



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 \$25; any fees beyond the first half-hour should be discussed and agreed upon by you and the lawyer.

If you meet certain income and other qualifications, you may be able to secure an attorney through Southwestern PA Legal Services, at (724) 225-6170.

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.

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 3 business days advanced notice.

If there is a TRUE emergency, (that is, if there is a risk that the other parent will run away with the Child from the County without a known destination or there is a threat of *immediate* harm to the child), you should tell the party by phone at least 24 hours in advance that you are coming to Court to present an Emergency Relief Petition the following day at 9:00 a.m.

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

7 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, 7 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, where less than 7-days notice can be given, have a family member or friend call or 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's has entered an appearance in the case.