

LYCOMING COUNTY CUSTODY SPECIAL RELIEF SELF-HELP KIT

REMEMBER

The law often changes. Each case is different. This self-help kit is meant to give you general information and not give you specific legal advice.

INTRODUCTION

This packet will help you file the forms to ask for a hearing for a judge to decide a disagreement you and the other party are having over custody. You can only file a Petition for Special Relief if you already have a custody order.

You should NOT file a Petition for Special Relief for:

- A dispute over the custody schedule. You must file a Petition to Modify Existing Order for that type of issue.
- A violation of the custody order. You must file a Petition for Contempt for that type of issue.
- Minor issues such as how to cut the child's hair, what time the child should go to bed, or what type of food the child should eat. Those are parenting decisions that the court will normally not interfere with.

Here are some types of disputes that are appropriate for a Petition for Special Relief:

- The parties disagree on which school the child should attend.
- One party wants to put the child on medication for ADHD and the other party disagrees.
- One party wants the child to play a sport and the other party disagrees.
- One party wants the child to go to counseling and the other party disagrees.



BEFORE YOU DECIDE TO FILE

Try to work things out on your own before you file. Going to court is stressful for everyone. It's better for you and the other party to learn how to co-parent and make decisions together. Try to see the other party's point of view, and explain your own feelings in a way that is respectful of the other party. Practice discussing things without arguing. Compromise sometimes, and overlook the little things that might bother you. All of this will make things better for your child.

THE CUSTODY SPECIAL RELIEF PROCESS

There are six steps in the custody special relief process. This packet provides the forms you need and guides you through these steps.

Step One: Read the instructions in this packet.

Step Two: Fill out the forms in this packet, and make copies.

Step Three: File the forms and copies at the Prothonotary's Office.

Step Four: Wait for the copies to be mailed to you with a date for

the hearing.

Step Five: Serve the documents on the other party.

Step Six: Attend the hearing and make your case.



CUSTODY SPECIAL RELIEF

PART ONE: INSTRUCTIONS

These are the instructions for filling out the forms. The forms are found in Part Two of this packet. You may want to separate the forms from the instructions now, so you can read the instructions for each form as you fill out that form.

1. FIRST FORM – MOTION COVER SHEET

Complete the caption (heading) EXACTLY THE SAME AS ON THE EXISTING CUSTODY ORDER. Your caption will never change. The same person who is listed as the Plaintiff on your Custody Order must be the Plaintiff in this action. The same person listed as Defendant on your Custody Order must be the Defendant in this action. You should also use the same case number that appears on your Custody Order

Write your name on line 1, and "Custody Special Relief" on line 3. In box 4, put a check in front of "Evidentiary Hearing." In box 6, write your name and address. Leave the rest of the form blank—this is for the Court to fill out.

2. <u>SECOND FORM – ENTRY OF APPEARANCE AS SELF-REPRESENTED PARTY</u>

Complete the caption as on your existing Custody Order. Fill out the blanks in the form, and write the information requested. Skip paragraph 4 if you never had an attorney.

3. THIRD FORM – PETITION FOR SPECIAL RELIEF

Complete the caption as on your existing Custody Order. The numbers below match the numbers on the Petition. You are the Petitioner, because you are filing the petition.

- 1. Print your name, address, and phone number.
- 2. Print the other party's name, address, and phone number. If there is more than one party, simply add those parties, perhaps on the back of the sheet.
- 3. Write each child's initials and age. Do not write the names(s) or date(s) of birth, because that is confidential information not available to the public.
- 4. Print the date of the existing Order.
- 5. Write exactly what you want the Court to do.
- 6. Write why it is important for the Court to do what you want.

Sign, print your name, and write the date at the end. You are subject to penalties if you include false information in the Petition.

4. FOURTH DOCUMENT – A COPY OF YOUR CURRENT CUSTODY ORDER

You MUST include a copy of your current custody order. You may get a copy at the Prothonotary's Office if you do not have one. You will have to pay \$.50 per page.

5. <u>FIFTH FORM – CONFIDENTIAL INFORMATION FORM</u>

This form is three pages long. This is the ONLY PLACE you list the names and birthdates of the children. This form will not be seen by the public.

Fill out the caption like you have done in the other documents. On the line that says "Court," write "Lycoming County."

On the third line, write "Special Relief Petition," where it asks for the title of the pleading, and write the date you are filing the petition.

For the rest of the first page, you only need to fill out the first column. You do not need to write anything for "full name of adult." Just list each child's initials, name, and date of birth separately, with the dotted line dividing each child's information. If there are more than two children, use the additional page.

After you have listed each child, sign the form that states, "I certify that this filing complies . . ." Write the date and print the additional information requested under your signature. This means that you promise you have not put the children's names or birthdates on the forms available to the public.

COPIES

After you have completed forms, clip them together in order, with the Motion Cover Sheet on the front. You will then need to get copies made. You need a copy for yourself, one for the other party, and one for each additional party, if there are any. The original will stay at court, in the Prothonotary's office.

You are now ready to file all of the papers with the Prothonotary.



HOW TO FILE THE PETITION

Take all of your completed forms (including the copies) to the Prothonotary's Office on the first floor of the Lycoming County Courthouse at 48 West Third Street, Williamsport, on any weekday (Monday through Friday) between 8:30 a.m. and 5:00 p.m. Separate the papers into the two groups shown below, and put them in the order shown below.

1. FIRST GROUP: (1) <u>Motion Cover Sheet, (2) Entry of Appearance as Self-Represented Party, (3) Petition for Special Relief, and (4) a copy of your current Custody Order</u>

You will need an original and at least two copies of all these forms.

2. SECOND GROUP: Confidential Information Form (2 pages if there are less than three children, 3 pages if there are three children or more).

You will need an original and at least two copies of all these forms.

THERE IS NO COST FOR FILING THESE DOCUMENTS

The Prothonotary will file stamp all of the documents. The Prothonotary will keep all the forms. The case will be given a date for a hearing, and then the copies will be mailed back to you.

The original documents that you filled out become part of the permanent court record and remain in the Prothonotary's Office. Of the copies that are mailed back to you, keep one copy of each document for yourself.

You must then promptly serve one copy of all the documents on the other party or parties. Go to the next set of instructions to find out how to serve the other party or parties.



HOW TO SERVE THE OTHER PARTY

It is not enough to simply talk to the other party about the petition or the hearing date. You must give the other party legal notice that you have filed for custody. This kind of notice is called "service."

Service of the papers is **YOUR** responsibility. IT IS IMPORTANT TO SERVE THE OTHER PARTY AS SOON AS POSSIBLE. If you do not serve the other party in time for them to have reasonable notice and an opportunity to prepare for the hearing, the Court may reschedule the hearing for a later date.

If you have the funds to do so, you can pay the Sheriff, Constable, or process server to serve the papers for you and to file an <u>Affidavit of Service</u> for you. Otherwise, you will need to serve by one of the following two methods. You will then need to fill out an Affidavit of Service, and file the Affidavit of Service at the Prothonotary's Office.

CERTIFIED MAIL AND REGULAR MAIL:

To serve by this method, you must send all of the documents stated above by **certified mail, with return receipt requested and restricted delivery AND regular mail** to the other party's address. "Restricted delivery" means that the return receipt must be signed by the other party only.

When you go to the post office, someone at the window can give you the forms to send the certified mail. The cost must be paid at that time. When you send the certified mail, you will be given a "sender's receipt" (a little white receipt). Keep this receipt to include with your proof of service. Also send the other party a copy of the papers by regular mail.

You should mail the documents to the other party as soon as possible after you receive them in the mail from the Prothonotary's Office. The other party should receive them at least ten (10) days before the hearing date.

Once the other party has signed the green receipt, indicating that he or she has received the documents, service is complete. You will have proof that service is complete when you receive the green receipt with the other party's signature on it. When you receive that green receipt, you must save it. It is to be included with your original receipt and attached to the <u>Affidavit of Service</u>.

If the certified mail is REFUSED by the other party, you will get a notice from the Post Office saying it was refused. If the regular mail is not returned within fifteen (15) days, service may be considered complete. If mail is returned UNCLAIMED, service will need to be made another way.

PERSONAL SERVICE:

You can have a person who is 18 years of age or older, who is not a party to the action or an employee or relative of a party to the action, serve the papers. Therefore, if you are the person filing the petition, you should not serve the papers yourself, and you should not have anyone who is related to you or who works for you, serve the papers.

The person who serves the papers can do it in one of these ways:

- (a) by handing a copy to the other party; or
- (b) by handing a copy to an adult member of the family with whom the other party resides; or
- (c) by handing a copy of the papers to an adult person in charge of the residence at the time (example: babysitter, etc.); or
- (d) by going to the opposing party's usual place of business and handing a copy to the opposing party's agent (one that acts for or representative of) or to the person in charge.

6 and 7: <u>AFFIDAVITS OF SERVICE:</u> Choose ONE of the two Affidavit of Service forms that follow these instructions. There is one for service by certified mail and regular mail, and one for personal service. You have to fill out and file one of these forms with the Prothonotary after you serve the other party, unless you pay a Sheriff or Constable to do it for you. If you are serving more than one person, you have to complete and file a separate Affidavit for each one.

The <u>Affidavit of Service</u> should be completed and filed with the Prothonotary as soon as service is completed. Make a copy for yourself, and bring it to the hearing.

<u>SIXTH FORM – AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND</u> REGULAR MAIL

\Box Fill in the caption.	
□ Fill in the blanks.	
☐ Staple your sender's receipt (the white receipt) and the green card you got back in the mail the Affidavit.	l to
□ Sign and date at the bottom and make one copy of everything.	
□ File at the Prothonotary's Office before the hearing and keep a time-stamped copy for you records.	r
SEVENTH FORM – AFFIDAVIT OF SERVICE BY PERSONAL SERVICE:	
This form is completed by someone else who serves the papers for you, and then you file it with	h
the Prothonotary before the conference.	
□ Fill in the caption.	
□ Fill in the blank spaces.	
□ Check the paragraph that best describes how the papers were served.	
☐ Have the person who served the papers sign, date, and write his/her address and telephone number at the bottom.	
☐ Make one copy and file at the Prothonotary's Office before the hearing. Keep a time-stam copy for your records.	iped

THE HEARING

After you file the paperwork, a hearing will be scheduled in front of a judge. You will be called on to go first at the hearing, and it will be your burden to show the judge that he/she should do what you are asking. You should bring any witnesses to help you prove your case. The other party will have a turn to testify and present witnesses after you are finished. Both parties will have a chance to question each other any witnesses called by the other party.

The judge will make a decision after the hearing.



CUSTODY SPECIAL RELIEF

PART TWO: FORMS

LYCOMING COUNTY COURT OF COMMON PLEAS MOTION COVER SHEET

	Docket No:	
Plaintiff :		
<u>.</u>	Case Assigned to Judge	
S. :	☐ None ☐ Family Court Hearing Officer	
	1 anning Court rearing Officer	
Defendant :		
Name of Filing Party:		
Filing Party's Attorney:		
Type of Filing:		
. The following is/are requested:	6. Name and addresses of all counsel of record and	
Argument	unrepresented parties:	
Evidentiary Hearing		
Court Conference		
Rule to Show Cause		
Entry of Uncontested Order (attach supporting documentation)		
Expedited Consideration. State the basis:		
Expedited Consideration. State the basis.		
Video conferencing requested. Request form has		
been submitted. See Lyc. Co. R.G.C.B. L8.		
Attach this cover sheet to original motion		
previously filed on:	_	
. Time Required:	Continued on a Separate Sheet.	
	ORDER	
1 An argument factual hearing co	ourt conference is scheduled for	
at o'clock M., in courtroom No.	, Lycoming County Courthouse, Williamsport, PA.	
2. Briefs are to be filed by the following dates:	:	
Filing Party		
Responding party (ies)	·	
3 A rule is issued upon Respondent to show c	A rule is issued upon Respondent to show cause why the Petitioner is not entitled to the relief requested.	
4 A response to the Motion/Petition shall be f	A response to the Motion/Petition shall be filed within days.	
5. See order attached. See separate ord	See order attached See separate order issued this date.	
6. Other:		
7.	-	
1.		
Judge	Date	

c: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICEMUST BE DESIGNATED IN "6" ABOVE. NOTICE: The parties are directed to confer for the purpose of resolving any issue raised in the motion/petition. If a resolution is reached prior to the scheduled date, the moving party shall immediately notify the court scheduling technician, the judge or hearing officer assigned to hear the matter, and all counsel of record or parties if unrepresented. Such notice may be in writing or by email.

	Plaintiff,	: IN THE COURT OF COMMON PLEAS OF : LYCOMING COUNTY, PENNSYLVANIA
VS.		: : NO. : CIVIL ACTION - LAW
	Defendant	: : CUSTODY
EN		RANCE OF SELF-REPRESENTED PARTY
	Pu	rsuant to Pa.R.C.P. No. 1930.8
1. My name is		
2. I am the	Plaintiff Defendant	
3. I represent myse	elf in this action.	
		COUNSEL OF RECORD (IF APPLICABLE) YOU HAVE AN ATTORNEY OF RECORD
Ren	nove	, Esquire as my attorney of record.
	hdraw my appearance	for the filing party, Esquire (Print attorney name) ID# Attorney Signature Date:
	at I am under a continu ted parties, and to attor	ing obligation to provide current contact information to the court, to meys of record.
	nd legal papers can bess pursuant to Rule	be served on me at the address listed below, which may or may not 1930.8.
Print Name:		Date:
		Telephone Number:
Address:		

THE PARTY FILING THIS ENTRY OF APPEARANCE MUST PROVIDE NOTICE BY SENDING A COPY TO ALL PARTIES AND ATTORNEYS, INCLUDING THE ATTORNEY REMOVED FROM THE CASE.

	Plaintiff	, : IN THE COURT OF COMMON PLEAS OF : LYCOMING COUNTY, PENNSYLVANIA
	VS.	: : CIVIL ACTION – LAW : CUSTODY
	Defendant	; : : NO.
	<u>PETITI</u>	ION FOR SPECIAL RELIEF
1.	The Petitioner is	(your name)
	The Petitioner's address is	
	The Petitioner's phone number is	(your phone number)
2.	The Respondent is	(other party's name).
	The Respondent's address is	(other party's address)
	The Respondent's phone number is: _	(other party's phone number)
3.	The child(ren) in this case are: LIST	CHILDREN BY INTITIALS AND AGE ONLY—DO NOT
W	RITE NAMES OR BIRTH DATES	
	INITIALS	<u>AGE</u>

4.	The current Custody Order is dated: _ The Custody Order is attached (make	sure to attach your Custody Order).
5.		
5.	This special relief is necessary becaus	se:
		VERIFICATION
		the foregoing document are true and correct. I understand that false penalties of 18 Pa.CS.§4904 relating to unsworn falsification to
I	Date:	Sign your name
		Print your name

CONFIDENTIAL INFORMATION FORM



APPELLATE/TRIAL COURT CASE RECORDS

Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts 204 Pa. Code § 213.81

www.pacourts.us/public-records

(Party name as displayed in case caption)	_	Docket/Case No.
Vs.		
(Party name as displayed in case caption)	_	Court
This form is associated with the pleading titled		, dated
necessary to effect the disposition of a matte	y a filing where confidential information is re . This form, and any additional pages, shall r	Records of the Appellate and Trial Courts, the equired by law, ordered by the court, or otherwise remain confidential, except that it shall be available to the must be served on all unrepresented parties and counsel
This Information Pertains to:	Confidential Information	References in Filing:
	Social Security Number (SSN):	Alternative Reference: SSN 1
(full name of adult) OR	Financial Account Number (FAN):	Alternative Reference: FAN 1
This information pertains to a minor with the	Driver's License Number (DLN):	Alternative Reference:
initials of and the full name of	State of Issuance:	DLN 1
(full name of minor)	State Identification Number (SID):	
And date of birth:		Alternative Reference: SID 1
	Social Security Number (SSN):	Alternative Reference: SSN 2
(full name of adult) OR	Financial Account Number (FAN):	Alternative Reference: FAN 2
This information pertains to a minor with the	Driver's License Number (DLN):	Alternative Reference: DLN 2
initials of and the full name of	State of Issuance:	DLN 2
(6.11)	State Identification Number (SID):	
(full name of minor)		Alternative Reference: SID 2
And date of birth		

THIS FORM IS CONFIDENTIAL

CONFIDENTIAL INFORMATION FORM



APPELLATE/TRIAL COURT CASE RECORDS

total pages are attached to this filing.
Public Access Policy of the Unified Judicial System of Pennsylvania: Case g confidential information and documents differently than non-confidential
Date
Attorney Number: (if applicable)

NOTE: Parties and attorney of record in a case will have access to this Confidential Information Form.

Confidentiality of this information must be maintained.

THIS FORM IS CONFIDENTIAL



APPELLATE/TRIAL COURT CASE RECORDS

Additional page (if necessary)

This Information Pertains to:	Confidential Information	References in Filing:
	Social Security Number (SSN):	Alternative Reference: SSN
(full name of adult) OR This information pertains to	Financial Account Number (FAN):	Alternative Reference: FAN
a minor with the initials of and the full name of	Driver's License Number (DLN):	Alternative Reference: DLN
	State of Issuance:	
(full name of minor) And date of birth:	State Identification Number (SID):	Alternative Reference: SID
(full pages of adult)	Social Security Number (SSN):	Alternative Reference: SSN
(full name of adult) OR This information pertains to a minor with the	Financial Account Number (FAN):	Alternative Reference: FAN
initials of and the full name of	Driver's License Number (DLN):	Alternative Reference: DLN
(full name of minor)	State of Issuance:	
And date of birth	State Identification Number (SID):	Alternative Reference: SID

THIS FORM IS CONFIDENTIAL

	Plaintiff,	: IN THE COURT OF COMMON PLEAS OF : LYCOMING COUNTY, PENNSYLVANIA
vs.		: : CIVIL ACTION - LAW : CUSTODY
	Defendant	: : NO.
<u>AF</u>	FIDAVIT OF SERVICE B	Y CERTIFIED MAIL AND REGULAR MAIL
Ι,		, certify that on, I, I
		(date mailed) tion Cover Sheet, Entry of Appearance as Self-
		Relief, a copy of the current Custody Order, and the
-	•	ocuments were sent by certified mail, restricted delivery.
	ot requested, to:	
return receip	ricquesteu, to.	
	(other pa	arty's name and address)
I also	mailed a true and correct co	opy of these documents by regular
mail to the o	ther party at the same addres	
		(date mailed)
	The other party received t	he documents on (date received)
	Sender's receipt and retur	n receipt are attached.
	The other party refused th attached.	ne certified mail, and the sender's receipt and refusal are
	The regular mail has not b	peen returned as undeliverable.
		and correct. I understand that false statements herein are .S. §4904 relating to unsworn falsification to authorities.
Date:	Pet	itioner's Signature:

Plaintiff	, : IN THE COURT OF COMMON PLEAS OF : LYCOMING COUNTY, PENNSYLVANIA		
VS.	: : CIVIL ACTION - LAW : CUSTODY		
Defendant	, : : NO.		
<u>AFFIDA</u>	VIT OF PERSONAL SERVICE		
Ι,	, certify that I am a competent adult who is		
(person serving other parent/p 18 years of age or older, and I am not	t a party to this action or an employee or relative of a party		
to this action. On	, I served a true and correct copy of the		
	rance as Self-Represented Party, Petition for Special Relief,		
± *	and the Confidential Information Form. I served these upon by:		
(other parent/party)	- '		
	handing a copy to him/her; handing a copy to an adult family member at his/her residence by the name of		
□ handing a copy to an adult in	handing a copy to an adult in charge of his/her residence by the name of		
handing a copy to an adult in	charge at his/her place of employment by the name of		
	(place served)		
at approximately(time of d	lay/am-pm)		
I verify that the foregoing is to	rue and correct. I understand that false statements herein are		
made subject to the penalties of 18 Pa	a. C.S. §4904 relating to unsworn falsification to authorities.		
Date:	(server's signature)		
	Name:		
	Address		
	Dhone:		