



**LYCOMING COUNTY
MODIFICATION OF
EXISTING CUSTODY ORDER
SELF-HELP KIT
INSTRUCTIONS**

REMEMBER

The law often changes. Each case is different. This self-help kit is meant to give you general information and not give you specific legal advice.

INTRODUCTION

This packet will help you file the forms to ask to change your Custody Order. When you file for something “on your own” with no attorney representing you, it is called filing “pro se.”



BEFORE YOU DECIDE TO FILE

Here are some things to consider before you decide whether to file for modification:

1. If you can live with the Custody Order as it is, it might be better not to file for modification. If you file to try to take away time from the other parent, or just want to nit-pick about small things, the other parent might come to the Family Court Conference and ask to take time away from you, or may want changes you don't want. This is a two way street! When you go to court, you may open up a can of worms, and you may be sorry you did.

Plus, going to court is stressful for everyone. It's best to try to work things out without going to court, and to try to overlook the little things that might bother you. If it's an important issue and you can't work it out with the other party, that's the time to file for modification.

2. If you and the other parent are pretty much in agreement about changing your Custody Order, you can file a Stipulation that includes your agreement. After you file it, you will get a Court Order signed by a Judge that confirms your agreement and modifies your old Custody Order. You can do this pro se (on your own), and forms are available at North Penn Legal Services, Penn Tower, 25 West Third Street, Suite 400, Williamsport, PA 17701; at the Family Court Office at the courthouse; or online at www.lyco.org under the “Court Administration” tab.

THE CUSTODY MODIFICATION PROCESS

There are seven steps in the custody modification process. This packet provides the forms you need and guides you through these steps.

- Step One:** Read the instructions in this packet.
- Step Two:** Fill out the forms in this packet, and make copies.
- Step Three:** File the forms and copies at the Prothonotary's Office.
- Step Four:** Wait for the copies to be mailed to you with a date for the custody conference.
- Step Five:** Serve the documents on the other party.
- Step Six:** Attend the custody conference.
- Step Seven:** If you do not reach an agreement at the conference, go further in the court system.



**MODIFICATION OF
EXISTING CUSTODY ORDER**

PART ONE: INSTRUCTIONS

*****Please note, you must print the forms and hand-sign all signatures.*****

These are the instructions for filling out the forms. The forms are found in Part Two of this packet. You may want to separate the forms from the instructions now, so you can read the instructions for each form as you fill out that form.

1. FIRST FORM – MOTION COVER SHEET

Complete the caption (heading) EXACTLY THE SAME AS ON THE EXISTING CUSTODY ORDER. Your caption will never change. The same person who is listed as the Plaintiff on your Custody Order must be the Plaintiff in this action. The same person listed as Defendant on your Custody Order must be the Defendant in this action. You should also use the same case number that appears on your Custody Order

Write your name on line 1, and “Modification of Custody” on line 3. In box 4, put a check in front of “Court Conference.” In box 6, write your name and address. Leave the rest of the form blank—this is for the Court to fill out.

2. SECOND FORM – ORDER AND NOTICE

Complete the caption as on your existing Custody Order. Write the other party’s name on the line after the word “You.” Check the word “Modify” and Check the type(s) of custody you have in your existing order. Print the child or children’s INITIALS on the second blank after the heading. Do not write the children’s names, because that information is confidential and not available to the public. Do not do anything further on this sheet.

3. THIRD FORM – ENTRY OF APPEARANCE AS SELF-REPRESENTED PARTY

Complete the caption as on your existing Custody Order. Fill out the blanks in the form, and write the information requested. Skip paragraph 4 if you never had an attorney.

4. FOURTH FORM – PETITION FOR MODIFICATION OF A CUSTODY ORDER

Complete the caption as on your existing Custody Order. The numbers below match the numbers on the Petition. You are the Petitioner, because you are filing the petition.

1. Print your name, address, and phone number.
2. Print the other party’s name, address, and phone number. If there is more than one party, simply add those parties, perhaps on the back of the sheet.
3. Write each child’s initials and age. Do not write the names(s) or date(s) of birth, because that is confidential information not available to the public.
4. Print the date of the existing Order. Check which type of custody was awarded.
5. Write the reason the order should be modified.
6. Write what you want the new order to say.

Sign, print your name, and write the date at the end. You are subject to penalties if you include false information in the Petition.

5. FIFTH FORM – COMPLETED CRIMINAL/ABUSE HISTORY VERIFICATION

Complete the caption as on previous forms. Write your name on the first line of the first paragraph. Check any boxes that are appropriate and fill out the required information. Sign, print, and date the final page.

6. SIXTH FORM – BLANK CRIMINAL/ABUSE HISTORY VERIFICATION

Complete the caption as on previous forms. Leave the rest of the form blank. This is for the other party to fill out and file after you serve it on them.

7. SEVENTH DOCUMENT – A COPY OF YOUR CURRENT ORDER

You MUST include a copy of the order you wish to modify. You may get a copy at the Prothonotary's Office if you do not have one. You will be charged \$.50 per page.

8. EIGHTH FORM – CONFIDENTIAL INFORMATION FORM

This form is three pages long. This is the ONLY PLACE you list the names and birthdates of the children. This form will not be seen by the public.

Fill out the caption like you have done in the other documents. On the line that says "Court," write "Lycoming County."

On the third line, write "Modification of Custody," where it asks for the title of the pleading, and write the date you are filing the petition.

For the rest of the first page, you only need to fill out the first column. You do not need to write anything for "full name of adult." Just list each child's initials, name, and date of birth separately, with the dotted line dividing each child's information. If there are more than two children, use the additional page.

After you have listed each child, sign the form that states, "I certify that this filing complies . . ." Write the date and print the additional information requested under your signature. This means that you promise you have not put the children's names or birthdates on the forms available to the public.

9. AND 10. NINTH AND TENTH FORMS – FORMS TO WAIVE THE FILING FEE

In order to file this petition, there is a fee that must be paid to the Prothonotary. This fee changes from time to time. As of January 1, 2018, it is \$25.75.

If you don't think you can pay the filing fee, you may ask the Court to waive the cost. You will need to fill out and file two forms, in addition to the documents above. If you can afford to pay the filing fee, you will have to do so. The Court waives this cost only in cases where income is extremely low.

NINTH FORM – ORDER TO PROCEED WITHOUT PAYMENT OF FEES AND COSTS

Fill in the caption as on your existing Court Order. There is nothing more for you to fill out on this document. If the Court grants the Petition, your custody action can proceed. If not, you will be notified and you will have to pay the costs in order to continue.

TENTH FORM – PETITION TO PROCEED WITHOUT PAYMENT OF FEES AND COSTS

Fill out the caption as on the other documents. The rest of the form is quite clear. You are asked to fill in facts about your personal finances. Be sure to include income from all sources, including government benefits like Public Assistance, unemployment compensation, and food stamps. Don't forget money your spouse receives, if you are married; from your parents if they help you; from friends or other family members; or from an Order for child support. Finally, identify all persons who depend on your income for support, including children who live with you. Do not list the children's names—only their initials and age.

Sections 4 and 5 of this Petition are important. Be sure that you read these paragraphs. They require you to inform the Court of any improvement in your financial situation which might permit you to pay some or all of the costs at a later date. When you date and sign the Petition after paragraph 5, you are promising that the information you have filled in is true. There will be consequences if you make false statements.

You have now completed the forms necessary to request the Court to allow you to proceed without paying the costs.

COPIES

After you have completed forms one through eight, clip them together in order, with the Motion Cover Sheet on the front. You will also need a copy of your current custody order, which you can get at the Prothonotary's office. You will then need to get copies made. You need a copy for yourself, one for the other party, and one for each additional party, if there are any. The original will stay at court, in the Prothonotary's office.

If you are filing a request to proceed without paying costs, you will need to make one copy of those documents, too (forms nine and ten).

You are now ready to file all of the papers with the Prothonotary.



HOW TO FILE THE PETITION

Take all of your completed forms (including the copies) to the Prothonotary's Office on the first floor of the Lycoming County Courthouse at 48 West Third Street, Williamsport, on any weekday (Monday through Friday) between 8:30 a.m. and 5:00 p.m. Separate the papers into the three groups shown below, and put them in the order shown below. You **MUST** have the groups of documents listed under First Group and Second Group. If you are asking the Court to waive the filing fee, you should also have the documents listed under Third Group.

1. FIRST GROUP: (1) Motion Cover Sheet, (2) Order and Notice, (3) Entry of Appearance as Self-Represented Party, (4) Petition for Modification of a Custody Order, (5) Completed Criminal/Abuse History Verification, (6) Blank Criminal/Abuse History Verification , and (7) a copy of your Current Custody Order

You will need an original and at least two copies of all these forms.

2. SECOND GROUP: Confidential Information Form (2 pages if there are less than three children, 3 pages if there are three children or more).

You will need an original and at least two copies of all these forms.

3. THIRD GROUP: If you are asking to have the filing fee waived, you will need: (1) Order to Proceed Without Payment of Fees and Costs, and (2) Petition to Proceed without Payment of Fees and Costs.

You will need an original and one copy of each of these documents.



The Prothonotary will file stamp all of the documents. The Prothonotary will keep all the forms. The case will be given a date for a Family Court Conference, and then the copies will be mailed back to you.

The original documents that you filled out become part of the permanent court record and remain in the Prothonotary's Office. Of the copies that are mailed back to you, keep one copy of each document for yourself.

You must then promptly serve one copy of the First Group (see above) and one copy of the Second Group (see above) of documents on the other party or parties. Go to the next set of instructions to find out how to serve the other party or parties. You do not have to serve the Third Group of documents.

HOW TO SERVE THE OTHER PARTY

It is not enough to simply talk to the other party about the modification petition or the conference date. You must give the other party legal notice that you have filed for custody. This kind of notice is called “service.”

Service of the papers is **YOUR** responsibility. **IT IS IMPORTANT TO SERVE THE OTHER PARTY AS SOON AS POSSIBLE.** If you do not serve the other party in time for them to have reasonable notice and an opportunity to prepare for the conference, the Court may reschedule the conference for a later date.

If you have the funds to do so, you can pay the Sheriff, Constable, or process server to serve the papers for you and to file an Affidavit of Service for you. Otherwise, you will need to serve by one of the following two methods. You will then need to fill out an Affidavit of Service, and file the Affidavit of Service at the Prothonotary’s Office.

CERTIFIED MAIL AND REGULAR MAIL:

To serve by this method, you must send all of the documents stated above by **certified mail, with return receipt requested and restricted delivery AND regular mail** to the other party’s address. “Restricted delivery” means that the return receipt must be signed by the other party only.

When you go to the post office, someone at the window can give you the forms to send the certified mail. The cost **MUST** be paid at that time. When you send the certified mail, you will be given a “sender’s receipt” (a little white receipt). Keep this receipt to include with your proof of service. Also send the other party a copy of the papers by regular mail.

You should mail the documents to the other party as soon as possible after you receive them in the mail from the Prothonotary’s Office. The other party should receive them ***at least ten (10) days before the conference date.***

Once the other party has signed the green receipt, indicating that he or she has received the documents, service is complete. You will have proof that service is complete when you receive the green receipt with the other party’s signature on it. When you receive that green receipt, you must save it. It is to be included with your original receipt and attached to the Affidavit of Service.

If the certified mail is **REFUSED** by the other party, you will get a notice from the Post Office saying it was refused. If the regular mail is not returned within fifteen (15) days, service may be considered complete. If mail is returned **UNCLAIMED**, service will need to be made another way.

PERSONAL SERVICE:

You can have a person who is 18 years of age or older, who is not a party to the action or an employee or relative of a party to the action, serve the papers. Therefore, if you are the person filing the petition, you should not serve the papers yourself, and you should not have anyone who is related to you or who works for you, serve the papers.

The person who serves the papers can do it in one of these ways:

- (a) by handing a copy to the other party; or
- (b) by handing a copy to an adult member of the family with whom the other party resides; or
- (c) by handing a copy of the papers to an adult person in charge of the residence at the time (example: babysitter, etc.); or
- (d) by going to the opposing party's usual place of business and handing a copy to the opposing party's agent (one that acts for or representative of) or to the person in charge.

10 and 11: AFFIDAVITS OF SERVICE: Choose ONE of the two Affidavit of Service forms that follow these instructions. There is one for service by certified mail and 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 party, unless you pay 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.

The Affidavit of Service should be completed and filed with the Prothonotary as soon as service is completed. Make a copy for yourself, and bring it to the custody conference.

ELEVENTH FORM – AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND REGULAR MAIL

- Fill in the caption.
- Fill in the blanks.
- Staple your sender's receipt (the white receipt) and the green card you got back in the mail to the Affidavit.
- Sign and date at the bottom and make one copy of everything.
- File at the Prothonotary's Office before the conference and keep a time-stamped copy for your records.

TWELFTH FORM – AFFIDAVIT OF SERVICE BY PERSONAL SERVICE:

This form is completed by someone else who serves the papers for you, and then you file it with the Prothonotary before the conference.

- Fill in the caption.
- Fill in the blank spaces.
- Check the paragraph that best describes how the papers were served.
- Have the person who served the papers sign, date, and write his/her address and telephone number at the bottom.
- Make one copy and file at the Prothonotary's Office before the conference. Keep a time-stamped copy for your record.

THE FAMILY COURT CUSTODY CONFERENCE

After you file the paperwork, a conference will be scheduled with a Family Court Hearing Officer. The Family Court Hearing Officer is an attorney who was appointed by the Court to handle custody cases. In Lycoming County, there are two Hearing Officers.

YOU MUST ATTEND THE CONFERENCE. **DO NOT** bring the children to the conference. The other party has the right to attend and ask the Family Court Hearing Officer for any changes he/she might want made to the order.

The Family Court Hearing Officer will listen to both parties and try to work out an agreement. If you reach an agreement at the Family Court Conference, the Hearing Officer will produce the Order, confirmed by a Judge's signature, and send the new Order to you and to the other party in the mail. That Order will either be a final Order.

If the parties do NOT reach an agreement, the Family Court Hearing Officer will probably not change the existing order. The Family Court Hearing Officer will schedule a pre-trial conference in front of a judge. The Hearing Officer may also make a referral for a Guardian Ad Litem. If you do not reach an agreement at the pre-trial conference, the case will be scheduled for a custody trial.