



WASHINGTON COUNTY COURT OF COMMON PLEAS PRO SE 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 want to hire 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 \$50.00 to be paid in advance to the Bar Association; 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. Ask if you are eligible for the Bar Association/Bar Foundation "Limited Representation Custody Program," and, if so, you may be referred to an attorney who will represent you at no cost at the initial custody meeting.

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 Domestic Violence Services* 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

Action – all proceedings for legal and physical custody and proceedings for modification of prior order of any court.

Adult – an individual 18 years of age or older.

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

Agency – Any organization, society, institution, court facility or other entity for the care of a child. The term does not include a County Children & Youth Social Service Agency.

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

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

A complete list of factors the court must consider can be found at Title 23 §5328. The court will consider all relevant factors in making its decision.

Child – an un-emancipated individual under eighteen (18) years of age.

Conciliator – for purposes of these rules, a conciliator is synonymous with conference officer as defined in this rule.

Conference Officer - an individual who presides over an office conference pursuant to Pa R.C.P. No. 1915.4-2(a) or the initial non-record proceeding under PaR.C.P. No. 1915.4-3(a). For purposes of the rules a conciliator is synonymous with a conference officer.

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Competent adult – an individual eighteen years of age or older who is neither a party to the action nor an employee or a relative of a party.

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.

Custody – the legal right to keep, control, guard, care for and preserve a child and includes the terms “legal custody,” “physical custody,” and “shared custody.”

Custody Complaint - a legal document which sets out specific information about the Plaintiff, Defendant and the child 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.

Defendant - the person 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 in this county.

Hearing Officer – a lawyer who conducts a record hearing on partial custody cases pursuant to Pa R.C.P. No. 1915-4-2(b).

Home County – the county in which the child lived with either or both parents, a person acting as parent, or in an institution for a least six consecutive months immediately preceeding the filing of the action. In the case of a child less than six months old, the county in which the child lived from birth with any of the person mentioned. A period of temporary absence of the child from the physical custody of the parent, institution, or person acting as parent shall not affect the six-month or other period.

In Loco Parentis - A person who puts himself in the situation of a lawful parent by assuming the obligations incident to the parental relationship without going through the formality of a legal adoption. The status of *in loco parentis* embodies two ideas: 1) the assumption of parental status; and 2) the discharge of parental duties.

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

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

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Mediator - An individual qualified under PaR.C.P. No. 1940.4 and who assists custody litigants independently from the procedures set forth in PaR.C.P. Nos. 1915.1—1915.25 by engaging the litigants in the mediation principals in PaR.C.P. No 1940.2 to resolve custody matters in whole or in part.

Mediation – As defined in PaR.C.P No. 1940.2

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

Non-record proceedings – the initial office conference set forth in PaR.C.P. No. 1915.4-3. Mediation sessions referenced in Pa. R.C.P. No. 1940.1—1940.9 shall not be construed as non-record proceedings in Pa. R.C.P. No. 1915.4-3.

Parental duties – includes meeting the physical, emotional and social needs of the child.

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

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

Person Acting as Parent – a person other than a parent, including an institution, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody. See also the definition of in loco parentis and 23 Pa.C.S. § 5402.

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 a Judge grants this petition, the Prothonotary will waive the filing fee. This form can be obtained from the Prothonotary's Office. This petition must be presented to the family court Judge in their Motions' Court with prior notice given by noon on Tuesday of the week of the presentation.

Physical custody - the actual physical possession and control of a child.

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

Primary physical custody – the right to assume physical custody of the child for the majority of time.

Protection From Abuse – Order protecting a petitioning party from abuse and contact by a named defendant.

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Prothonotary - the court clerk in charge of civil filings.

Relocation – a change in a residence of the child which significantly impairs the ability of a non-relocating party to exercise custodial rights.

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. There are specific rules that must be followed to complete service in any legal matter. See Form C.

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 an individual to exclusive legal custody of the child.

Sole physical custody – the right of an 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.

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

Trial de Novo – it signifies a proceeding in which both issues of law and issues of fact are reconsidered as if the original trial had never taken place.