

BASIC INSTRUCTIONS FOR FILING A MODIFICATION PETITION

****PLEASE NOTE.... READING THIS DOES NOT TAKE PLACE OF FULLY READING ALL THE INSTRUCTION PROVIDED IN THE BOOKLET****

1. Use this original form, fill in all the blanks. As part of your Modification Petition, you must also print, fill out and attach a Criminal Record/Abuse History Verification form. Make four (4) photo copies of your completed paperwork. These forms are available at www.eriecountypa.gov/custody. If there are more than two (2) parties to your custody action you will need to fill out two (2) additional forms for each person.
2. Bring all forms and copies as stated above, along with two (2) additional blank Criminal Record/Abuse History Verification forms for each party and the **modification fee** to the Custody Conciliation Office, Erie County Courthouse, 140 West Sixth Street, Room 02, Erie, PA 16501. **MODIFICATION PETITIONS WILL BE ACCEPTED BETWEEN 8:00 A.M. AND 11:30 A.M. AND BETWEEN 1:00 P.M. AND 4:00 P.M.**
3. At the Custody Conciliation Office you will be asked to fill out a Request for Conciliation form. You will take the Request for Conciliation form and the \$50.00 non-refundable modification fee to the Clerk of Courts on the first floor of the Courthouse, Room 103A. The fee must be paid before a conciliation conference can be scheduled; either check or cash are appropriate forms of payment. You will receive a receipt; bring the receipt and the Request for Conciliation form back to the Custody Conciliation Office and a conference scheduling order will be attached to your paperwork.
4. Take the original Modification Petition and your copies to the Prothonotary Office on the first floor of the Courthouse, Room 120. They will keep the original Modification Petition and certify your copies and return them to you.

IT IS YOUR RESPONSIBILITY TO PROPERLY SERVE ALL OTHER PARTIES INVOLVED.
SERVICE BY MAIL:

You are to mail a copy of the petition and scheduling order to the other party/ies by regular first class mail or certified restricted delivery. You must complete the *Certificate of Service* for the regular first class mail and present that on the day of your conference or the signed green card returned to you by the Post Office will be your proof of service.

PERSONAL SERVICE BY CONSTABLE, SHERIFF, OR INDEPENDENT THIRD PARTY:

If you choose to have the other party/ies personally served you must provide a completed affidavit of service for each party served.

THE CUSTODY CONCILIATION OFFICE IS NOT RESPONSIBLE FOR SERVICE/MAILING.

_____ : **IN THE COURT OF COMMON PLEAS**
Plaintiff :
VS. : **OF ERIE COUNTY, PENNSYLVANIA**
 _____ :
Defendant : **NO.**

MODIFICATION PETITION

1. The plaintiff is _____ residing at _____
(entire street address, city, state & zip code)
2. The defendant is _____ residing at _____
(entire street address, city, state & zip code)
3. The plaintiff seeks (*shared legal custody*) (*sole legal custody*) (*partial physical custody*)
(primary physical custody) (*shared physical custody*) (*sole physical custody*)
(supervised physical custody) of the following child/ren:

<u>Name (of Child/ren)</u>	<u>Present Address (of Child/ren)</u>	<u>Birth Date (of Child/ren)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- a) The child/ren (was) (was not) born out of wedlock.
- b) The child/ren is presently in the custody of _____ who
resides at _____
- c) During the past five (5) years, the child/ren has resided with the following
persons and at the following addresses:

<u>List the Persons</u>	<u>List the Addresses</u>	<u>Dates</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

d) The mother of the child/ren is _____, currently residing at _____.

e) She is (married) (divorced) or (single).

f) The father of the child/ren is _____, currently residing at _____.

g) He is (married) (divorced) or (single).

4. The relationship of the plaintiff to the child/ren is that of _____. The plaintiff currently resides with the following persons:

Name of Persons

Relationship to Plaintiff

5. The relationship of the defendant to the child/ren is that of _____. The defendant currently resides with the following persons:

Name of Persons

Relationship to Defendant

6. The plaintiff (has) (has not) participated as a party or witness, or in another capacity, in other litigation (*court case*) concerning the custody of the child/ren in this or another Court. The Court term and number and its relationship to this action is:

a) The plaintiff (has) (has no) information of a Custody proceeding concerning the child/ren pending in a Court of this Commonwealth or any other state. The Court term and number and its relationship to this action is:

b) The plaintiff (knows) (does not know) of a person, not a party to the proceedings, who has physical custody of the child/ren or claims to have custody or visitation rights with respect to the child/ren. The name and address of such as person is:

7. The best interest and permanent welfare of the child/ren will be served by granting the relief requested because: _____

8. Each parent whose parental rights to the child/ren have not been terminated and the person who has physical custody of the child/ren have been named as parties to this action. All other persons, named below, who are known to have or claim a right to custody or visitation with the child/ren will be given notice of the pendency of this action and the right to intervene: _____

9. I am not a parent of the child/ren, nevertheless, I have standing for the following reason:

a) If the plaintiff is a grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody pursuant to 23 Pa.C.S. §5323, you must plead facts establishing standing pursuant to 23 Pa.C.S. §5324(3). _____

b) If the plaintiff is a grandparent or great-grandparent who is seeking partial physical custody or supervised physical custody pursuant to 23 Pa.C.S. §5325 you must plead facts establishing standing pursuant to §5325. _____

c) If the plaintiff is a person seeking physical and/or legal custody pursuant to 23 Pa.C.S. §5324(2) as a person who stands in loco parentis to the child/ren, you must plead facts establishing standing. _____

10. I have attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. 1915.3-2.

Wherefore, the plaintiff requests the Court to grant (*shared legal custody*)
(*sole legal custody*) (*partial physical custody*) (*primary physical custody*)
(*shared physical custody*) (*sole physical custody*) (*supervised physical custody*)
of the child. (***circle all that apply***).

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

Date

Signature

_____	:	IN THE COURT OF COMMON PLEAS
<i>Plaintiff</i>	:	
VS.	:	OF ERIE COUNTY, PENNSYLVANIA
_____	:	
<i>Defendant</i>	:	NO.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petition for Modification and Scheduling Order for the custody conference scheduled for _____(date) at _____(time) were served on (names and addresses where served):

and in the following manner (describe manner of service for each person served—i.e. certified mail and/or regular mail; give the date and time of service)

I hereby verify that the facts stated herein are true and correct to the best of my knowledge, information and belief. I understand that any false statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Date: _____

(signature of Petitioner)

(print name)