

“CUSTODY PACKET B”

**USE “PACKET B” INSTRUCTIONS AND
FORMS WHEN YOU WANT TO
MODIFY (CHANGE) AN EXISTING
CUSTODY ORDER.**

IT IS STRONGLY RECOMMENDED THAT
YOU CONTACT ATTORNEY
CONNECTION AT (717) 854-8755 FOR A
LOW-COST INITIAL CONSULTATION
WITH AN ATTORNEY BEFORE
PROCEEDING FURTHER.

The information in this packet is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their content.

PACKET B – Contents and Checklist

INSTRUCTIONS

STEPS AND FORMS

Step 1 and 2 Forms:

Conciliation Scheduling Order

Petition to Modify Custody Order

Criminal Record / Abuse History Verification (2)

Entry of Appearance of Self-Represented Party

Conciliation Conference Memorandum

Step 3 Forms:

_____ Proof of Service Forms (only one needed)

Acceptance of Service, or

Affidavit of Personal Service, or

Affidavit of Service by Certified Mail & 1st Class Mail

Step 4 Forms:

Memorandum for Custody Pre-Trial Conference

Parenting Plan (if directed by the court)

YORK COUNTY CUSTODY FORMS AND INTRODUCTION

THESE FORMS AND INSTRUCTIONS WERE
ORIGINALLY DRAFTED BY MID-PENN LEGAL
SERVICES FOR USE BY THEIR CLIENTS.

YORK COUNTY GRATEFULLY
ACKNOWLEDGES THE INVALUABLE
GUIDANCE AND SUPPORT PROVIDED BY
MID-PENN LEGAL SERVICES IN PERMITTING
YORK COUNTY TO UTILIZE THEIR ORIGINAL
FORMS IN THE PREPARATION AND
INSTITUTION OF THESE CUSTODY FORMS
AND INSTRUCTIONS. MOREOVER, YORK
COUNTY GRATEFULLY ACKNOWLEDGES
FRANKLIN AND FULTON COUNTIES FOR
PERMITTING YORK COUNTY TO UTILIZE
THEIR CUSTODY FORMS AND INSTRUCTIONS
AS NEEDED.



ATTENTION



THE PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM
OF PENNSYLVANIA
204 Pa. Code §213.81

IS EFFECTIVE JANUARY 6TH, 2018

IN ORDER TO FOLLOW THIS RULE, YOU WILL NEED A CONFIDENTIAL INFORMATION FORM, A CONFIDENTIAL DOCUMENT FORM **OR** A CERTIFICATE OF COMPLIANCE FORM WITH **EVERY FORM YOU FILE**

www.pacourts.us/public-records

1. CLICK ON THE LINK ABOVE
2. SELECT THE PUBLIC RECORDS FORMS ICON
3. SELECT FROM THE FOLLOWING:

- **CONFIDENTIAL INFORMATION FORM** (used as a **REFERENCE KEY** for information considered to be confidential within the packet)
 - **ABUSE VICTIM ADDENDUM** (used when there is an **ACTIVE** protective order in place and victim's address is confidential)
- **CONFIDENTIAL DOCUMENT FORM** (used to **SEAL INFORMATION** from public access)
- **CERTIFICATE OF COMPLIANCE** (used to **ACKNOWLEDGE** that you are in compliance with the public access policy when any other form **DOES NOT APPLY**)

4. YOU MUST FILE ONE OF THE PREVIOUS FORMS WITH **EACH DOCUMENT** THAT IS FILED WITH THE PROTHONOTARY'S OFFICE.

CONFIDENTIAL INFORMATION is defined as:

- Minor's Name, Date of Birth (except when charged as defendant in a criminal case)
- IN FAMILY COURT ACTIONS – Abuse victim's contact information, including their employer's name, address and work schedule
- SSN
- Financial Account Numbers (You may use the last 4 digits)
- Driver's License Numbers
- State Identification Numbers

CONFIDENTIAL DOCUMENTS are defined as:

- Financial Source Documents
- Minor's Educational Record
- Medical/Psychological Record
- CYF or CYS Record
- Marital property inventory and pre-trial statement in Divorce proceedings
- Income & Expense Statements in Support action
- Agreement between parties in Divorce proceedings

JUDGES MAY DENY YOUR PETITION FOR FAILURE TO COMPLY WITH THIS POLICY and SANCTIONS MAY BE IMPOSED

DISCLAIMER

NO PERSON IN THE COURT SELF-HELP CENTER, ADMINISTRATIVE OFFICE OF YORK COUNTY COURTS, THE PROTHONOTARY'S OFFICE, OR IN ANY COURT OFFICE IS PERMITTED TO PROVIDE YOU WITH LEGAL ADVICE. THE INFORMATION IN THE PACKETS IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS.

IT IS STRONGLY RECOMMENDED THAT YOU CONSULT WITH AN ATTORNEY. THE YORK COUNTY ATTORNEY CONNECTION PROGRAM WILL REFER YOU TO A FAMILY LAW ATTORNEY WHO WILL MEET WITH YOU FOR THIRTY MINUTES TO REVIEW YOUR RIGHTS AT A REDUCED FEE. YOU CAN CONTACT ATTORNEY CONNECTION AT (717) 854-8755.

INTRODUCTION

IMPORTANT NOTICES

Proper use of these forms will enable you to start a custody action to obtain a custody order; start an action to modify an already existing custody order; start an action to request permission to relocate with the child or children; or start an action to find the other party in contempt of an already existing custody order. The best interest and permanent well-being of your children will certainly be affected by the outcome of any custody proceeding.

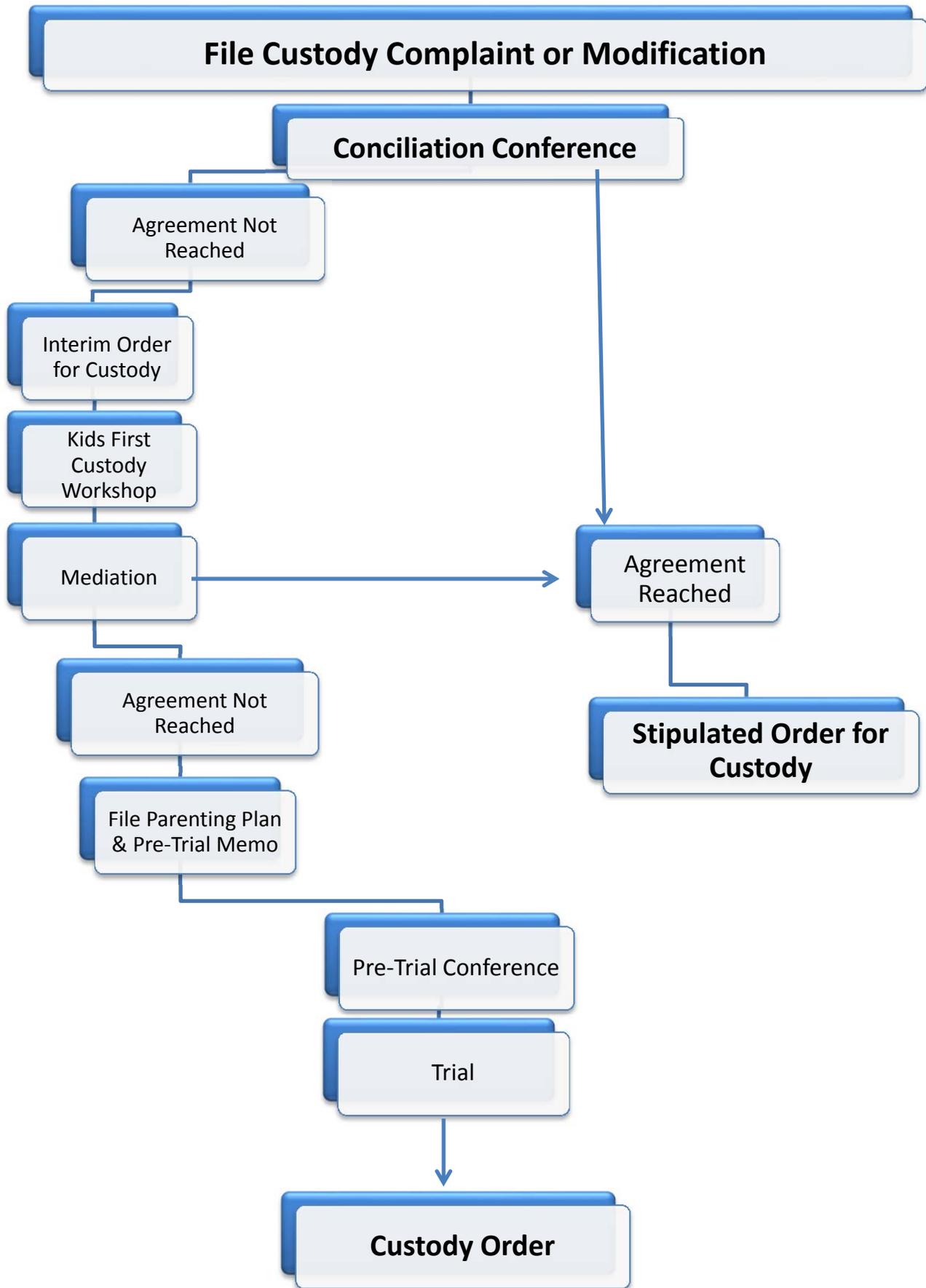
ACCORDINGLY, BEFORE PROCEEDING FURTHER WITH THESE FORMS IT IS IMPORTANT THAT YOU CAREFULLY READ, UNDERSTAND, AND CONSIDER THE FOLLOWING:

→If you decide to represent yourself (known as “pro se”) in a custody action, it may take a lot of time, and cause you difficulty, confusion, and frustration. You will not be given any leeway because you are not an attorney. You will be held to the same standard as an attorney. You must follow the Rules and Procedures of York County and of Pennsylvania.

→This packet is not a substitute for professional legal advice about your specific situation. Speaking with an attorney is highly recommended especially if you plan to raise issues of abuse, neglect, unfitness, mental illness, psychological problems, criminal convictions, criminal charges and/or any other complex issues.

→No person in the Court Self-Help Center, Administrative Office of York County Courts, the Prothonotary’s Office, or any other court office is permitted to help you fill out these forms or to help you decide which set of forms to use.

Before proceeding further, carefully read and review the following important custody definitions and important custody issues.



IMPORTANT CUSTODY DEFINITIONS

Abuse: The occurrence of one or more of the following acts between family or household members, sexual or intimate partners, or persons who share biological parenthood:

- (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
- (2) Placing another in reasonable fear of imminent serious bodily injury.
- (3) The infliction of false imprisonment pursuant to 18 Pa.C.S. §2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
- (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury.

Adult: An individual 18 years of age or older.

Agency: Any organization, society, institution, court facility or other entity, which provides for the care of a child. The term does not include a county children and youth social service agency.

Child: An un-emancipated person under 18 years of age.

Conciliation Conference: A process in which a neutral person meets with the parties to try to resolve / settle the dispute in an agreeable manner.

Custody order: The written document, signed by a judge, stating where a child will live and how decisions will be made.

Defendant: A person sued in a civil proceeding or accused in a criminal proceeding.

Legal custody: The right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions.

Memorandum: A party's written statement of its legal arguments presented to the court.

Modify: To change.

Parental duties: Includes meeting the physical, emotional and social needs of the child.

Partial physical custody: The right to assume physical custody of the child for less than a majority of the time.

Party: Anyone taking part in a lawsuit as a plaintiff or a defendant.

Petition for Contempt: A legal paper filed in court by one party when the other party has violated a custody order. The Petition describes the contempt (violation).

Physical custody: The actual physical possession and control of a child.

Plaintiff: The party who brings (starts) a civil suit in a court of law.

Primary physical custody: The right to assume physical custody of the child for the majority of time.

Pro-Se: A Latin term meaning “for one’s self.” It also means “without an attorney”

Relocation: A change in a residence of the child that significantly impairs the ability of a non-relocating party to exercise custodial rights. An inter-county move may constitute a relocation if it materially affects some aspect of the child’s life.

Service: Delivery of court papers to a party in accordance with local rules of court.

Shared legal custody: The right of more than one individual to participate in making major decision on behalf of the child.

Shared physical custody: The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.

Sole legal custody: The right of one individual to exclusive legal custody of the child.

Sole physical custody: The right of one individual to exclusive physical custody of the child.

Supervised physical custody: Custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.

IMPORTANT ISSUES IN CUSTODY.

“Standing”. Not everyone is entitled to start an action for custody. Persons entitled by law to start an action for custody have “standing” to bring the action. Parents of the child have standing since the law entitles them to bring an action for custody of their child. Other persons, such as grandparents, may have standing in certain circumstances. (See 23 Pa.C.S. §§5324 and 5325) These forms have been prepared

for use by parents. **Other persons desiring to start a custody action are strongly encouraged to seek the assistance of an attorney to ascertain if they have standing.**

Parties living separate and apart in the same residence with the child may start a custody action but the custody order entered as a result will not be effective until the parties no longer reside in the same residence.

Types of Custody Awards. After considering the relevant factors (discussed below), the court may award any of the following types of custody it is in the best interest of the child:

1. Shared physical custody.
2. Primary physical custody.
3. Partial physical custody.
4. Sole physical custody.
5. Supervised physical custody.
6. Shared legal custody.
7. Sole legal custody.

FACTORS CONSIDERED FOR CUSTODY

In Pennsylvania, neither the mother nor the father of a child will be the preferred custodian in a custody action simply because of gender. However, in a custody action between a parent and a non-parent, the parent will be the preferred custodian.

In ordering any form of custody, the court is required to determine the best interest of the child by considering all relevant factors, especially those that affect the safety of the child, including the following factors:

1. Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.
2. The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the child or an abused party and which party can better provide adequate physical safeguards and supervision of the child.
3. The parental duties performed by each party on behalf of the child.
4. The need for stability and continuity in the child's education, family life and community life.
5. The availability of extended family.
6. The child's sibling relationships.
7. The well-reasoned preference of the child, based on the child's maturity and judgment.
8. The attempts of a parent to turn the child against the other parent, except in cases of domestic violence where reasonable safety measures are necessary to protect the child from harm.
9. Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.

10. Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.
11. The proximity of the residences of the parties.
12. Each party's availability to care for the child or ability to make appropriate child-care arrangements.
13. The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.
14. The history of drug or alcohol abuse of a party or member of a party's household.
15. The mental and physical condition of a party or member of a party's household.
16. Any other relevant factor.

CRIMINAL CONVICTIONS AND/OR CRIMINAL CHARGES

According to 23 Pa.C.S. §§5329 and 5330, the Court (either the Conciliator or the Judge) is required to consider certain criminal offenses for which either party or a member of a party's household has been convicted or for which either party has been charged before the court can make a determination or order of custody.

CONSIDERATION OF CRIMINAL CONVICTION.

Offenses. Where a party seeks any form of custody, the court is required to consider whether that party or member of that party's household has been convicted of or has pleaded guilty or no contest to any of the offenses listed below or an offense in another U.S. State or another country substantially equivalent to any of the listed offenses. The court must consider such conduct and determine that the party does not pose a threat of harm to the child before making any order of custody to that parent when considering the following offenses:

- (1) 18 Pa.C.S. Ch. 25 (relating to criminal homicide).
- (2) 18 Pa.C.S. §2702 (relating to aggravated assault).
- (3) 18 Pa.C.S. §2706 (relating to terroristic threats).
- (4) 18 Pa.C.S. §2709.1 (relating to stalking).
- (5) 18 Pa.C.S. § 2901 (relating to kidnapping).
- (6) 18 Pa.C.S. § 2902 (relating to unlawful restraint).
- (7) 18 Pa.C.S. § 2903 (relating to false imprisonment).
- (8) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).
- (9) 18 Pa.C.S. §3121 (relating to rape).
- (10) 18 Pa.C.S. §3122.1 (relating to statutory sexual assault).
- (11) 18 Pa.C.S. §3123 (relating to involuntary deviate sexual intercourse).
- (12) 18 Pa.C.S. §3124.1 (relating to sexual assault).
- (13) 18 Pa.C.S. §3125 (relating to aggravated indecent assault).
- (14) 18 Pa.C.S. §3126 (relating to indecent assault).
- (15) 18 Pa.C.S. §3127 (relating to indecent exposure).
- (16) 18 Pa.C.S. §3129 (relating to sexual intercourse with an animal).

- (17) 18 Pa.C.S. §3130 (relating to conduct relating to sex offenders).
- (18) 18 Pa.C.S. §3301 (relating to arson and related offenses).
- (19) 18 Pa.C.S. §4302 (relating to incest).
- (20) 18 Pa.C.S. §4303 (relating to concealing death of child).
- (21) 18 Pa.C.S. §4304 (relating to endangering welfare of children).
- (22) 18 Pa.C.S. §4305 (relating to dealing in infant children).
- (23) 18 Pa.C.S. §5902(b) (relating to prostitution and related offenses).
- (24) 18 Pa.C.S. §5903(c) or (d) (relating to obscene and other sexual materials and performances).
- (25) 18 Pa.C.S. §6301 (relating to corruption of minors).
- (26) 18 Pa.C.S. §6312 (relating to sexual abuse of children).
- (27) 18 Pa.C.S. §6318 (relating to unlawful contact with minor).
- (28) 18 Pa.C.S. §6320 (relating to sexual exploitation of children).
- (29) Section 6114 (relating to contempt for violation of order or agreement).
- (30) The former 75 Pa.C.S. §3731 (relating to driving under the influence of alcohol or controlled substance).
- (31) 75 Pa.C.S. Ch.38 (relating to driving after imbibing alcohol or utilizing drugs).
- (32) Section 13 (a)(1) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, to the extent that it prohibits the manufacture, sale or delivery, holding, offering for sale or possession of any controlled substance or other drug or device.

Parent Convicted of Murder. The court cannot award custody, partial custody or supervised physical custody to a parent who has been convicted of murder under 18 Pa.C.S. §2502(a) (relating to murder) of the other parent of the child **unless** the child is of suitable age and consents to the order.

Evaluation and Counseling. At the initial in-person contact with the court, the judge, conference officer or other appointed individual (like a conciliator) shall perform an initial evaluation to determine whether the party or household member who committed the one of the above offenses poses a threat to the child and whether counseling is necessary. The initial evaluation shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court determines it is necessary. **The court may, and most likely will, order a party to pay all or part of the costs of the counseling and evaluations.** If you, or a household member have one of the enumerated offenses, it is highly recommended that you obtain an evaluation from a court approved resource and attach a copy to your conciliation memorandum and bring the original to the conciliation conference.

CONSIDERATION OF CRIMINAL CHARGE.

When a party finds out that the other party has been charged with one of the offenses listed above, the non-offending party may move for a temporary custody order or modification of an existing custody order and the court shall hold the hearing as soon as possible to determine if the offending party poses a risk to the child.

THESE FORMS DO NOT SPECIFICALLY ADDRESS THE SITUATION WHERE A PARTY OR A PARTY'S HOUSEHOLD MEMBER HAS BEEN CONVICTED, PLEADED GUILTY OR NO CONTEST TO ONE OF THE ABOVE OFFENSES. ACCORDINGLY, IF CRIMINAL CONVICTIONS OR CHARGES ARE INVOLVED IN YOUR CASE, YOU SHOULD NOT ATTEMPT TO REPRESENT YOURSELF BUT RATHER YOU SHOULD SEEK THE REPRESENTATION OF AN ATTORNEY.

AFTER READING THIS INTRODUCTION, IF YOU STILL WANT TO START A CUSTODY ACTION WITHOUT THE ASSISTANCE OF AN ATTORNEY, THEN GO TO **"PACKET A"** FOR INSTRUCTIONS AND FORMS RELATING TO STARTING A CUSTODY ACTION TO OBTAIN A CUSTODY ORDER; GO TO **"PACKET B"** FOR INSTRUCTIONS AND FORMS RELATING TO STARTING AN ACTION TO MODIFY AN ALREADY EXISTING CUSTODY ORDER; GO TO **"PACKET C"** FOR INSTRUCTIONS AND FORMS RELATING TO STARTING AN ACTION TO REQUEST PERMISSION TO RELOCATE WITH THE CHILD OR CHILDREN; OR GO TO **"PACKET D"** FOR INSTRUCTIONS AND FORMS RELATING TO STARTING AN ACTION TO FIND THE OTHER PARTY IN CONTEMPT OF AN ALREADY EXISTING CUSTODY ORDER.

PACKET B – INSTRUCTIONS

Use Packet B Forms and instructions if you want to modify (change) an existing custody order. This packet is **NOT** appropriate for you if **ANY** of the following pertain to you:

1. You plan to raise issues of abuse, neglect, unfitness, mental illness, psychological problems, criminal convictions, criminal charges and/or any other complex issues; or
2. You were not a party to the existing custody order. These instructions and forms are designed for modification proceedings between the parties to an existing order.

GENERAL CONSIDERATIONS

The following procedural steps will occur after the Modification Petition is filed:

Conciliation Conference. At the same time that the petition to modify is filed, you are required to file a completed conciliation scheduling order so that a conciliation conference will be scheduled to occur about two to three weeks from the date the petition is filed. The conciliation conference is held before a conciliator, who is an attorney in York, Pennsylvania, and has been appointed by the Court to hear the case.

The conciliation will be held at the York County Judicial Center (usually on the fourth floor in Room 4011) and will last approximately one hour. In attendance are the parents, their attorneys, if they have attorneys, and the conciliator. No one else is permitted into the conference. Testimony is not taken at the conference and witnesses are not permitted. If a parent is also a minor, he or she must have a legal guardian or parent present.

Children over the age of seven are required to be present, but they will wait outside the conference room until the conciliator is ready to speak with them. The conciliator does not always speak with the children, but if he or she does speak with the children, neither the parties nor their attorneys are present. You should arrange for daycare, or someone to watch your children outside the conference, while you attend the conference. Please note that neither the conciliator nor the judge is bound by the child's preference. If the parties are able to reach an agreement at the conciliation conference, the conciliator will dictate that agreement and the parties will receive a copy of the agreement, signed by the judge, in about two weeks. The case will then be over, unless someone files another Petition to Modify or a Petition for Contempt at some point in the future. The conciliator is not a

judge, but, if the parties are unable to reach an agreement at the conciliation, the conciliator will prepare a temporary custody order that will be forwarded to a judge for signature.

Custody Workshop. Parties who attend a conciliation conference are required to attend a Custody Workshop generally within ninety (90) days of the conciliation. The workshop will not be required if you have already attended it. Sometimes the Custody Workshop is not required if you reach an agreement with the other party at conciliation. The Custody Workshop is currently being offered by Family-Child Resources of York. FCR's address is 3995 East Market Street, York, PA 17402-2773 and the phone number is 717-757-1227. This workshop is four hours long and there is a fee, which each party must pay, to attend. The parties do not have to attend the workshop together. There are workshops offered at night and on the weekends. Once completed, a party will receive a certificate, which must be filed with the Court. If a party fails to attend the workshop, or file the certificate, the judge may find that person in contempt of court.

Mediation. If the parties are unable to reach an agreement at the conciliation, the parties may be required to attend one, two-hour mediation session. There are costs for each mediation session which each party must pay, and no attorneys are present during the mediation. The conciliator will provide you with the name and telephone number of a mediator and it is your responsibility to schedule a mediation session.

Pre-Trial Conference and Trial. If the parties are unable to reach an agreement at mediation, the case will proceed to trial. The parties are currently given fifteen (15) days to request a home study of their home or the other party's home (currently this costs about \$400), or request psychological evaluations (which can cost an average of between \$2,000 to \$8,000). Other types of evaluations, which can be requested, include drug and alcohol evaluations, psychiatric evaluations, or medical evaluations. The party requesting the evaluation will be directed to pay the cost of the evaluation.

The parties will also receive an order scheduling a pre-trial conference before the custody judge, which requires the parties to submit a pre-trial conference memorandum on or before a deadline set in the order. The pre-trial conference is usually about six to eight weeks after the conciliation conference. The pre-trial memorandum is filed with the Prothonotary and served on the opposing party or counsel. In the pre-trial memorandum, the parties will exchange witness lists and exhibit lists, although they have some additional time after the pre-trial conference to supplement those lists. The judge will also direct that the parties work together and attempt to prepare and file a joint parenting plan. If the parties are unable to work together and file a joint parenting plan, then each party will have to file his/her separate parenting plan. After filing the pre-trial conference

memorandum and parenting plan, a copy of each should be delivered to AOYCC for use by the Judge.

During the pre-trial conference the judge speaks with the parties and counsel (if applicable). The judge will try to resolve the custody issue at the pre-trial conference. At the conclusion of the Pretrial Conference, if the judge is unable to resolve the custody issue, the judge issues a Custody Pretrial Order that will schedule the case for trial. Most trials last about one day, but if there are experts, or complicated issues, a trial can last several days.

STEPS TO BE TAKEN TO MODIFY (CHANGE) AN EXISTING CUSTODY ORDER

Step 1. Starting the Modification Proceeding.

****REMINDER** ONLY MINOR'S INITIALS AND YEAR OF BIRTH ARE TO BE USED IN THESE FORMS**

Complete the Conciliation Scheduling Order, the Petition to Modify Custody Order, the Criminal Record/Abuse History Verification, Entry of Appearance as a Self-Represented Party, and the Conciliation Conference Memorandum.

YOU MUST SEND THE OTHER PARTY A COPY OF THE “ CONCILIATION SCHEDULING ORDER.” IF THE OTHER PARTY'S PRIMARY LANGUAGE IS SPANISH, YOU MUST SEND A SPANISH VERSION OF THE ORDER .

A. Finding and Completing the Caption.

1. You can find the caption of your case on the top part of the first page of your existing custody order. The names of the parties, the docket number, the type of document and the court's name are contained in the caption.
2. After finding the caption by looking at your existing custody order, fill in the names of the parties and the docket number on the captions of the Conciliation Scheduling Order, the Petition to Modify Custody Order and the Conciliation Conference Memorandum forms to match the caption on the existing custody order. You are also the “Petitioner” because you are the person filing the petition, so under your name mark the box next to “Petitioner.” The other party is the “Respondent,” so mark that box under the other party's name.

YOU MUST COMPLETE THE CAPTION ON EVERY FORM YOU FILE.

B. Completing the Conciliation Scheduling Order.

1. After the word "You" insert the other parent's full name in the first blank (they are "Respondent") and in the next blank after the word "By" insert your name (you are the "Petitioner").

Check the box next to the kind of custody relief you are seeking.

Since you are using “PACKET B” this means that you are petitioning to change an existing custody order, check the 2nd box. If you are filing a petition for contempt along with this packet, check the 3rd box as well.

2. Do not insert anything in the blanks located in paragraph #2; the AOYCC Staff will fill in these blanks.
3. Although there are no other areas of this form that need to be filled in, it is important that you read the remainder of the form carefully, understand it, and comply with it.

NOTE: You will not get a date for the conciliation conference until you have either paid the filing fee (show the receipt from the Prothonotary to the AOYCC) or you have been approved for IFP status (show the order approving your petition to proceed *In Forma Pauperis* to the AOYCC).

C. Completing the Petition to Modify Custody Order.

After the words “Comes Now, the Petitioner”, insert your full legal name.

1. In paragraph 1, fill in your full legal name, including the middle initial, and your full street address (street, number, route, box number, town, county, state and zip code) where indicated. If you receive your mail at a post office box, insert the P.O. Box address at the end of the paragraph as follows: “The Petitioner’s mailing address is: (insert full mailing address including P.O. Box number).”
2. In paragraph 2, fill in the other parent’s full legal name, including his/her middle initial and his/her full street address (street, number, route, box number, town, county, state and zip code), where indicated. If the other parent receives his/her mail at a post office box, insert the P.O. Box address at the end of the paragraph as follows: “The Respondent’s mailing address is: (insert full mailing address including P.O. Box number).”
3. **In paragraph 3, fill in the child's initials ONLY and years of birth** for every child that you want included in the modified custody order. Do not use children's names.
4. In paragraph 4, insert the date of the current custody order and the name of the judge who signed it. Then you must select the type of custody provided IN YOUR EXISTING ORDER. Mark 1 type of legal custody. Mark 1 circle to show what physical custody the Plaintiff currently has and 1 circle for the Defendant. You must attach a copy of the existing order to this petition.

5. In paragraph 5, list the reasons that you believe it is in the best interest of your child(ren) that the custody order be changed/modified.

In the paragraph that starts with the word “WHEREFORE,” write what you are asking the Court to do—in other words, the changes that you hope will be made to the current custody order.

6. Paragraph 6 deals with the updated Criminal Record/Abuse History Verification and the rule that requires that you **include the form with this petition.**

Paragraph #6 states that you, the petitioner, are submitting your completed Criminal Record and Abuse History Verification along with the other required forms for this Custody Packet to Modify an Existing Order for Custody.

Sign and date. Sign and date the Petition where indicated. Print your name, address, and telephone number under your signature.

Please note that you are verifying the truth of the statements made in the Petition so this statement, like all others on these forms, must be true.

D. Completing the Criminal Record / Abuse History Verification

You must file and serve with any petition for modification, or complaint, a verification regarding any criminal or abuse history of the petitioner (you) and anyone living in the petitioner’s household. You must fill out, sign, and submit Criminal Record / Abuse History Verification even if nothing on the list applies to you. The petitioner (you) must also attach a blank verification form to the complaint or petition served upon the respondent (other party/ person in custody case). In other words, you must also give a blank copy of the Criminal Record / Abuse History Verification to the other party/parent when you give (serve) the copy of the custody complaint or petition.

Complete the caption, just as you did with the other forms.

Fill your name in the first blank.

You are to answer each of the questions on the forms for you **AND FOR EVERY ADULT MEMBER OF YOUR HOUSEHOLD.**

1. If anyone in your household has been convicted of or has charges pending for any of the listed crimes, check the 1st box, then check the box to indicate whether it was you or a household member. Then list the date of the conviction/guilty plea/no contest/pending charges. Then write what the

sentence was. Do not check any boxes or write anything if you and no one in your household has been charged with or convicted of the crime listed.

2. In Question #2, you must indicate any history of violence or abusive conduct for you or any member of your household. Indicate whether you or any adult member of your household had a finding of abuse or involvement with a Children & Youth Agency or any similar agency in Pennsylvania or any other jurisdiction. Also check the correct box if you or any adult member of your household had any abusive conduct with a PFA (Protection from Abuse) in Pennsylvania or any other jurisdiction. In the lines provided, state the date and details of the child abuse and the jurisdiction.
3. List any treatment or evaluations or counseling you or any member of your household participated in after conviction or finding of abuse.
4. In the first section of #4, list the names, birthdates, and relationships to the children of the people you live with who have a conviction on the list.

In the second section of #4, list the names and ages of all the people who live with you, **whether they have any convictions or charges or not.**

5. In #5, list any criminal or abuse history that you know about the other party or the members of the other party's household.
6. List any services provided by a child welfare agency to anyone in your household.

Sign the form and print your name beneath your signature. By signing, you are swearing under penalty of law that everything in this form is true to the best of your knowledge.

E. Completing the Entry of Appearance as a Self-Represented Party

1. Complete the caption as you did on the other forms. In Paragraph #1, print your name and indicate whether you are the plaintiff or the defendant in this case.
2. If you previously had an attorney in this case but are now choosing to represent yourself, you must complete one of the two parts of Paragraph #2. Then move to Paragraph #3.

3. If you have never had an attorney in this case, then skip to Paragraph #3 and complete your current mailing address and other requested information.
4. Check the box to indicate how you complied with the U.J.S Public Access Policy.
5. Sign and date form.
6. You must file this Entry of Appearance as a Self-Represented Party form with your Conciliation Scheduling Order, Custody Complaint, Criminal Record / Abuse History Verification, and Conciliation Conference Memorandum.
7. You must file a new form EVERY TIME YOUR ADDRESS CHANGES.

F. Completing the Conciliation Conference Memorandum.

After the words “Submitted By” insert your name.

1. In paragraph 1, after “Party is” insert “Plaintiff-Mother” or “Plaintiff-Father” or “Defendant-Mother” or Defendant-Father,” whichever applies.
2. In paragraph 2, insert the initials and years of birth of the children involved in the custody action.
3. In paragraph 3, check the block that best describes the type of custody you are requesting. Choose 1 type of Legal Custody and 1 Type of Physical Custody. If you are asking for something other than the listed choices, insert the relief you are requesting after the word “Other.”
4. In paragraph 4, summarize the current custody situation.
5. In paragraph 5, insert the number of months or years that that the current custody situation has been in effect.
6. In paragraph 6, answer “yes” if either of the parents has prevented the other parent from having contact with the child and “no” if that is not the case. If you answered “yes”, explain the circumstances. By way of example only, if you answered that you have prevented contact because the other parent showed up for custody visibly drunk and you were concerned for your child’s safety, insert that explanation in the space provided.
7. In paragraph 7, write the answer “yes” if you allege that the other parent is unfit, “no” if you believe the other parent is fit, or “reserved” if you do not know if the other parent is fit and you want to save the issue for the hearing.

8. In paragraph 8, write the answer “yes” if you allege that the other parent’s home environment is improper, “no” if you believe the other parent’s home environment is proper, or “reserved” if you do not know if the other parent’s home environment is proper and you want to save the issue for the hearing.
9. In paragraph 9, describe any other issues that you want to present to the court.
10. In paragraph 10, write the answer “yes” if you plan to raise emotional or psychological problems of the children or others involved, “no” if you do not plan to raise emotional or psychological problems of the children or others involved, or “reserved” if you do not know yet if you will raise emotional or psychological problems of the children or others involved and you want to save the issue for the hearing.
11. In paragraph 11, write the answer “yes” if you plan to request a psychological evaluation of the children and others involved, “no” if you do not plan to request a psychological evaluation of the children and others involved, or “reserved” if you do not know yet if you will request a psychological evaluation of the children and others involved and you want to save the issue for the hearing. **Note: If you request psychological evaluation, you will be responsible for paying the cost of the evaluations which could be several thousands of dollars.**
12. In paragraph 12, write the answer “yes” if you plan to request a psychological evaluation of the children and others involved and you will agree to the appointment of one neutral psychologist to be used by you and the other party or “no” if plan to request a psychological evaluation of the children and others involved but will not agree to the appointment of one neutral psychologist to be used by you and the other party. **Note: If you request psychological evaluations and agree to the appointment of one neutral psychologist to be used by you and the other party, you will be responsible for paying one-half of the cost of the evaluation which could be several thousands of dollars.**
13. In paragraph 13, write the number of days it will take you to present your side of the case if the case does not settle and goes to a hearing. **Note: In most cases the court will not schedule more than a half-day to a day hearing.**
14. If the matter does not settle and proceeds to a hearing, you may choose to call witnesses at that hearing. You must list here any witnesses that you plan to call. You may have a chance to change this list at a later date, closer to the Pre-Trial Conference. In paragraph 14, write the names & addresses of any factual witnesses you plan to call if there is a hearing.

15. In paragraph 15, write the names & addresses of any expert witnesses you plan to call if there is a hearing.
16. In paragraph 16, write the answer “yes” if you plan to request that home studies of your home and the other parent’s home be completed, “no” if you do not plan to request that home studies of your home and the other parent’s home be completed, or “reserved” if you do not know yet if you will request that home studies of your home and the other parent’s home be completed and you want to save the issue for the hearing. **Note: If you request home studies, you will be responsible for paying the cost of them which could be several hundreds of dollars.**
17. In paragraph 17, insert any other relevant information that you want the Custody Conciliator to know. By way of example, if you are concerned about the other parent’s method of discipline, you might want to describe your concerns in the space provided.
18. Sign this form, print your name, address and telephone number in the spaces provided.

Step 2. Filing the Conciliation Scheduling Order, the Petition to Modify Custody Order, the Criminal Record/Abuse History Verification, Entry of Appearance as a Self-Represented Party, and the Conciliation Conference Memorandum.

- A. Make two copies of the entire completed Conciliation Petition to Modify Custody Order, the Conciliation Conference Memorandum, the Criminal Record/Abuse History Verification, and the Entry of Appearance as a Self-Represented Party.

Note: If there are more than 2 parties involved in the case (for example multiple defendants listed in the caption), you will need to make enough copies for each party.

- B. Take the original and the copies to the York County Prothonotary’s Office located on the first floor of the York County Judicial Center along with the filing fee in cash, certified check, credit card (an additional fee applies), money order or travelers checks payable to the “Prothonotary of York County.” The amount of the filing fee can be obtained by calling the Prothonotary’s office at 717-771-9611. **IF YOU CANNOT AFFORD THE FILING FEE AND MEET CERTAIN FINANCIAL GUIDELINES, YOU CAN REQUEST THAT THE COURT PERMIT YOU TO PROCEED “IN FORMA PAUPERIS” MEANING YOU WILL NOT HAVE TO PAY THE FILING FEE. TO REQUEST IN FORMA PAUPERIS STATUS GO TO THE PROTHONOTARY’S WEBSITE AND PREPARE AND FILE THE**

**PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ALONG
WITH THE FINANCIAL AFFIDAVIT.**

- C. The Prothonotary's staff will stamp each document, with the exception of the Conciliation Scheduling Order, and return the date-stamped copies of the Petitions to Modify Custody Order and the date-stamped copies of the other forms to you. The Prothonotary's staff will provide you with a receipt showing that you have paid the filing fee.
- D. Immediately take the receipt, Conciliation Scheduling Order, and date-stamped copies of all the other forms to the Administrative Office of York County Courts (AOYCC) located on the fourth floor of the York County Judicial Center.
- E. At the Administrative Office of York County Courts (AOYCC), staff will fill in the Conciliation Scheduling Order with the name of your conciliator and the date, time and location of the conciliation conference.
- F. AOYCC/Court Admin. staff will file the Conciliation Scheduling Order with the Prothonotary. You will need to get copies of this filed order for your records and to serve on other party. You should go with the AOYCC/Court Admin. staff to Prothonotary when he/she files the order so you can get copies.
- G. One of the date-stamped copies of each document is for you to keep for your records. **Take special note of the date, time and place of the conciliation conference since you must attend the conference.** One of the date-stamped copies of each of the documents must be served on the Respondent (the other party) prior to the Conciliation Conference.

YOU MUST SERVE THE OTHER PARTY! If service is not completed prior to the Conciliation Conference, the Conciliation Conference will be cancelled or rescheduled, and you may be required to pay an additional fee.

Step 3. Serving the Conciliation Scheduling Order, the Petition to Modify Custody Order, your completed Criminal Record/Abuse History Verification, a blank copy of the Criminal/Abuse History Verification, the Entry of Appearance as a Self-Represented Party, and the Conciliation Conference Memorandum.

“Service” means that the Respondent received the Conciliation Scheduling Order, the Petition to Modify Custody Order, the Criminal/Abuse History Verification plus a blank copy for the other party to complete, the Entry of Appearance as a Self-Represented Party, and the Conciliation Conference Memorandum. Service can be accomplished in any one of the following ways:

A. Acceptance of Service. If you are on cordial (good) terms with the other parent, an easy way to accomplish service is to mail or hand deliver the Conciliation Scheduling Order, the Petition to Modify Custody Order, 1 completed + a blank copy of the Criminal /Abuse History Verification, the Entry of Appearance as a Self-Represented Party, and the Conciliation Conference Memorandum to the other parent and have him or her, in the presence of a notary or the Prothonotary, sign, date, and return to you the Acceptance of Service Form. Before sending or handing the Acceptance of Service Form to the other parent, fill in the caption, including the docket number and the date the Complaint was filed. Instruct the other parent to fill in the date he/she received the Conciliation Scheduling Order, the Petition to Modify Custody Order, the Criminal/Abuse History Verification, the Entry of Appearance as a Self-Represented Party, and the Conciliation Conference Memorandum, his/her address and telephone number when signing the document, and to have his/her signature notarized. Once the other parent/party has returned the signed form to you, make a copy and take the original form and the copy to the Prothonotary's Office for filing. The Prothonotary's staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

B. Personal Service. Service can also be accomplished by an adult, other than you, personally handing a date-stamped copy of the Conciliation Scheduling Order, the Petition to Modify Custody Order, the Conciliation Conference Memorandum, the Entry of Appearance as a Self-Represented Party, and the Criminal/Abuse History Verification (plus a blank copy) to the other parent. The adult who handed the papers to the other parent must fill out and sign the Affidavit of Personal Service after you have filled in the caption and docket number on the Affidavit of Personal Service. Make a copy of the completed Affidavit of Personal Service and take the original and the copy to the Prothonotary's Office for filing. The Prothonotary's staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

C. Service by Mail-Both Regular & Certified Mail. Service of the Conciliation Scheduling Order, the Petition to Modify Custody Order, the Criminal/Abuse History Verification(plus a blank copy), the Entry of Appearance as a Self-Represented Party, and the Conciliation Conference Memorandum can be accomplished by sending the extra date-stamped copy of each to Respondent **by certified mail, return receipt requested, restricted delivery & by regular first class mail.** **The Respondent is the only person who is permitted to sign for the delivery of the Conciliation Scheduling Order, the Complaint for Custody, the Criminal/Abuse History Verification, the Entry of Appearance as a Self-Represented Party, and the Conciliation Conference Memorandum. To accomplish service by Mail, do the following:**

1. Prepare 2 envelopes with the other parent's name and address, using your own address as the return address.
2. Insert a date-stamped copy of the Conciliation Scheduling Order, the Petition to Modify Custody Order, the Conciliation Conference Memorandum, the Entry of Appearance as a Self-Represented Party, and the Criminal/Abuse History Verification (plus the extra blank copy) into each envelope and seal.
3. Print the words "Restricted Delivery" on the lower left hand corner of **only ONE** of the envelopes. It is best to do this with red ink.
4. The other envelope just needs to be mailed regular first class mail with a stamp or stamps—be sure you put enough postage on the envelope.
5. Take the envelopes to the Post Office. Mail the regular one and tell the postal worker that you want to send the other "**certified mail, return receipt requested, restricted delivery.**"
6. The postal worker will help you complete the "green card" and attach it to your envelope.
7. The postal worker will provide you with a receipt after you have paid the fee for mailing. **MAKE SURE YOU KEEP THIS RECEIPT.** You will need to attach it to your Affidavit of Service by Certified Mail (See # 8, below).
8. When the green card is returned to you, completely fill out and sign the Affidavit of Service by Certified Mail and attach the receipt and the green card to it. Make a copy of the completed Affidavit of Service by Certified Mail and take the original and the copy to the Prothonotary's Office for filing. The Prothonotary's staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

D. Service by York County Sheriff. The most certain way to ensure service is to pay the York County Sheriff's Office to deliver the papers to the other party.

Take a date-stamped copy of the Conciliation Scheduling Order, the Petition to Modify Custody Order, the Conciliation Conference Memorandum, the Entry of Appearance of a Self-Represented Party, the Criminal Record/Abuse History Verification, and a blank copy of the Criminal/Abuse History Verification to the Sheriff's Office located on the first floor of the York County Judicial Center. You will need to pay the Sheriff's fee in advance. After the Sheriff has served the Conciliation Scheduling Order, the Complaint for Custody and the Conciliation Conference Memorandum, he/she will file his/her affidavit of service at the Prothonotary's Office.

Step 4. Preparing the Memorandum for Custody Pre-Trial Conference and the Parenting Plan if an agreement is not reached at the conciliation conference or through mediation. THIS STEP & THESE FORMS ARE FOR AFTER CONCILIATION.

****REMINDER** ONLY MINOR'S INITIALS AND YEAR OF BIRTH ARE TO BE USED**

IN THESE FORMS. DO NOT WRITE CHILDREN'S NAMES.

- A.** If you and the other parent are unable to reach a custody agreement at the Custody Conciliation, you will receive an Order scheduling a Pre-Trial Custody Conference. That Order will also direct you to prepare and file, by a deadline, a Memorandum for Custody Pre-Trial Conference and a Parenting Plan. **It is very important that you comply with the deadlines contained in this Order.**
- B.** After inserting the caption in the Memorandum for Custody Pre-Trial Conference, answer and fill in each and every item on the Memorandum. If an item is not applicable to your case, insert “not applicable”. Most of the items on the Memorandum are self-explanatory however, note the following:
- 1. Admissions From Pleadings to be Made Part of Record.** If either party has admitted in the pleadings to an important fact, such as that he or she has a drug or alcohol problem, insert that admission here.
 - 2. Stipulation of Parties.** Insert facts that are agreed on by the parties here such as, the parents’ years of birth, addresses, places of employment, the children’s years of birth, addresses, churches attended, schools attended, and extra-curricular activities.
 - 3. Witnesses to be Called.** It is very important that you list the name and address of every witness you intend to call at the custody hearing along with a summary of the subject of each witness’ testimony. **Your failure to fully comply with this portion of the Memorandum may result in the Court not allowing one or more of your witnesses to testify.**

Another note about the Pre-Trial Conference Memorandum:

Pursuant to Pennsylvania Rule of Civil Procedure No. 1915.4-4 (b)(2), which addresses Pre-Trial Procedure, the pre-trial conference memorandum must be filed within the deadline ordered by the Judge, and it must contain information about any witnesses you plan to call and any exhibits you plan to enter.

A portion of that rule is quoted below:

(b) Not later than five days prior to the pre-trial conference, each party shall serve a pre-trial statement upon the court and the other party or counsel of record. The pre-trial statement shall include the following matters, together with any additional information required by special order of the court:

- (1) the name and address of each expert whom the party intends to call at trial as a witness;

(2) the name and address of each factual witness the party intends to call at trial, the relationship of that witness to the party, and a statement by the party or the party's counsel that he or she has communicated with each listed witness; and

(3) a proposed order setting forth the custody schedule requested by the party.

In addition to the above items included in the pre-trial statement, any reports of experts and other proposed exhibits shall be included as part of the pre-trial statement served upon the other party or opposing counsel, but not included with the pre-trial statement served upon the court.

- C. The Court Order will direct you and the other parent to attempt to prepare and file the Parenting Plan together. If you and the other party are not able to prepare the Parenting Plan together, each of you will be required to prepare and file a Parenting Plan. By having you answer a series of self-explanatory questions, the Parenting Plan will provide the Court with a detailed statement of what type of custody order you and the other parent are requesting of the Court. After inserting the caption in the Parenting Plan, answer and fill in each and every item on the Parenting Plan.
- D. After you have completed the Parenting Plan and the Memorandum for Custody Pre-Trial Conference, make four copies of each. Take the original and the copies to the Prothonotary's Office for filing. The Prothonotary's staff will date stamp the originals and the copies. The Prothonotary's staff will retain the originals and return the copies to you. You must provide the other parent with one of each of the time stamped copies, retain one of each of the time stamped copies for your records, and forward one of each of the time stamped copies to the AOYCC office to be forwarded to the Chambers of the Judge conducting the Pre-Trial Conference.

Step 5. Attending the Pre-Trial Custody Conference and the Custody Hearing.

It is important that you appear for the Pre-Trial Custody Conference at the date and time scheduled. At that Conference, the Judge will speak with you and the other parent. If you and the other parent are still unable to reach a custody agreement after speaking with the Judge, the Judge will issue an Order scheduling your case for trial.

It is your responsibility to ensure that you and all of your witnesses are available for the hearing when it occurs. In preparing for your hearing, refer back to the "Important Issues in Custody" contained in the Introduction to the Custody Packets for the factors the Court will be looking at in making its custody determination.

After the hearing, you will receive a copy of the Judge's Custody Order in the mail, once he has prepared it. If you wish to appeal the Order to the Pennsylvania Superior Court there are

various notice requirements, briefing schedules and other deadlines that must be obeyed. These instructions do not include the instructions for an appeal. If you want to appeal the Judge's Order, it is recommended that you seek legal counsel. Otherwise, it is up to you to ascertain and follow the steps necessary to appeal the Order.

ALTERNATIVE STEPS

If you and the other party have **agreed** to change your existing custody arrangement, there is no need for you and the other parent to attend a conciliation conference, mediation, or a hearing. The Court will incorporate your agreement in to a Custody Order if you complete the steps in one of the Custody Stipulation Packets.

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

Plaintiff No. _____ -FC - _____ -03
Vs. Civil Action – Law
Child Custody
Defendant

CONCILIATION SCHEDULING ORDER

You, _____, have been sued in court by
Respondent

_____ to:
Petitioner

obtain any form of custody
modify an existing custody order.
address a petition for contempt alleging you have willfully disobeyed an existing custody order.

All parties are Ordered and Directed as follows:

- 1. The parties shall appear in person at the Conciliation Conference and shall bring ALL CHILDREN AGE SEVEN (7) AND OLDER.
2. The Conciliation Conference will be held before, _____, the assigned Conciliator, on: _____, 20_____, at _____ .m. in Room 4011, York County Judicial Center, 4th Floor, 45 North George Street, York, Pennsylvania, 17401. The anticipated length of the conference is one hour.

3. REQUESTS TO OBTAIN CUSTODY or MODIFY AN EXISTING CUSTODY ORDER:
If you fail to appear as provided by this Order, an Order for custody, partial custody, or supervised custody may be entered against you. If you fail to appear or bring the child(ren), the Court may issue a warrant for your arrest.

PETITIONS FOR CONTEMPT: If you wish to defend against the claim set forth in the petition, you may, but are not required, to file in writing with the court your defenses or objections. Whether or not you file in writing with the court your defenses or objections, you must appear at the conference as ordered. IF YOU DO NOT APPEAR IN PERSON, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST. If the court finds that you have willfully failed to comply with its order, you may be found in contempt of court and committed to jail, fined or both.



If you need a language interpreter, please contact the Language Access Coordinator at 717-771-9234. REV 3-2019

Additional notices and instructions to the parties and/or attorneys:

- A. **INCARCERATED PARTY:** If you are incarcerated and wish to participate by speakerphone, you may do so by contacting the Conciliator at 717-771-3289 at the conference date and time.
- B. **INTERPRETER NEEDED:** If you need an interpreter, you may request one by contacting the Administrative Office of York County Courts at 717-771-9234. Please contact the office as soon as possible, but no less than three days before the conference. You will be asked to provide the date and time of the scheduled conference, the name of the party and the required language.
- C. **OTHER ORDERS INVOLVING THE PARTIES AND/OR CHILD(REN):** You are required to provide the conciliator with a courtesy copy of any and all related orders including custody order which has been entered in any Court, any active PFA Orders and/or any other order that addresses physical or legal custody of the child(ren) at the time of the conciliation conference. Failure to do so may lead to additionally scheduled conference time which could involve a cost to you.
- D. **CYF INVOLVEMENT:** If Children, Youth and Families is conducting an investigation or is otherwise involved with the family, their representative must be subpoenaed by the appropriate attorney or party to attend the Conciliation Conference. It is the responsibility of the attorney or moving party subpoenaing the representative to obtain a Court Order or releases from the parties prior to the release of information by the representative.
- E. **CRIMINAL AND ABUSE HISTORY VERIFICATION:** You must file a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact at the conciliation conference. If you file the verification on the day of the conciliation conference, a copy should be made available to the conciliator.
- F. **RELOCATION:** No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.
- G. **CONCILIATION CONFERENCE:** You may be represented by an attorney. Parties and their counsel are directed to engage in meaningful negotiations to resolve this matter or to identify the issues in preparation for the Conciliation Conference. At the Conciliation Conference, the conciliator will attempt to resolve your issues by drafting an agreement. If an agreement cannot be reached, an effort will be made to



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define and narrow the issues and/or propose interim relief. An order will be entered as a result of this conference. You must have accurate contact information on file with the Prothonotary at all times.

H. JUDICIAL CENTER: The Court recognizes that you may wish to have someone accompany you for support. While acceptable, all persons are expected to conduct themselves properly and are expected not to engage the other party in conversation. The conference is for the parties. Witnesses and extended family members will not be able to participate. The dignity of the judicial center must be preserved at all times. If you bring children that are too young to remain unattended, you must bring an adult to watch them while you are participating in the conference. Be mindful that there is limited room available in the hallway and/or conference rooms so please do not bring more people than necessary to provide support and/or watch your children.

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 ONE OF THE OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. DEPENDING ON ELIGIBILITY, LEGAL SERVICES MAY BE AVAILABLE AT A REDUCED FEE OR AT NO COST.

MID PENN LEGAL SERVICES
29 North Queen St.
York, PA 17403
(800) 299-6599

ATTORNEY CONNECTION
& MODEST MEANS
(717) 854-8755
By Appointment Only

<http://yorkcountypa.gov/courts-criminal-justice/self-help-center/forms-packets.html> or at the Court Self-Help Center located on the fourth floor of the York County Judicial Center.

BY THE COURT:

Date: _____

President Judge Joseph C. Adams



If you need a language interpreter, please contact the Language Access Coordinator at 717-771-9234. REV 3-2019

AMERICANS WITH DISABILITIES ACT (TITLE II) POLICY

The 19th Judicial District of Pennsylvania, through the Administrative Office of York County Courts (AOYCC), complies with Title II of the Americans with Disabilities Act (ADA) which provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity”. 42 U.S.C.A. §12132. Pursuant to that requirement, if you are an individual with a disability who needs an accommodation in order to participate in any judicial proceeding or any other service, program, or activity of the 19th Judicial District, you are entitled, at no cost to you, to the provision of certain assistance. The ADA does not require the AOYCC to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

If you require an accommodation under the ADA, it is recommended that you make your request as soon as possible, but at least three (3) business days before your scheduled participation in any court proceeding or 19th Judicial District program or activity. All requests for accommodation will be given due consideration and if necessary, may require an interactive process between the requestor and the AOYCC to determine the best course of action. Failure to provide advance notice may result in a delay in the proceeding.

To request a reasonable accommodation, you will need to request the Request for Reasonable Accommodation Form (ADA Form A) from and return it to:

ADA Coordinator
Administrative Office of York County Courts
York County Judicial Center
45 N. George Street, York, PA 17401
Telephone 717-771-9234, Fax 717-771-9911
Email AOYCC@YorkCountyPa.gov.

If you need assistance completing this form, contact the ADA Coordinator. Complaints alleging violations of Title II under the ADA may be filed with the ADA Coordinator at the address listed above, pursuant to the AOYCC ADA Complaint Procedure. A response will be sent to you after careful review of the facts.



If you need a language interpreter, please contact the Language Access Coordinator at 717-771-9234.

The **current** custody order also provides for the the following type of physical custody:

(Select only 1): **Plaintiff:** Sole Physical Custody Primary Physical Custody
 Shared Physical Custody Supervised Physical Custody Partial Physical Custody

(Select only 1): **Defendant:** Sole Physical Custody Primary Physical Custody
 Shared Physical Custody Supervised Physical Custody Partial Physical Custody

A true and correct copy of the Order is attached.

5. It is in the best interest of the child(ren) that custody should be modified for the following reasons: _____

WHEREFORE, Petitioner requests your Honorable Court to modify the Custody Order as follows: _____

_____.

6. Petitioner has attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P.No.1915.3-2.

I hereby certify 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. Section 4904 relating to unsworn falsification to authorities.

Date

Petitioner, Pro-Se

Print Name

Street Address

City, State, Zip Code

Telephone Number

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY DIVISION**

_____	:	NO. _____-FC-_____
Plaintiff	:	
	:	
vs.	:	Action in Custody
	:	
_____	:	
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 jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)		<input type="checkbox"/>	_____	_____
	18 Pa.C.S. §2702 (relating to aggravated assault)		<input type="checkbox"/>	_____	_____
	18 Pa.C.S. §2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

18 Pa.C.S. §2901 (relating to kidnapping)

18 Pa.C.S. §2902 (relating to unlawful restraint)

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 intercourse)

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 the death of child)

18 Pa.C.S. §4304 (relating to endangering welfare of children)

18 Pa.C.S. §4305 (relating to dealing in infant children)

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)

23 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 of my household have a history of violent or abusive conduct including the following:

Check all
that
apply

Self

Other household
member

Date

A finding of abuse by a Children & 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 & Youth
Agency or similar agency in Pennsylvania
or another jurisdiction.

Where?:

Other:

State the date and circumstance of the child abuse, the named perpetrator of the abuse, and the jurisdiction or location where the abuse took place.

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child(ren):

Identify any household members by name and age that currently reside with you, and were included in the responses to Questions 1 & 2:

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:

6. State whether you or any member of your household was provided services by a child welfare agency (eg., County Children, Youth, & Families Agency). If yes, please indicate:

a. The individuals who received services: _____

b. The type of services provided: _____

c. The circumstances surrounding the provision of services: _____

_____.

d. The time frame during which the services were or are being provided: _____

_____.

e. The jurisdiction or location where the services are being or were provided: _____

_____.

I verify 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 the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Petitioner's Signature

Petitioner's Printed Name

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

Plaintiff

VS.

Defendant

: No. _____-FC-_____ -03
:
: **CIVIL ACTION – LAW**
:
:
: **CUSTODY**
:

CONCILIATION CONFERENCE MEMORANDUM

Submitted by _____, Pro-Se.

1. Party is: _____

2. Child(ren)'s Initials and Years of Birth:

Child's Initial ONLY	Year of Birth
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. Party is requesting (Choose **1 type of Physical Custody & 1 type of Legal Custody**):

Primary Physical Custody

Sole Physical Custody

Sole Legal Custody

Partial Physical Custody

Supervised Physical Custody

Shared Legal Custody

Shared Physical Custody

Other: _____

4. The present custody situation is as follows: _____

5. The present custody situation has existed since approximately _____ months / years.

6. Has either party prevented the other party from having any contact with the child? If so, describe the circumstances: _____

7. Do you allege unfitness of the other party? (Yes, No, or Reserved)

_____.

8. Do you allege improper home environment? (Yes, No, or Reserved)

_____.

9. What other issues will be presented to the court? _____

10. Do you plan to raise emotional or psychological problems of the children or others involved? (Yes, No, or Reserved) _____.

11. Do you request psychological evaluations? (Yes, No, or Reserved) _____.

(NOTE: The court will NOT PAY for you to have evaluations)

12. Will you agree to the appointment of one neutral psychologist to be used by both parties to perform psychological evaluations? (Yes, No) _____.

13. How much time will the presentation of your case take? _____ day(s).

14. Factual witnesses:

Name

Address

15. Expert witnesses:

Name

Address

16. Are home studies requested? (Yes, No, or Reserved) _____.

17. Other relevant information you wish to bring to the attention of the Conciliator:

Respectfully submitted,

(Your Signature)

(Print your name)

(Street Address)

(City, State and Zip)

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

Plaintiff : No. _____-FC-_____-03
: :
: **CIVIL ACTION – LAW**
vs : :
: :
: **CUSTODY**

Defendant

ACCEPTANCE OF SERVICE

I, _____, accept service of the Petition to
(Name of Respondent)

Modify Custody Order filed on _____ & Conciliation Scheduling Order.
(Date of Filing)

Date of Receipt

Signature of Respondent

Mailing Address of Respondent

City, State and Zip Code

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF YORK :

On the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

Plaintiff : No. _____-FC-_____ -03
VS. : CIVIL ACTION – LAW
Defendant : CUSTODY

AFFIDAVIT OF PERSONAL SERVICE

I, _____, hereby verify that on the
(Name of Person who Served Custody Petition, et al.)

_____ day of _____, 20____, I served the Respondent with a true and correct copy of the Petition
(Date) (Month)

to Modify Custody Order filed _____ & Scheduling Order by the following method:
(Date of filing of Petition to Modify)

The Respondent was personally served with a true and correct copy of the above pleading
by hand-delivering the same to the Respondent by someone other than the Petitioner.
Personal service was made at the following location and time:

(Location of Service)

on the _____ day of _____, 20____, at _____ o'clock.
(Date) (Month) (Time)

(PERSONAL SERVICE CANNOT BE MADE BY PETITIONER)

I verify that the statements made in this Affidavit 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
falsifications to authorities.

Date

Signature of the Person Who Made Service

Print Name

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

Plaintiff : No. _____-FC-_____ -03
VS. : CIVIL ACTION – LAW
Defendant : CUSTODY

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

I, _____, hereby verify that on
(Name of Petitioner)

the _____ day of _____, 20____, I served the Respondent with a true & correct copy
(Date) (Month)

of the Petition to Modify Custody Order filed on _____ & Conciliation
(Date of filing Petition to Modify)

Conference Scheduling Order by the following method:

Service was made by United States Postal Service, first class mail, postage prepaid, by both standard first class mail & certified, restricted delivery, return receipt requested to the Respondent, on the _____ day of _____, 20____. The return receipt (postal green card) signed by Respondent and the receipt from the Post Office are attached hereto.

I verify that the statements made in this Affidavit 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 falsifications to authorities.

Date

Signature of Petitioner

Print Name

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY DIVISION**

_____	:	NO. _____-FC-_____
Plaintiff	:	
	:	
vs.	:	Action in Custody
	:	
_____	:	
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 jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

- | | | | | | |
|--------------------------|---|--------------------------|--------------------------|-------|-------|
| <input type="checkbox"/> | 18 Pa.C.S. §2901 (relating to kidnapping) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §2902 (relating to unlawful restraint) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §2903 (relating to false imprisonment) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §2910 (relating to luring a child into a motor vehicle or structure) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3121 (relating to rape) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3122.1 (relating to statutory sexual assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3123 (relating to involuntary deviate sexual intercourse) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3124.1 (relating to sexual assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3125 (relating to aggravated indecent assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3126 (relating to indecent assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3127 (relating to indecent exposure) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3129 (relating to sexual intercourse with animal) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3130 (relating to conduct relating to sex offenders) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3301 (relating to arson and related offenses) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

- | | | | | | |
|--------------------------|--|--------------------------|--------------------------|-------|-------|
| <input type="checkbox"/> | 18 Pa.C.S. §4302 (relating to incest) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §4303 (relating to concealing the death of child) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §4304 (relating to endangering welfare of children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §4305 (relating to dealing in infant children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §5902(b) (relating to prostitution and related offenses) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §5903(c) or (d) (relating to obscene and other sexual materials and performances) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6301 (relating to corruption of minors) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6312 (relating to sexual abuse of children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6318 (relating to unlawful contact with minor) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6320 (relating to sexual exploitation of children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 23 Pa.C.S. §6114 (relating to contempt for violation of protection order or agreement) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | Driving under the influence of drugs or alcohol | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

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 of my household have a history of violent or abusive conduct, or involvement with a Children & Youth agency, including the following:

Check all that apply	Self	Other household member	Date
<input type="checkbox"/> A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Involvement with a Children & Youth Agency or similar agency in Pennsylvania or another jurisdiction. Where?: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

State the date and circumstance of the child abuse, the named perpetrator of the abuse and the jurisdiction or location where the abuse took place.

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child(ren):

Identify all household members by name and age that currently reside with you, and were included in the responses to Questions 1-2

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:

6. State whether you or any member of your household was provided services by a child welfare agency (eg., County Children, Youth & Families agency). If yes, please indicate:

a. The individuals that received services: _____

b. The type of services provided: _____

c. The circumstances surrounding the provision of services: _____

d. The time frame during which the services were or are being provided: _____

e. The jurisdiction or location where services are being or were provided: _____

I verify 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 the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Signature

Printed Name