

INSTRUCTIONS FOR COMPLETING THE COMPLAINT FOR CUSTODY
(FORM 2)

ALL FORMS SHOULD BE TYPED IF POSSIBLE, OR NEATLY PRINTED

I. CAPTION

- a. The caption is the top part of page one of the Complaint. The names of the parties, the docket number, the type of Complaint, and the Court's name are found here.
- b. The Plaintiff is you. Type or print your full name above the word "Plaintiff" in the caption
- c. The Defendant is the person you are filing the suit against. Fill in that person's full, legal name above the word "Defendant".
- d. Leave the docket number blank. Your case will be assigned a number when you file the papers with the Court.

II. COMPLAINT

- a. The following instructions correspond to each numbered paragraph in your Custody Complaint.
 1. Fill your full legal name and your full mailing address (street number/route/box number, city, state, and zip code).
 2. Fill in the defendant's full legal name and full mailing address (street number/route/box number, city, state, and zip code).
 3. Check type of custody that you are pursuing. List the child(ren) who will be part of this custody action on **the Confidential Information Form first column. (204 Pa.Code § 213.81)**
 - a. Indicate whether the children were or were not born out of wedlock.
 - b. Fill in the blank with the full name and address of the person with whom the child or children now live.
 - c. List all person's addresses and dates where the child has lived in the past five years.
 - d. Fill in the child's natural mother's name and address.
 - e. Fill in the child's natural father's name and address.

4. State your relationship to the child (mother, father, grandmother, etc.) List everyone who now lives with you and your relationship to each of these people.
5. State the Defendant's relationship to the child (mother, father, grandmother, etc.) List everyone who now lives with the Defendant and the relationship between the Defendant and each of those people.
6. Cross out whichever phrase does not apply. If this is the first time there has been a Custody Case involving this child, cross out "has". If there was a case involving this child in any Court before, cross out "has not" and write the name of the Court and docket number of that case.
 - a. Cross out whichever phrase does not apply concerning whether you know of any custody case being filed with any other Court.
 - b. Cross out whichever phrase does not apply concerning whether the child is living with someone other than the Defendant or one of the child's parents.
 - c. State briefly why you believe that what you are asking for will be best for the child.
7. List why the relief should be granted and is in the best interest of the child.
8. List any other person that you believe has a right to be a part of the hearing concerning custody because they have standing (see definitions). These individuals must be served with a copy of the Complaint.
9. If you are a grandparent or person (not a parent) seeking any type of custody, review this section and fill out any part that pertains to you.
10. Complete the Criminal Record/Abuse History Verification from and file with this complaint.

III. WHEREFORE: Check the type of custody that you are seeking (See Definitions)

IV. Sign your full name and date the Complaint.

V. VERIFICATION:

- a. This form states that all of the information which you have listed in the Complaint is true.
Sign this form

THERE IS A FILING FEE IN THE AMOUNT OF \$149 FOR NEW COMPLAINTS, PLEASE SUBMIT TO PROTHONOTARY

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

Plaintiff
vs.

Defendant
: NO.
:
:
:
:
: CUSTODY
:
:

COMPLAINT FOR CUSTODY

1. The Plaintiff is _____, residing at

(street) (city)

(state) (zip code) (county)
Phone: _____ E-Mail _____

2. The Defendant is _____, residing at

(street) (city)

(state) (zip code) (county)
Phone: _____ E-Mail _____

3. Plaintiff seeks:

LEGAL CUSTODY:

_____ shared legal custody (*important decisions are made by both parents working together*)
_____ sole legal custody (*important decisions are made by one parent*)

PHYSICAL CUSTODY

_____ partial physical custody (*where the child lives some of the time*)

_____primary physical custody (*where the child lives most of the time*)

_____shared physical custody (*when the child lives with each parent on an approximately equal basis.*)

_____sole physical custody (*when the child lives only with one parent*)

_____supervised physical custody (*when time together is supervised*)

of the of the child (ren) identified on the Confidential Information Form first column. (204 Pa.Code § 213.81)

*****Do not list names and date of birth of children on this form, identify by numerals or initials corresponding to attached Confidential Information Form.**

Child ____ Child ____ Child ____ Child ____

List additional children as necessary.

The child(ren) (was/were) (was not/were not) born out of wedlock.

The child(ren) is/are presently in the custody of _____ who resides at _____
(street) (city)

(state) (zip code) (county)

During the past five years, the child(ren) has/have resided with the following and at the following addresses:

List all persons	List all addresses	Dates
_____	_____	_____
_____	_____	_____
_____	_____	_____

The Mother of the child is _____, currently residing at

(street) (city) (state) (zip code) (county)

The Mother of the child(ren) is currently (married) (divorced) (single)

The Father of the child is _____, currently residing at _____
(street) (city) (state) (zip code) (county)

The Father of the child(ren) is currently (married) (divorced) (single)

4. The relationship of the Plaintiff to the child(ren) is that of _____. The Plaintiff currently resides with the following persons:

Name	Relationship
_____	_____
_____	_____

5. The relationship of the Defendant to the child(ren) is that of _____. The Defendant currently resides with the following persons:

Name	Relationship
_____	_____
_____	_____

6. Plaintiff (has)(has not) participated as a party or witness, or in another capacity, in other litigation concerning the custody of the said child in this or another court. The court, term number, and its relationship to this action is: _____.

Plaintiff (has) (has no) information of a custody proceeding concerning the child pending in a court of this Commonwealth or any other state. The court, term and number, and its relationship to this action is: _____ .

Plaintiff (knows)(does not know) of a person not a party to the proceedings who has physical custody of the child or claims to have custodial rights with respect to the child. The name and address of such person is: _____ .

7. The best interest and permanent welfare of the child(ren) will be served by granting the relief requested because (set forth facts showing that the granting of the relief requested will be in the best interest and permanent welfare of the child)_____

8. Each parent whose parental rights to the child(ren) have not been terminated and the person who has physical custody of the child(ren) have been named as parties to this action. All other persons, named below, who are known to have or claim a right to custody of the child (ren) will be given notice of the pendency of this action and the right to intervene:

Name	Address	Basis of Claim
_____	_____	_____
_____	_____	_____

9. A. If the plaintiff is seeking physical or legal custody of a child and is *in loco parentis* to the child, the plaintiff shall plead facts establishing standing under 23 Pa.C.S.§5324(2)._____

B. If the plaintiff is a grandparent seeking physical or legal custody of a grandchild and is not in *loco parentis* to the child, the plaintiff shall plead facts establishing standing under 23 Pa.C.S. §5324(3).

C. If the plaintiff is seeking physical or legal custody of a child and is not in *loco parentis* to the child, the plaintiff shall plead facts establishing standing pursuant to 23 Pa.C.S. §5324(4) and (5).

D. If the plaintiff is a grandparent or great-grandparent seeking partial physical custody or supervised physical custody of a grandchild or great-grandchild, the plaintiff shall plead facts establishing standing under 23 Pa.C.S. §5325.

10. I have attached the Criminal Record/Abuse History Verification form required pursuant to Pa. R.C.P. No. 1915.3-2.

WHEREFORE, Plaintiff requests the Court to grant Plaintiff

LEGAL CUSTODY

_____ shared legal custody _____ sole legal custody

PHYSICAL CUSTODY

_____ partial physical custody _____ primary physical custody

_____ shared physical custody _____ sole physical custody

_____ supervised physical custody

Plaintiff

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

Date

Plaintiff