



WASHINGTON COUNTY COURT OF COMMON PLEAS PRO SE CUSTODY PACKET

NOTICE

ALL PARTIES INVOLVED IN LITIGATION ARE STRONGLY ENCOURAGED TO SEEK PROFESSIONAL LEGAL ADVICE FROM AN ATTORNEY. Court staff cannot offer any legal advice. 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 contents.

If you want to hire an attorney and do not know one, you should call the Bar Association's Lawyer Referral Service (LRS) at 724-225-6710 to schedule a half-hour consultation with a licensed, insured attorney who has experience in the area of law related to your legal matter. The initial half-hour consultation with the attorney is \$50.00 to be paid in advance to the Bar Association; any fees beyond the first half-hour should be discussed and agreed upon by you and the lawyer.

If you meet certain income and other qualifications, you may be able to secure an attorney through Southwestern PA Legal Services at 724-225-6170. Ask if you are eligible for the Bar Association/Bar Foundation "Limited Representation Custody Program," and, if so, you may be referred to an attorney who will represent you at no cost at the initial custody meeting.

If you have questions about domestic violence or believe that you may be the victim of domestic violence, we strongly recommend that you contact the *Washington County Domestic Violence Services* at 724-223-8349.

If you suspect child abuse, please contact *CHILDLINE* at 1-800-932-0313. You can report suspected child abuse 24 hours per day and remain anonymous.

CUSTODY F.A.Q.s

1. Can my mother/friend/sister/etc. go to motions court for me so I don't miss work?

No. Presenting a motion on someone else's behalf is practicing law, unless the presenter is a party to the proceeding.

2. What do I do if I don't know where the father/mother lives?

See Rule 1930.4 of the Pennsylvania Rules of Civil Procedure located at Form C. These are complicated procedures and it is in your best interest to make every effort to find the other party and deliver the paperwork whether in person or by mail.

Service by Publication. The Washington County Reports is designated as the publisher of legal notices in Washington County. Unless the manner of publication of service of process or notice is otherwise specified by law or rule of court, such service or notice shall be made by publishing the same once in the Washington County Reports and once in a newspaper of general circulation in Washington County.

3. Do grandparents who are trying to get custody because the parent is in jail or on drugs follow the same procedures and use the same forms as what I have?

Grandparents should use Complaint for Grandparents and Third Parties form and follow the same procedure. Both parents must be named as Defendants and both must be given notice of the Petition before it is presented. Grandparents may not get the same results as natural parents. Grandparents' rights are not as extensive as natural parents and absent "*in loco parentis*," where grandparents have actually acted as parents, grandparents' rights are usually limited to partial custody unless the child is in danger.

4. I can't find any form for "objection to continuance."

There is no set form to object to a continuance. You should tell the other side you object and go to court on the day of the motion to tell the judge why you object. The first request for a continuance will usually be granted. Multiple continuances will not be granted unless all parties agree.

5. What about "temporary custody"?

The Court does not grant temporary custody as a matter of course. If anyone is looking for Temporary Custody they should file a custody complaint. Temporary custody is almost exclusively for emergency situations. Some people confuse temporary custody with emergency custody. If there is an emergency situation which involves either risk of danger to the child's life or potential threat that the other parent will leave the state with the child, you should file a Petition for Special Relief and a Custody Complaint/Petition for Modification.

6. Do I have to tell the other party that I am going to Court?

Yes. They have a right to know and participate. If you are seeking Special Relief, Intervention, Withdrawal, Continuance, Relocation or Contempt, you MUST give five (5) business days advanced notice.

If you asking that the filing fee be waived, you DO NOT have to give notice.

7. Do I have to notify the Court that I am presenting a Petition in motions court?

Yes. A copy of any motion for the Family Court Judge's consideration, whether contested or uncontested, shall be forwarded to and received by them before 12:00 NOON on FRIDAY prior to the scheduled presentation. Failure to comply will result in you being turned away and you will have to wait for the following week.

8. What does it mean to give five (5) business days' notice?

You MUST serve the other party with a COMPLETE COPY of the paperwork that you intend to present to the Judge, five (5) business days, (weekend days and court holidays do not count) prior to the day you are going to Court.

9. What if there is a PFA? How can I notify the other party?

A Plaintiff cannot "violate" a PFA so it doesn't matter if the PFA Plaintiff (the person protected by the PFA) serves the PFA Defendant papers. If you are the PFA Defendant (the person that the PFA is against), you may send the Plaintiff the legal paperwork, only. DO NOT include letters, notes, etc. or anything unrelated to the legal action attached or written on the legal documents. Send the legal documents via certified mail.

10. What is the age of majority in Pennsylvania? When can my child choose where they reside?

There is no age of majority in Pennsylvania, a child becomes emancipated at age 18, unless a court order is entered stating otherwise. The preference of the child is only one factor in many when the court determines what is in the best interest of the child.

11. Should I send any paperwork to opposing counsel?

Yes, if the opposing party is represented you must serve counsel of record and not the other party. If you are unsure if the other party is represented you may request to see the file in the Prothonotary's Office to see if an attorney has entered an appearance in the case or simply send a copy to both counsel and the other party.

12. What if the other party doesn't pick-up their certified mail?

You must then refer to the Rules of Civil Procedure 1930.4 located at Form C.

13. Do I have to complete another Custody Education Program class if I completed one in the past?

Yes. Both Plaintiff and Defendant must complete the Custody Education Program every time a modification is filed. The fee is \$35.00 and cannot be waived. Noncompliance with this provision may subject you to sanctions.

14. What happens if one party does not complete the Custody Education Program and/or submit a Parent Plan or Criminal Record Abuse Verification Form?

If you are the moving party, the Conference Officer may recommend to the Court a dismissal of your complaint or petition to modify. Disregard of this requirement by any named party may be subject to sanctions pursuant to Rule 1915.4.

15. I can't afford an attorney, what are my options?

The Washington County Bar Association and Washington County Bar Foundation have established a Limited Representation Custody Program for eligible individuals. Under the Program the client will receive representation at the initial custody meeting free of cost. To learn more about the program, you should contact the Southwestern PA Legal Services, at 724-225-6170. Ask if you are eligible for the Bar Association/Bar Foundation "Limited Representation Custody Program".

16. How much is the filing fee for custody?

To file a new custody complaint the **filing fee is \$325.25** payable by cash or money order to the Washington County Prothonotary. To file for a modification of an existing custody order, the filing fee is **\$185.00**.

17. What if I can't afford the filing fee?

You must obtain a fee waiver from the Divorce and Custody Office located on the basement floor of the Courthouse and present it to the Family Court Judge with your Custody Complaint or Petition for Modification in the Judge's Motions' Court. Prior notice must be given to the Family Court Judge by noon on FRIDAY prior to your presentation.

18. Am I allowed to move from Washington County?

You should refer to Rule 1915.17 regarding Relocation.