

**INSTRUCTIONS FOR PETITION TO MODIFY A
CUSTODY/VISITATION ORDER**

These instructions will help you file and set up a hearing with a Custody Master for modification of a current custody order.

Before you begin, read completely these instructions.

COSTS

There are court costs which you may be required to pay.

The first cost is the fee for filing the custody modification with the Court, which is Twenty Dollars (\$20.00).

There is also a fee for sending a copy of the petition, certified mail, to the other parent. You are responsible for these costs.

There is a fee for making copies of the petition. You will be responsible for these copies.

There are also costs for the Master's Conference. These can run One Hundred Dollars (\$100.00) or more. You may be required to pay some or all of the Master's fees. These costs are usually divided between the parties.

You should consider these fees before you go further.

COMPLETE THE FORMS

Order. Fill in only the top of the Order form. DO NOT date it.

Petition. Fill it out completely. Do not leave any blank spaces. Here are some suggestions:

The case caption remains as it is on the original case caption.

You are the "petitioner". The other parent is the "respondent".

At the top right, fill in the county in which you are filing. Write the same Civil Number as the latest Court Order.

Fill in the current address for both parents. **You will need a current address before there can be any hearing.**

To complete #3, write in the date of the most recent Court Order on custody and visitation. **You must attach a copy of the most recent custody order.**

To complete #4, you must attach a completed Criminal Record/Abuse History Verification form as required pursuant to Pa.R.C.P. No. 1915.3-2.

Criminal Record/Abuse History Verification (“Verification”).

The verification shows the Court any criminal or abuse record of the parties involved in the case and anyone living with them. The attached form must be completed and filed for any adult person living in the household. A blank form must be attached and served with the Petition for completion by the opposing party.

To complete #5, explain briefly how you want the Order modified.

Sign your name at the bottom. You are proceeding “pro se”. This means you are acting on your own and have no attorney.

FILING AND SERVICE

Once the papers are completely and properly filled out, they must be filed and served. **READ THE FOLLOWING INSTRUCTIONS COMPLETELY.**

Preparing to file.

You will need the original and three (3) copies of the Order of Court Appointing Special Master and Petition to Modify with a copy of the most recent custody order attached.

You will need the original and three (3) copies of your completed Criminal Record/Abuse History Verification. You will also need one blank copy of the Criminal Record/Abuse History Verification.

Filing.

The Office of the Prothonotary is on the first floor of the Courthouse in both Columbia and Montour Counties.

To file, you need to hand the papers to the Clerk. They will do the rest.

If you do not have the proper number of copies, the Clerk can make those copies for a fee.

Filing fee.

There is a \$20.00 fee for filing the Petition to Modify. You must pay the filing fee at the time you file.

Return of Petition.

After the filing fees are paid, the Clerk will return:
One copy of the Order of Court Appointing Special Master and Petition to Modify and the completed Criminal Record/Abuse History Verification to you for your records and

One “certified” copy of the Order of Court Appointing Special Master and Petition to Modify; the completed Criminal Record/Abuse History Verification and the blank copy of the Criminal Record/Abuse History Verification for you to serve on the other party. (The “certified” copy is proof that it is an accurate copy of the papers filed in the Courthouse.)
One copy of the paperwork will be forwarded to the Special Master by the Clerk to be scheduled for a hearing.

Service of the Petition.

You must give the other party (parent) legal notice that you have filed for modification. This type of notice is known as “service”. Service of the custody papers is your responsibility.

To do service, you must send the certified copy of the custody papers by:

Certified Mail: the addressee must be the Defendant, return receipt requested, restricted delivery, to be signed by the ADDRESSEE ONLY. The Post Office can help you send Certified Mail.

Personal Service: by an individual eighteen years of age or older who is neither a party to the action nor an employee or a relative of a party who will fill in and sign the Affidavit of Service.

Acceptance of Service: by handing a copy to the Defendant and having the Defendant fill in and sign the Acceptance of Service form.

Service must be made within thirty (30) days from the date the custody papers are filed in the Prothonotary’s office.

Proof of service.

After service is made, complete the Certificate of Service explaining how service was made on the other party and file with the Prothonotary:

Certificate of Service with mailing receipt attached (for certified mail) OR

Affidavit of Service (for personal service by another adult individual) OR

Acceptance of Service (hand delivered with defendant’s signature)

Once you receive the green card back from the certified mail, put your case number on the card and bring it to the Prothonotary’s Office to be attached to the Certificate of Service previously filed.

PLAINTIFF	*	IN THE COURT OF COMMON PLEAS
	*	26 TH JUDICIAL DISTRICT OF
	*	PENNSYLVANIA
	*	COLUMBIA/MONTOUR COUNTY
	*	BRANCH
VS.	*	
	*	
DEFENDANT	*	CIVIL ACTION – CUSTODY
	*	NO. OF 20_____

ORDER OF COURT

APPOINTING SPECIAL MASTER

AND NOW, to wit, this _____ day of _____, 20____, the within matter is hereby referred to **Marks, McLaughlin & Dennehy, Special Master**, for further proceedings in accordance with the Rules of Court, Chapter V, dated May 23, 1990, pertaining to Special Master’s in custody and visitation matters, upon receipt by the Court Administrator of proof of service.

PROTHONOTARY:

/s/ Barbara N. Silvetti

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT
 HAVE A LAWYER OR CANNOT AFFORD ONE, CONTACT NORTH PENN LEGAL
 SERVICES, 168 WEST 5TH ST., BLOOMSBURG, PA 17815, (570) 784-8760

	*	IN THE COURT OF COMMON PLEAS
PLAINTIFF	*	26TH JUDICIAL DISTRICT
	*	_____ COUNTY BRANCH, PA
VS.	*	
	*	
	*	CIVIL ACTION – CUSTODY
DEFENDANT	*	NO. _____ OF 20 _____

PETITION FOR MODIFICATION OF A CUSTODY ORDER

TO THE HONORABLE, THE JUDGES OF SAID COURT:

COMES NOW, _____, and respectfully represents that:

- 1) The Petitioner is _____, who resides at _____.
- 2) The Respondent is _____, who resides at _____.
- 3) On _____, an Order of Custody/Visitation was entered by this Court, a true and correct copy of which is attached hereto, marked Exhibit "A" and made a part hereof.
- 4) Petitioner has attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.

5) The best interests and welfare of the child(ren) will be promoted by a modification of the present Order as follows: _____

WHEREFORE, Petitioner respectfully prays that this Court refer the matter to a Special Master for a conference to modify the existing custody/visitation Order.

(Petitioner Signature) Pro Se

(Date)

(Print Name)

(Address)

(City, State, Zip)

(Telephone)

VERIFICATION

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Date

Petitioner

IN THE COURT OF COMMON PLEAS OF COLUMBIA COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
Defendant.	:	

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

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

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa. C.S. §6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other 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
1 <input type="checkbox"/>	Criminal Homicide (18 Pa. C.S. Ch. 25)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
2 <input type="checkbox"/>	Aggravated Assault (18 Pa. C.S. §2702);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
3 <input type="checkbox"/>	Terroristic Threats (18 Pa. C.S. §2706);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
4 <input type="checkbox"/>	Stalking (18 Pa. C.S. §2709.1);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
5 <input type="checkbox"/>	Kidnapping (18 Pa. C.S. §2901);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
6 <input type="checkbox"/>	Unlawful Restraint (18 Pa. C.S. §2902);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
7 <input type="checkbox"/>	False Imprisonment (18 Pa. C.S. §2903);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
8 <input type="checkbox"/>	Luring a Child into a Motor Vehicle or Structure (18 Pa. C.S. §2910);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
9 <input type="checkbox"/>	Rape (18 Pa. C.S. §3121);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

	Check all that Apply	Crime	Self	Other Household Member	Date of Conviction, Guilty Plea, No Contest Plea or Pending Charges	Sentence
10	<input type="checkbox"/>	Statutory Sexual Assault (18 Pa. C.S. §3122.1);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
11	<input type="checkbox"/>	Involuntary Deviate Sexual Intercourse (18 Pa. C.S. §3123);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
12	<input type="checkbox"/>	Sexual Assault (18 Pa. C.S. §3124.1);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
13	<input type="checkbox"/>	Aggravated Indecent Assault (18 Pa. C.S. §3125);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
14	<input type="checkbox"/>	Indecent Assault (18 Pa. C.S. §3126);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
15	<input type="checkbox"/>	Indecent Exposure (18 Pa. C.S. §3127);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
16	<input type="checkbox"/>	Sexual Intercourse with Animal (18 Pa. C.S. §3129);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
17	<input type="checkbox"/>	Conduct Relating to Sex Offenders (18 Pa. C.S. §3130);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
18	<input type="checkbox"/>	Arson and Related Offenses (18 Pa. C.S. §3301);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
19	<input type="checkbox"/>	Incest (18 Pa. C.S. §4302);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
20	<input type="checkbox"/>	Concealing Death of Child (18 Pa. C.S. §4303);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
21	<input type="checkbox"/>	Endangering Welfare of Children (18 Pa. C.S. §4304);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
22	<input type="checkbox"/>	Dealing in Infant Children (18 Pa. C.S. §4305);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
23	<input type="checkbox"/>	Prostitution and Related Offenses (18 Pa. C.S. §5902(b));	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
24	<input type="checkbox"/>	Obscene and Other Sexual Materials and Performances (18 Pa. C.S. §5903(c) or (d));	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
25	<input type="checkbox"/>	Corruption of Minors (18 Pa. C.S. §6301);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
26	<input type="checkbox"/>	Sexual Abuse of Children (18 Pa. C.S. §6312);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
27	<input type="checkbox"/>	Unlawful Contact with Minor (18 Pa. C.S. §6318);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
28	<input type="checkbox"/>	Sexual Exploitation of Children (18 Pa. C.S. §6320);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
29	<input type="checkbox"/>	Contempt for Violation of Protection Order or Agreement (23 Pa. C.S. §6114);	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that Apply	Crime	Self	Other Household Member	Date of Conviction, Guilty Plea, No Contest Plea or Pending Charges	Sentence
30	<input type="checkbox"/> Driving Under the Influence of Drugs or Alcohol	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
31	<input type="checkbox"/> Manufacture, Sale, Delivery, Holding, Offering for Sale, or Possession of any Controlled Substance or Other Drug or Device	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

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
32	<input type="checkbox"/> An indication or 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"/>	_____
33	<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"/>	_____
34	<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

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.

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

I 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

IN THE COURT OF COMMON PLEAS 26TH JUDICIAL DISTRICT
COLUMBIA COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

Plaintiff
v. _____
Defendant
: : : : :
NO.: _____

CERTIFICATE OF SERVICE - U.S. FIRST CLASS MAIL

I, _____, plaintiff/defendant herein, do verify and say that
on the _____ day of _____ 20____, I did deliver for mailing at
the U. S. Post Office, a true and correct copy of the (*check one*):

- _____ Complaint for Custody
- _____ Petition to Modify Custody
- _____ Petition for Contempt

to be served upon _____, plaintiff/defendant herein, at
the following address:

by Certified Mail, Restricted Delivery, postage prepaid, for which a Certificate of
Mailing is attached hereto and made a part hereof.

The above referenced document(s) were received by the defendant on:

I verify that the statements made in this document are true and correct. I understand
that false statements herein are made subject to the penalties of 18 Pa. C. S. §4904
relating to unsworn falsification to authorities.

Signature

Date: _____

Printed Name

IN THE COURT OF COMMON PLEAS 26TH JUDICIAL DISTRICT
COLUMBIA COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

Plaintiff
v. _____
Defendant
NO.: _____

AFFIDAVIT OF SERVICE - PERSONAL SERVICE

I, _____ (name of person making service), do verify and say
that I served the plaintiff/defendant, _____,

with a true and correct copy of the (*check one*):

- Complaint for Custody
 Petition to Modify Custody
 Petition for Contempt

WHERE: _____

HOW: _____

WHEN: _____

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. §4904 relating to unsworn falsification to authorities.

Signature of Person Making Service

Printed Name of Person Making Service

Date: _____

IN THE COURT OF COMMON PLEAS 26TH JUDICIAL DISTRICT
COLUMBIA COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

Plaintiff
v. _____
Defendant
NO.: _____

ACCEPTANCE OF SERVICE

I, _____, plaintiff/defendant herein,
on the _____ day of _____, 20____, hereby accept service of
the (*check one*):

- _____ Complaint for Custody
- _____ Petition to Modify Custody
- _____ Petition for Contempt

Signature

Date: _____

Printed Name