

LYCOMING COUNTY

MODIFICATION OF EXISTING CUSTODY ORDER 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 to give you specific legal advice.

Non-Refundable

MODIFICATION OF EXISTING ORDER

Sometimes it is necessary to change or modify your Custody Order. You should only go to Court to change your Order if it is important and necessary. For example, a change in residence, employment, or transportation might require a change in your Order. You can use this if you are asking to relocate with the child(ren).

To modify your existing order, file the attached forms in the Prothonotary's Office at the courthouse.

YOU MUST FILL OUT THE CAPTION EXACTLY AS IT APPEARS ON YOUR CURRENT CUSTODY ORDER, USING THE SAME CAPTION AS YOUR CURRENT ORDER. THIS IS AN EXAMPLE OF A BLANK CAPTION:

Plaintiff,	: IN THE COURT OF COMMON PLEAS : LYCOMING COUNTY, PENNSYLVANIA
vs. SA	: : CIVIL ACTION - LAW : CUSTODY
Defendant	: NO

Completing each of the forms:

- 1. **Motion Cover Sheet:** Complete caption (heading) by printing clearly. (Do not write).
- 2. Order and Notice: Fill out the caption at the top. Then fill in the name of the other parent or party. Then list the names of the children. STOP WRITING AT THIS POINT. THE COURT WILL FILL IN THE REMAINDER OF THIS PAGE.
- 3. Entry of Appearance As A Self-Represented Party.
- 4. **Petition for Modification of Existing Order:** You are the Petitioner, because you are bringing this action in Court. The Respondent is the other person in this action. Fill in the rest of the paragraphs with a short description of the reason you want your order changed.
- 5. Completed Criminal History/Abuse History Verification.

- 6. Blank Criminal/Abuse History Verification.
- 7. <u>Attach your Current Order to the Petition</u>: If you do not do this, the Court may return your Petition to you.

<u>Copies:</u> After you have completed the forms, clip them together in order, the Motion Cover Sheet on the front. You will then need to get copies made. You need a copy for yourself, one for the Defendant, one for any additional Defendant, and one for the Prothonotary. After you have copies made, staple them in order.

BE SURE TO FILL ALL SECTIONS OF THE PETITION.

COURT OF COMMON PLEAS, LYCOMING COUNTY MOTION COVER SHEET

Plaintiff Case Assigned to Judge vs. : None Family Court Hearing Officer Pamily Court Hearing Officer Pamily Court Hearing Officer	,	: Docket No
Defendant: Name of Filing Party:	Plaintiff	: Case Assigned to Judge
Defendant Pamily Court Hearing Officer	VS	
1. Name of Filing Party: 2. Filing Party's Attorney: 3. Type of Filing: 4. The following is/are required: Argument Evidentiary Hearing Court Conference Rule To Show Cause Entry of Uncontested Order (attach supporting documentation) 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: ORDER 1Anargumentfactual hearingcourt conference is scheduled for ato'clockM., in Courtroom No, Lycoming County Courthouse, Williamsport, P.A. 2Briefs are to be filed by the following dates: Filing party, Responding party (ies) 3 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 filed as follows:	, , ,	
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	-	
	4 A response to the Motion/Peti	ition shall be filed as follows:
5 See order attached See separate order issued this date.		
	5 See order attached	See separate order issued this date.
6 Other:	6. Other:	
Judge Date		Judge Date

 $\label{eq:Judge} \mbox{Judge} \ c\colon \mbox{all parties or others to be served with notice must be designated in "6" above.}$

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.

LAWYER, GO TO OR TELEPHONE ON CAN PROVIDE YOU WITH INFORMAT AFFORD TO HIRE A LAWYER, THESE	ION ABOUT HIRING A LAWYER. IF YOU CANNOT OFFICES MAY BE ABLE TO PROVIDE YOU WITH
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	YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A
	e residence of any child which significantly impairs the ability of without first complying with all of the applicable provisions of 7 regarding relocation.
you and anyone living in your household or	fication regarding any criminal record or abuse history regarding n or before the initial in-person contact with the Court (including, erence officer or judge or conciliation), but not later than 30 days
	uled hearing/conference, an order for custody, partial custody, or the Court may issue a warrant for your arrest.
	legal custody)(partial physical custody)(primary physical sical custody)(supervised physical custody) of the child(ren):
You,	, (non-filing party), have been sued in Court to
	: NO. :
, Defendant	: CIVIL ACTION - LAW : CUSTODY :
VS.	: LYCOMING COUNTY, PENNSYLVANIA :

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lycoming 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 the Court Administrator's office, telephone number (570) 327-2330. All arrangements must be made at least 72 hours prior to any hearing or business before the court.

 	Plaintiff ,	: IN THE COURT OF COMMON PLEAS OF : LYCOMING COUNTY, PENNSYLVANIA
	vs.	: : CIVIL ACTION - LAW : CUSTODY
	Defendant	: NO
	ENTRY OF A	APPEARANCE AS A SELF-REPRESENTED PARTY
I am th		at in the above-captioned case.
		e □custody □divorce □protection from abuse □paternity case
		Check only one box in Question 3.
	This is a new case and represent me, or	I am representing myself in this case and have decided not to hire an attorney to
	represent me, or	and I am representing myself in this case and have decided not to hire an attorney to
	This is not a new case.	previously represented me in this case. (Name of Attorney)
	I have decided not to b	e represented by that attorney and direct the Prothonotary to remove that attorney as n this case. I have provided a copy of this form to that attorney listed above at the
I reque		owledge his/her withdrawal as my attorney in this case by signing this form
		torney Signature) arance as a self-represented party
other le	egal notices. I further und	(Your Signature) de a street address of P.O. Box for the purpose of receiving all future pleadings and lerstand that this does not need to be my home address. My address for the purpose and other legal notices is:
		Il be the only address to which notices and pleadings in this case will be sent and e mail at this address so I do not miss important deadlines or proceedings.
		address because I reside at a confidential location protected by the Protection From §6112 and/or the Address Confidentiality Program, 23 Pa. C.S.§6701-6713, and/or, 23 Pa. C.S. §5336(b).
My tele	ephone number where I ca	an be reached is
		is confidential pursuant to the Protection From Abuse Act, 23 Pa. C.S.§6112 and/or, 23 Pa. C.S. §5336 (c).
I UND		E A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER
		hat a copy of this form is served on all other attorneys or other self-represented s as listed below: (Use reverse side if you need more space).
Name		Address
Name _		Address
unders	tand that if I make false	le in this Entry of Appearance as a Self-Represented Party are true and correct. I statements herein, that I am subject to the criminal penalties of 18 Pa. C.S. §4904 to authorities that could result in a fine and/or prison term.
Date:		Your Signature:

Plaintiff,	: IN THE COURT OF COM : LYCOMING COUNTY, I	
vs.	: : CIVIL ACTION - LAW : CUSTODY : NO	
Defendant	:	-
PETITION FOR MOD	IFICATION OF EXISTING O	RDER
TO THE HONORABLE, THE JUDGE	S OF SAID COURT:	
1. The Petitioner is(you	r name)	_, whose
address and phone number is	(address)	,
(phone no.)		
2. The Respondent is the	(other parent or party)	_, whose address
and phone number is	ress)	,
	1658)	
(phone no.)		
3. The children involved in	this case are:	
Name:	Born:	Age:
4. On	, an Order of Court was	entered for
(shared legal custody)(sole legal custody	y)(partial physical custody)(prim	ary physical
custody)(shared physical custody)(sole p	physical custody)(supervised phy	ysical custody), a true
and correct copy of which is attached.		

5.	This Order should be modified (changed) because:
6.	This Order should be modified (changed) to say:
	EFORE, Petitioner requests that the Court modify the existing Order because i pest interest of the child(ren).
	that the statements made in this Petition For Modification are true and correct nat false statements herein are made subject to the penalties of 18 Pa. §4904
	worn falsification to authorities.
	Petitioner (your signature)
Date:	

	,	: IN THE COURT OF COMMON PLEAS OF
	Plaintiff	: LYCOMING COUNTY, PENNSYLVANIA
		:
vs.		: CIVIL ACTION - LAW
		:
	,	: NO.
	Defendant	

CRIMINAL RECORD/ABUSE HISTORY VERIFICATION

I,	, hereby swear or affirm, subject to penalties of
law including 18 Pa	. C.S. §4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa. C.S. §6307 to any of the following crimes in Pennsylvania, or a substantially equivalent crime in any other judisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea or pending charges	Sentence
	18 Pa. C.S. Ch. 25 (relating to criminal homicide)				
	18 Pa. C.S. §2702 (relating to aggravated assault)				
	18 Pa. C.S. §2706 (relating to terroristic threats)				
	18 Pa. C.S. §2709.1 (relating to stalking)				
	18 Pa. C.S. §2901 (relating to kidnapping)				
	18 Pa. C.S. §2902 (relating to unlawful restraint)				

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea or pending charges	Sentence
	18 Pa. C.S. §2903 (relating to false imprisonment				
	18 Pa. C.S. §2910 (relating to luring a child into a motor vehicle or structure)				
	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 assault)				
	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 a child)				
	18 Pa.C.S. §4304 (relating to endangering welfare of children)				
	18 Pa.C.S. §4305 (relating to dealing in infant children)				

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea or pending charges	Sentence
	18 Pa.C.S. §5902(b) (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)				
	18 Pa.C.S. §6114 (relating to contempt for violation of protection order or agreement)				
	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				

2. Unless indicated by my checking the box next to an item below, neither I nor any other member in my household have a history of violent or abusive conduct, or Children and Youth agency, including the following:

Check all that apply	Crime	Self	Other Household Member	Date
	A finding of abuse by a Children and Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction			
	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania, or similar statute in another jurisdiction			
	Involvement with a Children and Youth Agency, or similar agency in Pennsylvania or another jurisdiction. Where?:			
	Other:			

3.	Please list any evaluation, counseling, or other treatment received following					
conviction	conviction or finding of abuse.					
4.	If any conviction above applies to a household member, not a party, state that					
person's na	me, date of birth, and relationship to the child.					

5.	If you are aware that the other party or members of the other party's household
has or have	a criminal/abuse history, please explain:
I ve	rify that the information above is true and correct to the best of my knowledge,
information	n, or belief. I understand that false statements herein are made subject to penalties
of 18 Pa.C.	S. §4904 relating to unsworn falsification to authorities.
	Signature
	Printed Name
	Date

	,	: IN THE COURT OF COMMON PLEAS OF
	Plaintiff	: LYCOMING COUNTY, PENNSYLVANIA
		:
vs.		: CIVIL ACTION - LAW
		:
	,	: NO.
	Defendant	:

CRIMINAL RECORD/ABUSE HISTORY VERIFICATION

I,, hereby	by swear or affirm, subject to penalties of law
including 18 Pa. C.S. §4904 relating to unsworn fa	Salsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa. C.S. §6307 to any of the following crimes in Pennsylvania, or a substantially equivalent crime in any other jurisdiction, including pending charges:

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	18 Pa. C.S. §2706 (relating to terroristic threats)				
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	18 Pa. C.S. §2901 (relating to kidnapping)				
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	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)				
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	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)				
	18 Pa.C.S. §6114 (relating to contempt for violation of protection order or agreement)				
	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				

2. Unless indicated by my checking the box next to an item below, neither I nor any other member in my household have a history of violent or abusive conduct, or involvement with a Children and Youth agency, including the following:

Check all that apply	Crime	Self	Other Household Member	Date
	A finding of abuse by a Children and Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction			
	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania, or similar statute in another jurisdiction			
	Involvement with a Children and Youth Agency or similar agency in Pennsylvania or another jurisdiction. Where?:			
	Other:			

	3.	Please list any evaluation, counseling, or other treatment received following
conv	iction or	finding of abuse.
	4.	If any conviction above applies to a household member, not a party, state that
perso	n's nam	e, date of birth, and relationship to the child.

5.	If you are aware that the other party or members of the other party's household
has or have	a criminal/abuse history, please explain:
I ver	ify 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 penalties
of 18 Pa.C.S	S. §4904 relating to unsworn falsification to authorities.
	Signature
	Printed Name
	Date

HOW TO SERVE THE PETITION FOR MODIFICATION

Wait until you get your papers back from the court with the date and time of your conference. Then, it is your responsibility to serve the other party with them. The court will not change your order unless the other party is served with the notice and petition. It is important to serve as soon as possible. The other party must receive them at least ten (10) days before the conference date. The documents may be served in one of the following three (3) ways. It is highly recommended that you serve the papers by certified mail, so that you can prove that they were sent and received. You must serve the papers within 30 days of the date you filed your Petition for Modification. If over 30 days, you will need to have Petition reinstated at the Prothonotary's Office.

A. CERTIFIED MAIL: When you go to the post office, someone at the window can help you to prepare and send the certified mail. You should request a "**return receipt**," which is a green card that you get back showing that it was delivered, and request "**restricted delivery**," which means only the person you are serving can accept it, and that person has to sign the green card that you get back. You have to pay for certified mail. As of January 2013, the fees were:

Certified: \$3.10 Return Receipt: \$2.55

Restricted Delivery: \$4.75

When you mail it, you will get a "sender's receipt" (white). A few days later, you will get the green card in the mail signed by the other party. Keep these receipts to include with your <u>Affidavit of Service</u>.

B. REGULAR MAIL: The law allows you to serve a Petition to Modify by regular mail to the last known address of the person being served, but **it is far better to use certified mail**, as instructed above. If you cannot afford all the fees above, you should, at the very least, ask for a "certificate of mailing" to prove you mailed it. A certificate of mailing cost \$1.20 (as of 2013). Keep this certificate to include with your Affidavit of Service. Try to make sure that you have the correct address for the other party. If the court is concerned that the other parent/party did not receive the notice and petition, your order will not be changed.

- **C. PERSONAL SERVICE:** You can have a person who is 18 years of age or older serve the papers in person. You should not serve the papers yourself. The person who serves the legal papers on the other parent or party must do it in one of the following ways:
- (a) by handing a copy to the other parent/party;
- (b) by handing a copy to an adult member of the family with whom the other parent/party resides;
- (c) by handing a copy of the papers to an adult person in charge of the parent/party's residence at the time (example: babysitter, etc.);
- (d) going to the other parent/party's place of employment and handing a copy to the person in charge.

If you have the money, you can pay the Sheriff, Constable, or process server to serve the papers and file an <u>Affidavit of Service</u> for you.

HOW TO FILL OUT AND FILE THE AFFIDAVIT OF SERVICE

Choose ONE of the three Affidavit of Service forms that follow these instructions. There is one for service by certified mail, one for 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 parent/party, unless you paid 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.

ED MAIL:
caption.
blanks.
r sender's receipt (the white receipt) and the green card you got back in the mail
davit.
ate at the bottom and make one copy of everything.
Prothonotary's Office before the conference and keep a time-stamped copy for ds.
BRING IT WITH YOU TO THE CONFERENCE.
R MAIL:
caption.
blanks
r sender's receipt (certificate of mailing) to the Affidavit.
ate at the bottom and make one copy of everything.
Prothonotary's Office before the conference and keep a time-stamped copy for ds.
BRING IT WITH YOU TO THE CONFERENCE.
AL SERVICE:
s completed by someone else who serves the papers for you, and then you file it
onotary before the conference.
caption.
blank spaces.
paragraph that best describes how the papers were served.
paragraph that best describes how the papers were served. erson who served the papers sign and date and write his/her address and
paragraph that best describes how the papers were served. erson who served the papers sign and date and write his/her address and number at the bottom.
paragraph that best describes how the papers were served. erson who served the papers sign and date and write his/her address and

BE SURE TO BRING IT WITH YOU TO THE CONFERENCE.

Dlaintiff	: IN THE COURT OF COMMON PLEAS OF
Plaintiff	: LYCOMING COUNTY, PENNSYLVANIA
VS.	: CIVIL ACTION - LAW
	: CUSTODY
,	: NO
Defendant	:
AFFIDAVIT	OF SERVICE BY CERTIFIED MAIL
Ι,	, certify that on, I, I
	(date mailed) the Motion Cover Sheet, Order/Notice, and Petition for
maned a true and correct copy of	the Motion Cover Sheet, Order/Notice, and Fetition for
Modification of an existing Order	, and a blank Criminal Record/Abuse History Verification
by certified mail, restricted delive	ry return receipt requested to:
by certified man, restricted denve	ry, return receipt requested, to.
(Other parent/party's na	ime and address)
D.C., J., 4,, J. 4b., D.4'4'.	C - 1 - 1 - 1 1 - 1
Defendant received the Petitio	n on Sender's receipt
and return receipt are attached.	(4440-1001)
I verify that the foregoing is tr	ue and correct. I understand that false statements herein are
made subject to the penalties of 19	8 Pa. C.S. §4904 relating to unsworn falsification to
made subject to the penalties of 10	7 1 a. C.S. 94704 relating to unsworn faisineation to
authorities.	
Date	Petitioner

Plaintiff	, : IN THE COURT OF COMMON PLEAS OF : LYCOMING COUNTY, PENNSYLVANIA
vs.	: CIVIL ACTION - LAW : CUSTODY, NO
Defendant	<u> </u>
<u>AFFIDAV</u>	IT OF SERVICE BY REGULAR MAIL
	, certify that on, I (date mailed) f the Motion Cover Sheet, Order/Notice, and Petition for
Modification of an existing Orde	er, and a blank Criminal Record/Abuse History Verification
to:	
	z/party's name and address)
Certificate of mailing is attac	ehed.
I verify that the foregoing is	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	Petitioner

Plaintiff	, : IN THE COURT OF COMMON PLEAS OF : LYCOMING COUNTY, PENNSYLVANIA
VS.	: : CIVIL ACTION - LAW : CUSTODY , : NO
Defendant	
<u>AFFI</u>	DAVIT OF PERSONAL SERVICE
	rty), certify that I am a competent adult who is 18 years arty to this action or an employee or relative of a party to
this action. On	, I served a true and correct copy of the
	ler, and Petition for Modification of Existing Order, and a
Criminal Record/Abuse History	Verification upon by:
☐ handing a copy to him/her;	(other parent/party)
□ handing a copy to an adult fa	mily member at his/her residence by the name of
	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
at this address/location:	
at approximately	(Place served)
(Time of day	g is 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	(server's signature) Name: Address:
u:\pro se forms\custody modification.lyc	Phone: