



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.

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Definitions

Affidavit of Service - a form which states that you served each named party.

Best interest of the child(ren) - when the court looks at the overall situation of the parties and the child(ren) to determine what legal rights should be granted to a party.

The court also looks at the child(ren)'s right to have two (2) parents and the parties' right to be a parent. Below are only a few types of behavior which the court often looks at:

- the willingness of a parent to promote a relationship between the child(ren) and the other parent
- making negative comments about the other parent in front of the child(ren)
- using the child(ren) as a pawn
- refusing the other parent any contact with the child(ren)
- the willingness of a parent to allow the child(ren) to have relationships with the other parent's family (grandparents, cousins, etc.)

Complaint – the first document filed with the court by a person claiming legal rights against another.

Continuance - when the court reschedules the conference or hearing.

Contempt – willfully disobeying a court order (you should not file a contempt petition if the other party is disobeying a custody order just slightly, such as bringing the child(ren) back to you 10 minutes late).

Custodial parent - the parent with whom the child(ren) lives (the parent with primary physical custody).

Custody Complaint - a legal document which sets out specific information about the Plaintiff, Defendant and the child(ren) involved. It also asks the Court to grant at least one of the types of "custody" mentioned and set a schedule for the Plaintiff and Defendant to be with the child(ren).

Defendant - the person(s) who is being sued.

Docket Number - the number assigned to the original complaint. This number must be used on any documents either party files with the court which relate to the custody of this child(ren) in this county.

Joint custody — when two (2) or more parties have the legal rights and duties to the child(ren), including sharing the physical presence of a child(ren).

Jurisdiction - generally, the county in which the child(ren) has lived for the past six (6) months.

Legal custody - the legal right to make major decisions affecting the child(ren) (for example, medical, educational, religious).

Motion - An application to the court requesting an order or rule in favor of the applicant.

Non-custodial parent - the parent with whom the child(ren) does not live but who has temporary custody or visitation with the child(ren).

Party - a person named in a complaint who has any of the legal rights and duties.

Petition – a formal written request to a court for an order of the court.

Petition to Proceed In Forma Pauperis(IFP) - a form which lists the income and expenses of your household as part of an application to avoid court costs. If income is less than expenses, the Prothonotary will allow you to proceed in this custody matter without paying the filing fee or any costs which may be part of this matter.

Physical custody - the right to have actual possession of the child(ren).

Plaintiff - the person who initiates (starts) a lawsuit.

Protection From Abuse – Order protecting a petitioning party from abuse and contact by a named defendant, can include an order of temporary Custody.

Prothonotary - the court clerk in charge of civil filings.

Service - the act of giving each defendant you named in the Complaint a copy of all the documents which you filed with the court. Each named defendant must be given notice of what you are requesting the court to do and when the conference or hearing is scheduled.

Shared custody - the right for two (2) or more people to have both "shared legal custody" and "shared physical custody".

Shared legal custody - the legal right for two (2) or more people to make major decisions affecting the child(ren) (for example, medical, educational, religious).

Shared physical custody - the right for two (2) or more people to have actual possession of a child(ren) equally.

Standing - whether a party has a right to be part of a lawsuit (for example, your neighbor who is not a parent to the child(ren) has no standing to ask for partial custody).

Supervised visitation - the right of a party to visit with a child(ren) but only if the visit is supervised (for example, supervised visitation at Bridges and Pathways or Try-Again Homes).

Temporary custody or partial custody - the right of a person to take possession of the child(ren) for an agreed upon or ordered amount of time.

Third party - any person who is not a natural parent of the child(ren) (for example, grandparents).

Visitation - the right of a person to see and visit a child(ren) but not able to take actual possession of a child(ren).