

Re: Complaint for Custody or Petition to Modify Custody/Visitation

Attached is a copy of a Complaint for Custody or Petition to Modify Custody/Visitation form. Please fill out the form and submit **an original and two copies** of this complaint/petition and Order to the Prothonotary's Office, along with a self-addressed, stamped envelope. Please be sure that you have filled out the entire complaint/petition.

The complaint/petition will be given to the Court for scheduling. Once the Court has scheduled your complaint/petition, it will be returned to the Prothonotary's Office who will conform and return your copy or copies to you. You will then be required to serve the complaint/petition along with the registration form for the Education Program for Separated Parents on all interested parties and file proof of service in accordance with the Pennsylvania Rules of Civil Procedure Rule 1930.4(c), which is attached hereto.

There is a filing fee of \$112.00 for a Complaint for Custody, Partial Custody or Visitation. The filing fee to file a Petition to Modify an existing Custody order is \$75.50.

Enclosure  
(7/9/12)

\_\_\_\_\_ : **IN THE COURT OF COMMON PLEAS**  
\_\_\_\_\_ : **OF THE 41<sup>ST</sup> JUDICIAL DISTRICT**  
VS. \_\_\_\_\_ : **OF PENNSYLVANIA**  
\_\_\_\_\_ : **JUNIATA COUNTY BRANCH**  
\_\_\_\_\_ : **NO.**

**NOTICE AND ORDER OF COURT**

You, \_\_\_\_\_, (*defendant*)/(*respondent*), have been sued in court to OBTAIN custody, partial custody or visitation of the child(ren):

\_\_\_\_\_  
You are ordered to appear in person at the Juniata County Courthouse, Mifflintown, Pennsylvania on \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_M. for

- a conciliation or mediation conference.
- a pretrial conference.
- a hearing before the court.

If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Lawyers' Referral Service  
100 South Street  
PO Box 186  
Harrisburg, PA 17108  
1-800-692-7375

or

Mid Penn Legal Services  
213-A N. Front Street  
Harrisburg, PA 17101  
1-800-932-0356

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Juniata County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

BY THE COURT:

Date: \_\_\_\_\_  
\_\_\_\_\_ J.

\_\_\_\_\_ : IN THE COURT OF COMMON PLEAS  
VS. : OF THE 41<sup>ST</sup> JUDICIAL DISTRICT  
\_\_\_\_\_ : OF PENNSYLVANIA  
: JUNIATA COUNTY BRANCH  
: NO.

**COMPLAINT FOR CUSTODY**

1. The plaintiff is \_\_\_\_\_, residing at

\_\_\_\_\_  
*(Street) (City) (Zip Code)*  
*(County)*

2. The defendant is \_\_\_\_\_, residing at

\_\_\_\_\_  
*(Street) (City) (Zip Code)*  
*(County)*

3. Plaintiff seeks (custody) (partial custody) (visitation) of the following child(ren):

Name	Present Residence	Age
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The child(ren) (was/were) (was not/were not) born out of wedlock.

The child(ren) (is/are) presently in the custody of \_\_\_\_\_,  
*(Name)*

who resides at \_\_\_\_\_  
*(Street) (City)*  
*(State)*

During the past five years, the child(ren) (has/have) resided with the following persons and at the following addresses:

(List All Persons)

(List All Addresses)

(Dates)

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The mother of the child(ren) is \_\_\_\_\_, currently residing at \_\_\_\_\_.

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

The father of the child(ren) is \_\_\_\_\_, currently residing at \_\_\_\_\_.

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

4. The relationship of plaintiff to the child(ren) is that of \_\_\_\_\_.

The plaintiff currently resides with the following persons:

Name	Relationship
_____	_____
_____	_____
_____	_____
_____	_____

5. The relationship of defendant to the child(ren) is that of \_\_\_\_\_.

The defendant currently resides with the following persons:

Name	Relationship
_____	_____
_____	_____
_____	_____
_____	_____

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. The court, term and number, and its relationship to this action is:

\_\_\_\_\_.

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

Plaintiff (knows) (does not know) of a person not a party to the proceeding 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 person is: \_\_\_\_\_.

7. The best interest and permanent welfare of the child will be served by granting the relief requested because (*set forth facts showing that the granting of the relief requested will be in the best interest and permanent welfare of the child(ren)*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

8. Each parent whose parental rights to the child 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 of the child(ren) will be given notice of the pendency of this action and the right to intervene:

Name	Address	Basis of Claim
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WHEREFORE, plaintiff requests the Court to grant (custody) (partial custody) (visitation) of the child(ren).

\_\_\_\_\_  
Plaintiff OR Attorney for Plaintiff SIGNATURE

I verify that the statements made in this Complaint 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

\_\_\_\_\_  
Plaintiff SIGNATURE

Rule **1930.4.** Service of Original Process in Domestic Relations Matters

(a) Persons Who May Serve. Original process in all domestic relations matters may be served by the sheriff or a competent adult:

(1) by handing a copy to the defendant; or

(2) by handing a copy

(i) at the residence of the defendant to an adult member of the family with whom the defendant resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which the defendant resides; or

(iii) at any office or usual place of business of the defendant to the defendant's agent or to the person for the time being in charge thereof.

(3) or pursuant to special order of court.

*Note:* See Rule 76 for the definition of "competent adult".

(b) Service in Protection From Abuse Matters. In Protection From Abuse matters only, original process may also be served by an adult using any means set forth in subdivision (a) above. If personal service cannot be completed within forty-eight (48) hours after a Protection From Abuse petition is filed, the court may, by special order as set forth in subdivision (a)(3) above, authorize service by another means including, but not limited to, service by mail pursuant to subdivision (c) of this rule.

(c) Service by Mail. Except in Protection from Abuse matters unless authorized by special order of court pursuant to subdivision (b) above, original process may also be served by mailing the complaint and order to appear, if required, to the defendant's last known address by both regular and certified mail. Delivery of the certified mail must be restricted to addressee only, and a return receipt must be requested.

(1) If the certified mail is refused by defendant, but the regular mail is not returned within fifteen (15) days, service may be deemed complete.

(2) If the mail is returned with notation by the postal authorities that it was unclaimed, service shall be made by another means pursuant to these rules.

(d) Acceptance of Service. In lieu of service pursuant to this rule, the defendant or the defendant's authorized agent may accept service of original process by filing with the prothonotary a separate document which shall be substantially in the following form:



VS. : IN THE COURT OF COMMON PLEAS  
: OF THE 41<sup>ST</sup> JUDICIAL DISTRICT  
: OF PENNSYLVANIA  
: JUNIATA COUNTY BRANCH  
: NO.

**ACCEPTANCE OF SERVICE**

I accept service of the \_\_\_\_\_ . (*NAME OF DOCUMENT*) I certify that I am authorized to accept service on behalf of defendant.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Defendant or Authorized Agent

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mailing Address

*Note:* If defendant accepts service personally, the second sentence should be deleted.

(e) Time for Service Within the Commonwealth. Original process shall be served within the Commonwealth within thirty days of the filing of the petition or complaint.

(f) Service Outside of the Commonwealth. Original process shall be served outside the Commonwealth within ninety days of the filing of the complaint:

(1) by any means authorized by this rule; or

(2) in the manner provided by the law of the jurisdiction in which defendant will be served; or

(3) in the manner provided by treaty; or

(4) as directed by the foreign authority in response to a letter rogatory or request.

*Note:* Sections 5323 and 5329(2) of the Judicial Code, 42 Pa.C.S. §§ 5323 and 5329(2), provide additional alternative procedures for service outside the Commonwealth. For Protection from Abuse matters, personal service outside of the Commonwealth must first be attempted before service can be made by certified and regular mail or by any of the other means prescribed in subsection (f) of this Rule for out-of-state service.

(g) Reinstatement of Complaint. If service is not made as required by subdivision (e) or (f) of this rule, the prothonotary upon praecipe accompanied by the original process, or praecipe indicating that the original complaint has been lost or destroyed accompanied by a substituted complaint, shall reinstate the complaint.

(1) A complaint may be reinstated at any time and any number of times. A new party defendant may be named in a reinstated complaint.

(2) A reinstated complaint shall be served as required by subdivision (e) or (f) of this rule.

(h) Proof of Service. Proof of service shall be made as follows:

(1) The person making service of original process shall make a return of service forthwith. If service has not been made within the time allowed, a return of no service shall be made upon the expiration of the period allowed for service.

(2) Proof of service shall set forth the date, time, place and manner of service, the identity of the person served and any other facts necessary for the court to determine whether proper service has been made.

(3) Proof of service by a person other than the sheriff shall be by affidavit. If a person other than the sheriff makes a return of no service, the affidavit shall set forth with particularity the efforts made to effect service.

(4) Proof of service by mail shall include a return receipt signed by the defendant or, if the defendant has refused to accept mail service, the returned letter with the notation that the defendant refused to accept delivery, and an affidavit that the regular mail was not returned within fifteen days after mailing.

(5) Proof of service or of no service shall be filed with the prothonotary.

(6) An executed Acceptance of Service shall be filed in lieu of a Proof of Service where defendant accepts service of original process.

(i) Appearance at Hearing or Conference. Regardless of the method of service, a party who appears for the hearing or conference will be deemed to have been served.

This new rule replaces the numerous rules which previously governed service of process in domestic relations matters.