#### INSTRUCTIONS FOR FILING A CUSTODY COMPLAINT FOR PARENTS

Warren and Forest Counties
Commonwealth of Pennsylvania

You may use this form to file for custody if:

- You are a parent of the child(ren), and
- An existing custody case does NOT already exist, and
- The child(ren) have been living in Warren or Forest County for at least the last six months.

To file a Custody Complaint as parent,

- A. Complete the attached **Complaint for Custody** form by following the included instructions.
- B. Complete a **Confidential Document Form** coversheet and a **Criminal Record/Abuse History Verification** form.
- C. Complete a **Confidential Information Form** by listing each child's name, date of birth and initials.
- D. File the completed forms in person or by mail, along with the appropriate filing fee (see below) for scheduling of a date, time and courtroom for a conference. Your complaint will be filed and a copy of the forms will be returned to you with further instructions regarding service.

#### **Warren County Residents**

Filing Fee: **\$125.75** 

#### Submit completed forms and fee to:

Family Hearing Office Warren County Courthouse 204 Fourth Avenue Warren, PA 16365

#### **Forest County Residents**

Filing Fee: **\$115.25** 

#### Submit completed forms and fee to:

Prothonotary's Office Forest County Courthouse 526 Elm Street, #2 Tionesta, PA 16353

All filing fees must be paid by cash or money order (no personal checks). Do not send cash in the mail. Money Orders should be made payable to "The Prothonotary."

If you have any procedural questions you may call the Family Hearing Office at (814) 728-3488. For legal questions or advice call your attorney or Northwestern Legal Services at (800) 665-6957

More information and forms are available at the county courthouse or online at warrenforestcourt.org/departments/family-hearing-office/.



#### **Definitions of Custody Terms**

in Pa. R.C.P. 1915.1

child: An unemancipated individual under 18 years of age.

**person acting as a 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*.

*in loco parentis*: A person who puts himself or herself 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 a parental status; and (2) the discharge of parental duties.

**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."

**legal custody:** The right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions.

shared legal custody: The right of more than one individual to legal custody of the child.

sole legal custody: The right of one individual to exclusive legal custody of the child.

physical custody: The actual physical possession and control of a child.

**partial physical custody:** The right to assume physical custody of the child for less than a majority of the time.

**primary physical custody:** The right to assume physical custody of the child for the majority of time.

**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 physical custody:** The right of one 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.

home county: The county in which the child lived with either or both parents, a person acting as a parent, or in an institution for at least six consecutive months immediately preceding the filing of the action, and in the case of a child less than six months old, the county in which the child lived from birth with any of the persons 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;

**relocation:** A change in a residence of the child which significantly impairs the ability of a nonrelocating party to exercise custodial rights.

#### Instructions for Completing a Complaint for Custody Form for Parents

The sections in these instructions correspond with the sections or line numbers on the Form.

#### **Caption Section**

Print the county in which you are filing your petition.

Print your name as the Plaintiff.

Leave the case number blank. The Prothonotary will assign a number to your case and will write your case number on your Complaint

Print the name of the opposing party as the Defendant (that is, the father or mother of child(ren) against whom you are filing).

#### Line 1

Print your name, place of residence, and telephone number in full.

#### Line 2

Print the Defendant's name, place of residence, and telephone number in full.

#### Line 3

Check what kind of legal custody and/or physical custody you are seeking.

List the child(ren) involved, and their present residence. <u>Do not include a child's name or date of</u> birth. Instead, use the initials identified in the Confidential Information Form.

Indicate whether the parents were married when the child(ren) were born by checking the appropriate choice.

List the name and address of the adult person(s) that the child(ren) currently resides with.

List the name, address and dates of the persons that the child(ren) has resided with for the past five (5) years.

List the names, addresses and current marital status of each of the child(ren)'s parents.

#### Line 4

Indicate your relationship with the child(ren) (mother or father) and list everyone who currently resides with you at your address.

#### Line 5

Indicate the Defendant's relationship with the child(ren) (mother or father) and list everyone who currently resides with the Defendant to the best of your knowledge.

#### Line 6

Indicate whether you have been involved in any of the types of cases listed concerning the child(ren). If so, list type of case and Court, term and number.

Indicate whether you are aware of any custody proceedings concerning the child(ren) in any other Court. If so, list Court, term and number.

Indicate whether you are aware of anyone, other than you and the Defendant, who may claim to have custody rights of the child(ren) involved.

#### Line 7

<u>Concisely</u> state your reasons for making the request. (If you need more space, write on a separate page. Do not write on the back of this form, or in the margins).

#### Line 8

List the name, address and basis of claim of anyone, other you and the Defendant who may claim to have custody rights of the child(ren) involved.

#### **Signature Section**

Check what kind of legal custody and/or physical custody you are seeking.

Sign your name.

Print your name, mailing address and telephone number.

#### **Verification Section**

Print the date you completed this form.

After reviewing your Petition, making sure everything you stated is true and correct, sign your name to the verification.

# IN THE COURT OF COMMON PLEAS OF THE $37^{\text{TH}}$ JUDICIAL DISTRICT OF PENNSYLVANIA \_\_\_\_\_COUNTY BRANCH

			CIVIL			
Plaintiff			., No	of		
v.			NO	01 _		_
			In Custo	dy		
Defendant			-1			
		COMPLAIN	NT FOR CUS	TODY		
1. The Plair	tiff ic					, residing at
1. The Flair	iuii is		(Plaintiff's nai	me)		, residing at
(Street)	(City)	(State)	(Zip Code)	(Count	y) -	(Telephone)
2. A Defend	lant is					, residing at
		(	Defendant's na	me)		
(Street)	(City)	(State)	(Zip Code)	(Count	y) -	(Telephone)
	hysical cust	ody 🗆 prin	nary physical	custody	<sup>′</sup> □ sha	√□ sole legal red physical custody ng child(ren):
Initials	F	Present Res	sidence		А	ge
The child(re	n) (□wa	s/were 🗀	was not/wer	e not )	born	out of wedlock.
The child(re	n) is/are pr	esently in	the custody o	of		(name)
who resides at	0+)		(Cib)	(5)	hata\	(7in Codo)
(Stree	et)		(City)	(S	tate)	(Zip Code)

	During the pa	st five yea	rs, the ch	ild(ren) has/	have resided	d with the following
person	s and at the fo	llowing ad	dresses:			
(Name	es)	(Add	dresses)			(Dates)
	A parent of th	e child is_		(parent's name	e)	, currently residing at
(Street)		(City)	(State)	(Zip Code)	(County)	(Telephone)
	This parent is	( □marrie	ed □divo	rced □sing	ıle ).	
	A parent of th	e child is_		(parent's name	e)	_, currently residing at
(Street)	)	(City)	(State)	(Zip Code)	(County)	(Telephone)
	This parent is	( □marrie	ed □divo	rced □sing	ıle ).	
	4. Plaintiff's r	elationship	o to the ch	nild(ren) is t	hat of (mother	, maternal grandfather, etc.)
Plaintif	ff currently resi Name	des with t	he followir	ng persons: -	Relati	onship
Defend	5. Defendant dant currently r Name				(mothe	r, maternal grandfather, etc.
				- - -		

6. Plaintiff ( ☐has ☐has not ) participated as a party or witness, or in
another capacity, in other litigation concerning the custody of the child(ren) in this or
another court, including but not limited to: child support, protection from abuse,
guardianship, dependency, delinquency, criminal, or mental health. 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 custodial rights with respect to the child. The name and address of such person is:
7. The child(ren)'s best interest and permanent welfare will be served by granting the relief requested because (set forth facts showing that the granting of the
relief requested will be in the child(ren)'s best interest and permanent welfare):

8. Each parent whos	se parental rights to the child hav	ve not been terminated and
the person who has physical	custody of the child have been i	named as parties to this
action. All other persons, na	amed below, who are known to h	ave or claim a right to
custody of the child will be gi	iven notice of the pendency of the	nis action and the right to
intervene:		
Name	Address	Basis of Claim
wherefore, Plaintiff re legal custody □ sole legal custody □ sole legal custody	hed the Criminal Record/Abuse F v.P. 915.3-1. equests the Court to grant (chec ustody \( \subseteq \text{partial physical custody} \) \( \sole \text{physical custody} \( \superv	k all that apply) □ <i>shared</i> □ <i>primary physical custody</i>
	 Plaintiff (signatu	ıra)
	, ,	
		:
	Training dadress	
	Telephone:	
	, -	
understand that false statem	ements made in this Complaint a nents herein are made subject to worn falsification to authorities.	
Date	Plaintiff (signatu	ure)

### CONFIDENTIAL DOCUMENT FORM



Case Records Public Access Policy of the Unified Judicial System of Pennsylvania
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	, da	ated,
Pursuant to the <i>Case Records Public Access Policy of the Unified</i> accompany a filing where a confidential document is required by disposition of a matter. This form shall be accessible to the public except as ordered by a court. The documents attached will be averaged only attach documents necessary for the purposes of the any additional pages must be served on all unrepresented parties	y law, ordered by the court, or ic, however the documents atta ailable to the parties, counsel of this case. Complete the entire for	is otherwise necessary to effect the ached shall not be publicly accessible, of record, the court, and the custodian.
Type of Confidential Document	t	Paragraph, page, etc. where the confidential document is referenced in the filing:
Financial Source Documents		
Tax Returns and schedules		
W-2 forms and schedules including 1099 forms or sim	ilar documents	
Wage stubs, earning statements, or other similar docum		
Credit card statements		
Financial institution statements (e.g., investment/bank	statements)	
Check registers		
Checks or equivalent		
Loan application documents  Minors' educational records		
Medical/Psychological records		
Children and Youth Services' records		
Marital Property Inventory and Pre-Trial Statement as provi	ded in Pa.R.Civ.P. 1920.33	
Income and Expense Statement as provided in Pa.R.Civ.P.		
Agreements between the parties as used in 23 Pa.C.S. § 310	05	
I certify that this filing complies with the provision <i>Judicial System of Pennsylvania</i> that require filing confidential information and documents.		
Signature of Attorney or Unrepresented Party	Date	
Name:	Attorney Number: (i	f applicable)
Address:	Telephone:	
	Email:	

### IN THE COURT OF COMMON PLEAS OF THE $37^{\text{TH}}$ JUDICIAL DISTRICT OF PENNSYLVANIA

	-	COUN CIVIL	TY BRANCH		
Plaintiff			NIO	-6	
V.			NO	of	
			In Custo	ody	
Defendant					
	CRIMINAL F	RECORD / ABUSE H	HISTORY VER	RIFICATION	
☐ REPORT OF	CHILD ABUS	SE AND PROTECTIV	VE SERVICES	REQUESTED BY CO	URT
(Court may use the	e first page o	of the parties' crim may complete a n		abuse history verifi	cation o
1. <i>Participants</i> . Pleas necessary:	se list ALL mer	mbers in your/the pa	articipant's hou	isehold and attach sh	eets if
Name	Date of Birt	h Address		Relationship to Child	l(ren)
Abuse Act, 23 Pa.C.S	5. § 6112, or t 701—6713, or	he Domestic and Se the Child Custody A	xual Violence	ected by the Protection Victim Address Confid § 5336(b), or they a	entiality
Please list ALL memb	pers in the opp	oosing party's house	hold and attac	h sheets if necessary	:
Name	Date of Birt	h Address		Relationship to Child(ren)	
Abuse Act, 23 Pa.C.S	5. § 6112, or t 701—6713, or rotection unde	he Domestic and Se the Child Custody A er the same.	xual Violence Act, 23 Pa.C.S.	ected by the Protection Victim Address Confid § 5336(b), or they a	entiality
Name	Da	ate of Birth			

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- 2. *Criminal Offenses*. As to the following listed Pennsylvania crimes or offenses, or another jurisdiction's substantially equivalent crimes or offenses, check the box next to any applicable crime or offense in which you or a household member:
  - · has pleaded guilty or no contest;
  - has been convicted;
  - has charges pending; or
  - has been adjudicated delinquent under the Juvenile Act, 42 Pa.C.S. §§ 6301—6375, and the record is publicly available as set forth in 42 Pa.C.S. § 6307.

You should also check the box next to a listed criminal offense even if the offense has been resolved by Accelerated Rehabilitative Disposition (ARD) or another diversionary program, unless it has been expunged pursuant to 18 Pa.C.S. § 9122, or a court has entered an order for limited access, e.g., Clean Slate, pursuant to 18 Pa.C.S. §§ 9122.1 or 9122.2.

Check			Other	Date of conviction, guilty plea, no contest plea or	
all that apply	Crime	Self	household member	pending charges	Sentence
	18 Pa.C.S. Ch. 25 (relating to criminal homicide)				
	18 Pa.C.S. § 2701 (relating to simple assault)				
	18 Pa.C.S. § 2702 (relating to aggravated assault)				
	18 Pa.C.S. § 2705 (relating to recklessly endangering another person)				
	18 Pa.C.S. § 2706 (relating to terroristic threats)				
	18 Pa.C.S. § 2709.1 (relating to stalking)				
	18 Pa.C.S. § 2718 (relating to strangulation)				
	18 Pa.C.S. § 2901 (relating to kidnapping)				
	18 Pa.C.S. § 2902 (relating to unlawful restraint)				
	18 Pa.C.S. § 2903 (relating to false imprisonment)				
	18 Pa.C.S. § 2904 (relating to interference with custody of children)				
	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)				

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Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
	18 Pa.C.S. Ch. 30 (relating to human trafficking)				
	18 Pa.C.S. § 3121 (relating to rape)				
	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)				
	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)				
	18 Pa.C.S. § 3124.1 (relating to sexual assault)				
	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)				
	18 Pa.C.S. § 3126 (relating to indecent assault)				
	18 Pa.C.S. § 3127 (relating to indecent exposure)				
	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)				
	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)				
	18 Pa.C.S. § 3301 (relating to arson and related offenses)				
	18 Pa.C.S. § 4302 (relating to incest)				
	18 Pa.C.S. § 4303 (relating to concealing death of child)				
	18 Pa.C.S. § 4304 (relating to endangering welfare of children)				
	18 Pa.C.S. § 4305 (relating to dealing in infant children)				
	18 Pa.C.S. § 5533 (relating to cruelty to animal)				
	18 Pa.C.S. § 5534 (relating to aggravated cruelty to animal)				
	18 Pa.C.S. § 5543 (relating to animal fighting)				

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Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
	18 Pa.C.S. § 5544 (relating to possession of animal fighting paraphernalia)				
	18 Pa.C.S. § 5902(b) or (b.1) (relating to prostitution and related offenses)				
	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)				
	18 Pa.C.S. § 6301 (relating to corruption of minors)				
	18 Pa.C.S. § 6312 (relating to sexual abuse of children)				
	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)				
	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)				
	Finding of contempt of a Protection from Abuse order or agreement under 23 Pa.C.S. § 6114				
	Finding of contempt of a Protection of Victims of Sexual Violence and Intimidation order or agreement under 42 Pa.C.S. § 62A14				
	Driving under the influence of drugs or alcohol				
	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device				

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3. *Abuse or Agency Involvement*. Check the box next to any statement that applies to you, a household member, or your child.

Check all that apply		Self	Household member	Child
	Involvement with a children and youth social service agency in Pennsylvania or a similar agency in another jurisdiction.			
	What jurisdiction?:			
	A determination or finding of abuse ( <i>i.e.</i> , indicated or founded report) by a children and youth social service agency or court in Pennsylvania or a similar agency or court in another jurisdiction.			
	What jurisdiction?:			
	An adjudication of dependency involving this child or any other child under Pennsylvania's Juvenile Act, or a similar law in another jurisdiction.			
	What jurisdiction?:			
	Is the case active?:			
	A history of perpetrating "abuse" as that term is defined in the Protection from Abuse Act, 23 Pa.C.S. § 6102.			
	A history of perpetrating "sexual violence" or "intimidation" as those terms are defined in 42 Pa.C.S. § 62A03 (relating to protection of victims of sexual violence and intimidation).			
	Other			
4. If you of as a result	checked a box in (2) or (3), list any evaluation, counseli ::	ng, or o	other treatmer	nt received
	checked a box in (2) or (3) that applies to your househo person's name, date of birth, and relationship to the chi		nber, who is no	ot a party,
	are aware that the other party or the other party's house abuse history, please explain:	ehold n	nember has a	criminal

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### ONLY A PARTY CAN SIGN THIS FORM. IF A PARTY IS REPRESENTED BY AN ATTORNEY, THE ATTORNEY CANNOT SIGN THIS FORM ON BEHALF OF THE PARTY.

I verify that the information above is true and correct to the best of my knowledge, information, or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unworn falsification to authorities.

	Signature
Date	Printed Name
	rith the provisions of the Case Records Public Access Policy of Ivania that require filing confidential information and dential information and documents.
	Signature of Filer
	Printed Name

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## CONFIDENTIAL INFORMATION FORM



Case Records Public Access Policy of the Unified Judicial System of Pennsylvania: 204 Pa. Code  $\S$  213.81

www.pacourts.us/public-records

Plaintiff	Docket/Case No.	
Vs.		
Defendant	Court	
is form is associated with the pleading titled		, dated
rsuant to the Case Records Public Access Information Form shall accompany a filing we nerwise necessary to effect the disposition cept that it shall be available to the parties, ges, must be served on all unrepresented pages.	where confidential information is <b>requir n of a matter.</b> This form, and any addit counsel of record, the court, and the cu	red by law, ordered by the court, or tional pages, shall remain confidentia
This Information Pertains to:	Confidential Information:	References in Filing:
This information pertains to a minor with the initials of and the full name of (full name of minor)  and date of birth:		
This information pertains to a minor with the initials of and the full name of		

## CONFIDENTIAL INFORMATION FORM



#### Additional page (if necessary)

This Information Pertains to:	Confidential Information:	References in Filing:
This information pertains to a minor with the initials of and the full name of (full name of minor)		
This information pertains to a minor with the initials of and the full name of (full name of minor)  and date of birth:		
This information pertains to a minor with the initials of and the full name of (full name of minor)  and date of birth:		

## CONFIDENTIAL INFORMATION FORM



Additional page(s) attached.	total pages are attached to this filing.			
I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unites Judicial System of Pennsylvania that require confidential information and documents differently than non-confidential information and documents.				
Signature	Date			
Name:	Attorney Number: (if applicable)			
Address:	Telephone:			
	Email:			

Note: Parties and attorney of record in a case will have access to this Confidential Information Form. Confidentiality of this information must be maintained.