

IN THE COURT OF COMMON PLEAS OF LAWRENCE COUNTY, PENNSYLVANIA

Plaintiff(s)

Vs

No. _____ of _____ C.A.

Defendant(s)

COMPLAINT REGARDING CUSTODY

1. The Plaintiff(s) herein is/are as follows:

Name

Address

County

2. The Defendant(s) herein is/are as follows:

Name

Address

County

3. Plaintiff(s) seek(s) an Order of Court regarding the custody of the following children:

Child's INITIALS ONLY

Age

Born out of wedlock?

4. For the past five years the children have resided at the following addresses with the following persons, starting with the present:

Child's INITIALS ONLY

Approximate Dates

Address

Resided With

_____ from _____ to present _____

_____ from _____ to _____

_____ from _____ to _____

_____ from _____ to _____

_____ from _____ to _____

_____ from _____ to _____

5. The name, address, and marital status (married, divorced, or single) of the mother of each child is as follows:

<u>Child's INITIALS ONLY</u>	<u>Mother</u>	<u>Address</u>	<u>Marital Status</u>

6. The name, address, and marital status (married, divorced, or single) of the father of each child is as follows:

<u>Child's INITIALS ONLY</u>	<u>Father</u>	<u>Address</u>	<u>Marital Status</u>

7. The relationship of each Plaintiff to each child is as follows:

<u>Child's INITIALS ONLY</u>	<u>Plaintiff's Name</u>	<u>Relationship to Child</u>

8. The relationship of each Defendant to each child is as follows:

<u>Child's INITIALS ONLY</u>	<u>Defendant's Name</u>	<u>Relationship to Child</u>

9. Each Plaintiff currently resides with the following persons:

<u>Plaintiff's Name</u>	<u>Resides With</u>	<u>Relationship to Plaintiff</u>

10. Each Defendant currently resides with the following persons:

<u>Defendant's Name</u>	<u>Resides With</u>	<u>Relationship to Defendant</u>

11. Other litigation concerning the custody of the children is described as follows: (If none, so state):

<u>Court's Name & Location</u>	<u>Docket Number</u>	<u>Name of Plaintiffs</u>	<u>Name of Defendants</u>	<u>Still Pending?</u>
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12. A copy of the following Court Orders concerning the custody of the children are attached to this Complaint (If none, so state):

<u>Name & Location of Court</u>	<u>Date of Court Order</u>
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13. Each parent whose parental rights to the children have not been terminated and the persons who have physical custody of the children have been named as parties to this action. All other persons who are known to have or to claim custodial or visitation rights with respect to the children are named below as "Interested Persons" and will be served with a copy of the within pleading and are hereby informed of their right to intervene in this action:

<u>Names of Interested Persons</u>	<u>Address</u>	<u>Basis of Claim</u>
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(THE FOLLOWING SECTIONS # 14. AND #15. APPLY TO GRANDPARENTS AND GREAT GRANDPARENTS ONLY)

14. The best interest and permanent welfare of the children will be served by granting the relief requested because the Plaintiff(s) is/are willing and able to provide a loving, nurturing environment and Plaintiff(s) is/are **grandparents** who: (**Please mark with an "X" each that apply):

- (1) whose relationship with the child began with the consent of a parent of the child **OR**
- whose relationship with the child began pursuant to an Order of Court; **AND**
- (2) who assumes or is willing to assume responsibility for the child; **AND WHEN ONE OF THE FOLLOWING CONDITIONS IS MET:**
 - (i) the child has been determined to be a dependent child under 42 Pa.C.S. Ch. 63 (relating to juvenile matters); **OR**
 - (ii) the child is substantially at risk due to parental abuse, neglect, drug or alcohol abuse or incapacity; **OR**
 - (iii) the child has, for a period of at least 12 consecutive months, resided with the grandparent, excluding brief temporary absences of the child from the home, and is removed from the home by the parents, in which case the action must be filed within six months after the removal of the child from the home.

15. In additions to the sections set forth in the above # 14., grandparents/great-grandparents may file an action for partial physical or supervised physical custody in the following situations:

- _____ (1) where the parent of the child is deceased, a parent or grandparent of the deceased parent may file; **OR**
- _____ (2) where the relationship with the child began either with the consent of the parent of the child or under a court order and where the parents of the child have commenced a proceeding for custody and do not agree as to whether or not the grandparent or great-grandparent should have custody; **OR**
- _____ (3) the child has, for a period of at least 12 consecutive months, resided with the grandparent or great-grandparent, excluding brief temporary absences of the child from the home, and is removed from the home by the parents, in which case the action must be filed within six months after the removal of the child from the home.

(THE FOLLOWING SECTION # 16. APPLIES TO ONLY ALL OTHER THIRD PARTIES SEEKING CUSTODY)

16. The best interest and permanent welfare of the children will be served by granting the relief requested because the Plaintiff(s) is/are individuals who by clear and convincing evidence **CAN PROVE THE FOLLOWING THREE CONDITIONS ARE MET:** (This section does not apply if a dependency proceeding involving the child has been initiated or is ongoing; or there is an order of permanent legal custody under 42 Pa.C.S. § 6351(a)(2.1) or (f.1)(3).

- _____ (1) the individual has assumed or is willing to assume responsibility of the child; **AND**
- _____ (2) the individual has a sustained, substantial and sincere interest in the welfare of the child; **AND**
- _____ (3) neither parent has any form of care and control of the child

WHEREFORE, Plaintiff(s) respectfully request(s) that this Court grant unto the Plaintiff(s) the following type of **Legal Custody** (check one):

_____ Full Legal Custody of the following children (INITIALS ONLY):

_____ Shared Legal Custody of the following children (INITIALS ONLY) :

And the following type of **Physical Custody** (check one):

_____ Primary Physical Custody of the following children (INITIALS ONLY):

_____ Shared Physical Custody of the following children (INITIALS ONLY):

_____ Partial Physical Custody of the following children (INITIALS ONLY):

I verify that the statements made in this Complaint are true and correct to the best of my ability. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date

Plaintiff's Signature

Date

Plaintiff's Signature

IN THE COURT OF COMMON PLEAS OF LAWRENCE COUNTY, PENNSYLVANIA

Plaintiff(s)

Vs

No. _____ of _____ C.A.

Defendant(s)

ORDER OF COURT

You, _____, (Plaintiff)/(Defendant), have been sued in court to (OBTAIN)/(MODIFY) custody, partial custody or visitation of the child/children (INITIALS ONLY):

You are ordered to appear in person at the Lawrence County Government Center, 430 Court Street, New Castle, PA 16101, in Jury Room # _____ on the _____ day of _____, 20 _____ at _____ o'clock _____ .m. for

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

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER (OR CANNOT AFFORD ONE), GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW (TO FIND OUT WHERE YOU CAN GET LEGAL HELP). THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER, IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL
LAWRENCE COUNTY GOVERNMENT CENTER
430 COURT STREET
NEW CASTLE, PENNSYLVANIA 16101
(724) 656-1921

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lawrence County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's Office at 724-658-2541. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

BY THE COURT:

DATE: _____ J.