

**BASIC INSTRUCTIONS FOR FILING YOUR COMPLAINT FOR CUSTODY**

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

1. Use this original form, fill in all the blanks. As part of your Complaint for Custody, 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](http://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 **appropriate filing fee** to the Custody Conciliation Office, Erie County Courthouse, 140 West Sixth Street, Room 02, Erie, PA 16501. **COMPLAINTS FOR CUSTODY 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. The Custody Conciliation Office will schedule you for an Intake Conference. If you have not already done so you and the other parties will be scheduled to attend the Children Cope with Custody and/or Visitation seminar. We will attach all the necessary papers to your Complaint for Custody at this time. You must complete the registration form that is attached to your Complaint for Custody and return it to Family Services along with your payment prior to the date you are scheduled to attend. Bring the Certificate of Completion with you to the Intake Conference.
4. Take the original Complaint for Custody and your copies to the Prothonotary's Office on the first floor of the Courthouse, Room 120 for filing. If you do not have a current Custody docket or a Divorce docket number, you will be assigned a docket number upon filing your Complaint for Custody and paying the filing fee to the Prothonotary Office. Either check or cash are appropriate forms of payment. The Prothonotary Office will keep the original Complaint for Custody and certify your copies and return them to you.
5. Bring your receipt with the docket number back to the Custody Conciliation Office.

**THE CUSTODY CONCILIATION OFFICE IS NOT RESPONSIBLE FOR SERVICE/MAILING. IT IS YOUR RESPONSIBILITY TO PROPERLY SERVE ALL THE PARTIES INVOLVED.**

**SERVICE BY MAIL:**

Two (2) of the certified copies are to be served on the other parties *on the same day as they are filed*. One (1) is to be sent to the defendant by **certified mail, restricted delivery** and one (1) by regular mail.

**YOU MUST HAVE PROOF THAT THE DEFENDANT/S WERE SERVED.**

**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.

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

**COMPLAINT FOR CUSTODY**

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:

<u>Name of Persons</u>	<u>Relationship to Plaintiff</u>
_____	_____
_____	_____
_____	_____

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

<u>Name of Persons</u>	<u>Relationship to Defendant</u>
_____	_____
_____	_____
_____	_____

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:

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- 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:
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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. \_\_\_\_\_

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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. \_\_\_\_\_

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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