet is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents.

If you desire to speak with an attorney and do not know one, you should call the Bar Association's Lawyer Referral Service (LRS) at (724)225-6710 to schedule a half-hour consultation with a licensed, insured attorney who has experience in the area of law related to your legal matter. The initial half-hour consultation with the attorney is \$30; any fees beyond the first half-hour should be discussed and agreed upon by you and the lawyer.

If you have questions about domestic violence or believe that you may be the victim of domestic violence, we strongly recommend that you contact the *Washington County Women's Shelter* at 724.223.8349.

If you suspect child abuse, please contact *CHILDLINE* at 1.800.932.0313. You can report suspected child abuse 24 hours per day and remain anonymous.

# How to file for custody in Washington County

*LITIGANTS ARE STRONGLY ENCOURAGED TO CONSULT WITH AN ATTORNEY.*

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A case begins with the filing of a custody complaint. If a case already exists, then all subsequent filings must be done under the original number.

How to file a custody complaint:

1. Receive the custody complaint paperwork online.
2. Fill out the paperwork in its entirety.
3. Bring the completed paperwork to the Court Administrator's Office – Civil Division (Custody Office).
4. The Custody Office will forward the paperwork to the Judge. The Judge will review it and if it is completed the Judge will sign an Order scheduling a meeting with the Conference Officer.
5. The Custody Office will call the filing party to pick up the paperwork in their office.
  - a. You will receive a Parenting Plan
    - i. Complete and return to the Custody office **at least 7 days before the scheduled meeting.**
  - b. You will receive information on the Transparenting Seminar
    - i. This needs to be completed prior to the scheduled conference
      1. **Failure to complete Transparenting prior to the conference will prohibit the offending party from presenting testimony at the conference. If the offending party is the plaintiff, the case will be dismissed.**
6. File the original custody complaint in the Prothonotary's Office.
7. Pay the filing fee of \$300.00 cash or money order (no credit cards, payments or checks).
  - a. If you are unable to pay the fee and meet the poverty guidelines you may file an In Forma Pauperis Petition with the Court (this can be picked up in the Prothonotary's Office and presented to the Judge in Motions' Court.
8. You must serve the opposing party with the paperwork.
9. After service is made to the opposing party, an Affidavit of Service must be filed in the Prothonotary's Office.
10. Attend the custody meeting.

## CUSTODY F.A.Q.s

1. Can my mother/friend/sister/etc. go to motions court for me so I don't miss work?

**No.** Presenting a motion on someone else's behalf is unauthorized practice of law, unless the presenter is a party to the proceeding.

2. What do I do if I don't know where the father/mother lives?

Read the Rules of Civil Procedure dealing with service on page 28.

3. Do grandparents who are trying to get custody because the parent is in jail or on drugs follow the same procedures and use the same forms as what I have?

Grandparents should use the same forms and follow the same procedures. Both parents must be named as Defendants and both must be given notice of the Petition before it is presented. Grandparents may not get the same results as natural parents. Grandparents' rights are not as extensive as natural parents and absent in "loco parentis," where grandparents have actually acted as parents, grandparents' rights are usually limited to partial custody/visitation unless the child is in danger.

4. I can't find any form for "objection to continuance."

There is no set form to object to a continuance. You should tell the other side you object and go to court on the day of the motion to tell the judge why you object.

5. What about "temporary custody"?

The Court does not grant temporary custody as a matter of course. If anyone is looking for Temporary Custody that individual should file a custody complaint. Temporary custody is almost exclusively for emergency situations. Some people confuse temporary custody with emergency custody. If there is an emergency situation which involves either risk of danger to the child's life or potential threat that the other parent will leave the state with the child, you should file a Petition for Emergency Relief and a Custody Complaint/Petition.

6. Do I have to tell the other party that I am going to Court?

If you are filing an **initial custody petition** (when there is no custody order) and are only seeking a hearing date, you do not have to give advanced notice.

If you are filing for **Contempt** of an existing custody order, or **Special Relief**, you **MUST** give 5 business days advanced notice.

**If there is a TRUE emergency, (those involving the health, safety and welfare of a child, or risk of flight), you should notify the opposing party and then fax the written motion to the Judge's office for scheduling of the motion. These motions are to be limited to those of a true emergency nature and will only be scheduled outside of Friday motions as deemed necessary by the Court.**

7. What does it mean to give 5 business days notice?

5 business days notice means that if you're going to present the Motion to the Judge, you **MUST** give or send the other party **COMPLETED COPIES** of the paperwork that you are going to present to the Judge, 5 work days, (weekend days and court holidays do not count), before the day you are going to Court.

8. What if there is a PFA? How can I notify the other party?

A Plaintiff cannot "violate" a PFA so it doesn't matter if the PFA Plaintiff (the person protected by the PFA) sends the PFA Defendant papers. If you are the PFA Defendant (the person that the PFA is against), you may send the Plaintiff the legal paperwork, only. **DO NOT** include letters, notes, etc. or anything unrelated to the legal action attached or written on the legal documents. Send the legal documents via certified mail. If it is a true emergency, have a family member or friend hand deliver copies to give them notice that you are coming to Court. Explain to them why you are coming and when.

9. What is the age of majority in Pennsylvania? When can my child choose where they reside?

There is no age of majority in Pennsylvania. The preference of the child is only one factor in many when the court determines what is in the best interest of the child.

10. Should I send any paperwork to opposing counsel?

Yes, if the opposing party is represented you must serve counsel of record. If you are unsure if the other party is represented you may request to see the file in the Prothonotary's Office to see if any attorney has entered an appearance in the case.

# **CUSTODY COMPLAINT & ORDER**

**This is the initial form that is to be filed with all new custody cases.**

**If you are filing an emergency/special relief form and there is no existing custody order, you need to file a custody complaint at the same time.**

**Take completed forms to the Court Administrator's Office – Civil Division,  
Washington County Courthouse, 1 South Main Street, Suite G006,  
Washington, PA.**

**Make sure that you have a phone number to leave with the office so that you  
may be notified when the Order is ready.**

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

**CIVIL ACTION**

\_\_\_\_\_, )  
 )  
 **Plaintiff,** )  
 ) **No.:** \_\_\_\_\_  
 vs. )  
 )  
 \_\_\_\_\_, )  
 )  
 **Defendant.** )

**COMPLAINT FOR (CUSTODY) (PARTIAL CUSTODY) (VISITATION)**

1. The plaintiff is \_\_\_\_\_, residing at  
\_\_\_\_\_  
(Street) (City) (Zip Code) (County) \_\_\_\_\_.

2. The defendant is \_\_\_\_\_, residing at  
\_\_\_\_\_  
(Street) (City) (Zip Code) (County) \_\_\_\_\_.

3. Plaintiff seeks (custody) (partial custody) (visitation) of the following children:

Name	Present Address	Age/Date of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

5. The child is presently in the custody of \_\_\_\_\_, who  
resides at \_\_\_\_\_, (County) \_\_\_\_\_.

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

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

7. The mother of the child is \_\_\_\_\_, currently residing at \_\_\_\_\_.  
 She is (married) (divorced) (single).
8. The father of the child is \_\_\_\_\_, currently residing at \_\_\_\_\_.  
 He is (married) (divorced) (single).
9. The relationship of plaintiff to the child is that of \_\_\_\_\_.
10. The plaintiff currently resides with the following persons:

<i>Name</i>	<i>Relationship</i>
_____	_____
_____	_____
_____	_____

11. The relationship of the defendant to the child is that of \_\_\_\_\_.
12. The defendant currently resides with the following persons:

<i>Name</i>	<i>Relationship</i>
_____	_____
_____	_____
_____	_____

13. Plaintiff (has) (has not) participated as a party of interest, 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 :\_\_\_\_\_.

Plaintiff (has) (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: \_\_\_\_\_.

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. 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 (set forth facts showing that the granting of the relief requested will be in the best interest and permanent welfare of the child): \_\_\_\_\_

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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:

<i>Name</i>	<i>Address</i>	<i>Basis of Claim</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

\_\_\_\_\_  
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.

\_\_\_\_\_  
Plaintiff

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

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

\_\_\_\_\_, )  
 )  
Plaintiff, )  
 )  
vs. ) No.: \_\_\_\_\_  
 )  
\_\_\_\_\_, )  
 )  
Defendant. )

**NOTICE AND ORDER TO APPEAR**

You, \_\_\_\_\_, defendant, have been sued in court to obtain custody of

\_\_\_\_\_.

You are ORDERED to appear in person at the Family Court Center, 29 West Cherry Avenue, Washington, Pennsylvania, 15301, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M., for a Pre-Custody Conciliation Meeting with \_\_\_\_\_, Esquire, Child Custody Conference Officer.

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.

*Pursuant to Local Rule 1915.4, all parties to the action are ordered to attend the mandatory parenting program prior to the Pre-Custody Conciliation Meeting. Failure of a party to attend the parenting program will result in sanctions against the party up to and including being prohibited from proffering evidence in the Meeting or Conference, or being held in contempt by the Court.*

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

IF YOU CANNOT AFFORD AN ATTORNEY:

IF YOU CAN AFFORD AN ATTORNEY:

SOUTHWESTERN PA LEGAL SERVICES  
10 WEST CHERRY AVENUE  
WASHINGTON, PA 15301  
724.225.6170

LAWYER REFERRAL SERVICE  
119 SOUTH COLLEGE STREET  
WASHINGTON, PA 15301  
724.225.6710

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Washington County, Pennsylvania 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.

BY THE COURT:

DATE: \_\_\_\_\_, J