

INSTRUCTIONS FOR FILING A PETITION FOR MODIFICATION OF CUSTODY ORDER

The following documents should be completed and filed with the filing fees, unless waived by the Court, in the Prothonotary's office. All information must be typewritten or neatly printed:

INTAKE

Complete this form in its entirety.

COVER SHEET

Fill in the top part of this form with your name and address and the respondent's name and address. You are the petitioner. The person you are filing against is the respondent. In the box titled "Statutory Basis for Cause of Action", you should write the word "custody". You must sign and date the form at the bottom.

ORDER OF COURT FOR CONFERENCE/HEARING

Insert your name on the first line on the left side of the top of the form (This is called the caption). Insert the respondent's name on the second line on the left side of the top of the form. The Court will complete the rest of the form.

ORDER OF COURT

Insert your name on the first line on the left side of the top of the form (This is called the caption). Insert the respondent's name on the second line on the left side of the top of the form. Please complete numbers 1, 5, 6 and 8 with your proposed recommendations for custody.

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.

PETITION FOR MODIFICATION OF A CUSTODY ORDER

If you already have a custody order from the court and you wish to change it, complete this form by inserting your name on the first line on the left side of the top of the form (This is called the caption). Insert the other person's name on the second line on the left side of the top of the form. You are the "Petitioner" and the other person is the "Respondent". Insert your case number from your current custody order on the

right hand side. Answer all the questions on the form completely. Sign the form in both places at the bottom above the word "Petitioner". (Current filing fees are \$25.80 plus \$150.00 for custody master. If you are filing an agreement, current filing fee is \$25.80 only.) Complete the Criminal Record/Abuse History Verification regarding criminal offense(s) for all parties and members of the household.

PETITION FOR WAIVER OF COSTS (if applicable)

Complete this form **ONLY** if you cannot afford to pay the initial filing fees and costs. Insert your name on the first line on the left side of the top of the form (This is called the caption). Insert the respondent's name on the second line on the left side of the top of the form. Answer all the questions on the form completely. You must sign and date the form at the bottom. (Current filing fees are \$25.80 plus \$150.00 for custody master.)

ORDER OF COURT FOR WAIVING PAYMENT OF COSTS (if applicable)

If you complete the Petition for Waiver of Costs, insert your name on the first line on the left side of the top of the form (This is called the caption). Insert the respondent's name on the second line on the left side of the top of the form. The Court will complete the rest of the form.

PENNSYLVANIA RULE OF CIVIL PROCEDURE 1930.4 SERVICE OF ORIGINAL PROCESS IN DOMESTIC RELATIONS MATTERS

Proper service is required. Kindly review this rule which explains the proper procedure for effecting service.

CARBON COUNTY CUSTODY

Intake: COMPLAINT/MODIFICATION/CONTEMPT

Docket Number: _____

Petitioner (___Mother ___Father ___Other)

Name: _____ Date of Birth: _____

Address: _____ Apt: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Other Phone _____

Petitioner's Attorney: _____ Attorney's Phone: _____

Respondent (___Mother ___Father ___Other)

Name: _____ Date of Birth: _____

Address: _____ Apt: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Other Phone _____

Respondent's Attorney: _____ Attorney Phone: _____

Children

With whom does child(ren) reside? ___ Mother ___ Father ___ Other

Has child(ren) and custodian resided in Carbon County for six months? ___Yes ___No

Interpreter:

Does either party need an Interpreter? ___ Yes ___ No

If Yes, what language? _____

Mediation:

Are there allegations of domestic violence or child abuse? ___ Yes ___ No

Does either party live more than 75 miles from Courthouse? ___ Yes ___ No

Incarceration:

Is a party currently incarcerated? ___Yes ___No

If yes, what is inmate's identification number, and facility address:

(Attorney for Petitioner) (Petitioner)

DELIVER THIS FORM WITH PLEADING TO PROTHONOTARY

Date

<i>Civil Cover Sheet</i>		For Prothonotary Use only (Docket Number)
PETITIONER'S NAME: Enter names (last, first, middle initial) of petitioner. In the event there are more than two petitioners, list the additional parties on a separate sheet of paper. Husband and wife should be listed as separate parties.		RESPONDENT'S NAME: Enter names (last, first, middle initial) of respondent. In the event there are more than two respondents, list the additional parties on a separate sheet of paper. Husband and wife should be listed as separate parties.
PETITIONER'S ADDRESS & TELEPHONE NUMBER: Enter the address and telephone numbers of the parties at the time of filing of the action.		RESPONDENT'S ADDRESS AND TELEPHONE NUMBER: Enter the address and telephone numbers of the parties at the time of filing of the action.
ADDITIONAL PETITIONER'S NAME:		ADDITIONAL RESPONDENT'S NAME:
ADDITIONAL PETITIONER'S ADDRESS/TELEPHONE NO:		ADDITIONAL RESPONDENT'S ADDRESS /TELEPHONE NO:
TOTAL NUMBER OF PETITIONERS: Indicate the total number of petitioners in the action.		TOTAL NUMBER OF RESPONDENTS: Indicate the total number of respondents in the action.
STATUTORY BASIS FOR CAUSE OF ACTION If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be cited		
RELATED PENDING CASES: (All previously filed related cases must be identified by docket number. Indicated whether they have been consolidated by Court Order or Stipulation.)		
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Petitioner. Papers may be served at the address set forth below.		
NAME OF PETITIONER'S ATTORNEY: Unrepresented filers must provide their name, address, telephone number and signature.		<i>ADDRESS</i>
<i>PHONE NUMBER</i>	SUPREME COURT IDENTIFICATION NUMBER	E-MAIL ADDRESS: FAX NO. (OPTIONAL – FOR SERVICE): Providing the fax number shall authorize the service of legal papers by facsimile transmission. See Pa.R.CP.440(d)
DATE: _____		SIGNATURE: _____

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

PETITIONER	:	
VS.	:	CUSTODY
	:	NO.
	:	
RESPONDENT	:	

You, _____, respondent, have been sued in court to MODIFY (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the child(ren): _____

_____.

You are ordered to appear in person at the First Floor or Third Floor Conference Room, Carbon County Courthouse, Jim Thorpe, Pennsylvania, 18229, on _____, 20____, at _____M., prevailing time, for

_____ a conciliation or mediation conference.

_____ a pretrial conference.

_____ a hearing before the court.

Any party to a custody action, who is incarcerated and cannot attend any scheduled proceeding and wishes to participate by electronic means, shall request permission from Court Administration seven (7) days before the scheduled event. Said party shall be responsible for making the arrangements with Court Administration and the Warden of said facility where the party is incarcerated.

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

You must file with the court 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 with the court (including, but not limited to, a conference with a

conference officer or judge or conciliation) but not later than 30 days after service of the petition.

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.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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.

**North Penn Legal Services
101 West Broad Street, Suite 713
Hazleton, PA 18201
(877) 953-4250**

or

**Carbon County Lawyer Referral
811 Blakeslee Blvd. Dr. East, Suite 130
Lehighton, PA 18235
Phone 1-610-379-4950
Fax (610) 379-4952**

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Carbon 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 Office of the District Court Administrator at (570) 325-8556. All arrangements must be made at least seventy-two (72) hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

BY THE COURT:

Date: _____

J.

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

_____ /	:	
Petitioner	:	
	:	
vs.	:	NO.
	:	
_____ /	:	
Respondent	:	
	:	
_____	-	Counsel for Petitioner
_____	-	Counsel for Respondent

ORDER OF COURT

AND NOW this ____ day of _____, 20____, it is hereby

ORDERED and DECREED as follows:

1. This Order of Court shall govern the custodial situation of the following children:

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the medical, dental, religious and school records of the child(ren) involved. Absent an emergency situation, each party shall be informed in regard to the medical and dental needs of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party. Neither party shall do anything to estrange the child(ren) from the other party, to injure the opinion of the child(ren) as to the other party, or to hamper the free and

natural development of the child(ren)'s love and respect of the other party.

5. Primary physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody/supervised physical custody in accordance with the following schedule:

- a. During the week: _____
- b. Weekends: _____;
- c. Major Holidays: _____;
- d. Minor Holidays: _____;
- e. Mother's Day and Mother's Birthday shall be with the Mother;
- f. Father's Day and Father's Birthday shall be with the Father.
- g. Child(ren)'s Birthday(s): _____;
- h. Vacation/Summers: _____;
- i. Other times: _____.

7. All other periods of partial physical custody/supervised physical custody shall be by mutual agreement of both parties after reasonable request, and such agreement shall not be unreasonable withheld.

8. The retrieving party shall provide transportation unless otherwise agreed to by the parties as follows: _____

9. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

10. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

11. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

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.

The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

J.

APPENDIX TO ORDER

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of contempt proceedings before this Court, or could constitute grounds for amendment of our order. If these general rules conflict with the specific requirements of our order, the order shall prevail.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child's mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of "spy".

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)'s best interests, and act accordingly. It is in a child(ren)'s best interests to understand that he or she is trying

desperately to cope with the fact of his parents' separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Any period of custody shall be subject to the following rules:

- A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child(ren) shall be consulted as to the child(ren) schedule.
- B. Custodial rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).
- C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.
- D. The party having custody of the child(ren) should prepare the child(ren) both physically and mentally for the custody with the other party and have the child(ren) available at the time and place mutually agreed upon.
- E. If either party or the child(ren) has plans which conflict with a scheduled period of custody and wish to adjust such period, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).
- F. If a party shows up for their partial physical custody/supervised physical custody under the influence of alcohol or drugs, the period of partial physical custody/supervised physical custody may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)'s life, such as education, religious training, medical treatment, and so forth.

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

PETITIONER	:	
	:	
VS.	:	CUSTODY NO.
	:	
	:	
RESPONDENT	:	

PETITION FOR MODIFICATION OF A CUSTODY ORDER

1. The petition of _____ respectfully represents that on _____, 20____, an Order of Court was entered for (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody), a true and correct copy of which is attached.

2. The petitioner is _____, residing at _____
(Street) (City) (Zip Code) (County)

3. The respondent is _____ residing at _____
(Street) (City) (Zip Code) (County)

4. The child(ren) is presently in the custody of _____(Name)
who resides at _____
(Street) (City) (State)

5. During the past five years, the child(ren) has resided with the following persons and at the following addresses:

<u>(List all Persons)</u>	<u>(List all Addresses)</u>	<u>(Dates)</u>
_____	_____	_____
_____	_____	_____

A parent of the child(ren) is _____,
currently residing at _____

A parent of the child(ren) is _____,
currently residing at _____

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

<u>NAME</u>	<u>RELATIONSHIP</u>
_____	_____
_____	_____
_____	_____

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

<u>NAME</u>	<u>RELATIONSHIP</u>
_____	_____
_____	_____
_____	_____

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

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

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

_____.

9. This Order should be modified because: _____

10. 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:

<u>NAME</u>	<u>ADDRESS</u>	<u>BASIS OF CLAIM</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

11.(a) If the petitioner is a grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody pursuant to 23 Pa.C.S. §5323, you must plead facts establishing standing pursuant to the 23 Pa.C.S. §5324(3).

(b) If the petitioner is a grandparent or great-grandparent who is seeking partial physical custody or supervised physical custody pursuant to 23 Pa.C.S. §5325, you must plead facts establishing standing pursuant to §5325.

(c) If the petitioner is a person seeking physical and/or legal custody pursuant to 23 Pa.C.S. §5324(2) as a person who stands in loco parentis to the child, you must plead facts establishing standing. _____

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

WHEREFORE, Petitioner requests that the Court modify the existing Order because it will be in the best interest of the child(ren).

(Attorney for Petitioner) (Petitioner)

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 CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Petitioner	:	
	:	
vs.	:	NO.
	:	
Respondent	:	

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 plead 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:

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<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"/> <i>Check all that apply</i>	<i>Crime</i>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
		<i>Self</i>	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<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"/>	_____	_____

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<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 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"/>	_____	_____
<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:

<i>Check all that apply</i>	<i>Self</i>	<i>Other household member</i>	<i>Date</i>
<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	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> <i>Other:</i> _____	<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 own knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.

Signature

Printed Name

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

CIVIL ACTION

_____, :
Petitioner :
vs. : NO.
_____, :
Respondent :

ORDER OF COURT

AND NOW this _____ day of _____, 20____, it is
hereby

ORDERED and DECREED that the Petitioner/Respondent, be GRANTED leave to proceed in forma pauperis in the above action. At this time, Petitioner/Respondent is relieved from paying the initial filing fees and sheriff's costs only. Petitioner/Respondent shall promptly notify the Court of any material change in his/her income during the pendency of this action.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

CIVIL ACTION

_____	:	
Petitioner	:	
	:	
vs.	:	NO.
	:	
_____	:	
Respondent	:	

PETITION FOR WAIVER OF COSTS

1. I am the Petitioner/Respondent in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.
2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(A)
NAME: _____

ADDRESS: _____

(B) EMPLOYMENT:

If you are presently employed, state:

EMPLOYER: _____

ADDRESS: _____

SALARY OR WAGES PER MONTH: _____

(Insert amount from pay stub **BEFORE** any taxes or deductions)

SALARY OR WAGES PER MONTH: _____
(Insert amount from pay stub **AFTER** any taxes or deductions)

TYPE OF WORK: _____

If you are presently unemployed state:

DATE OF LAST EMPLOYMENT: _____

SALARY OR WAGES PER MONTH: _____
(Insert amount from pay stub **BEFORE** any taxes or deductions)

SALARY OR WAGES PER MONTH: _____
(Insert amount from pay stub **AFTER** any taxes or deductions)

TYPE OF WORK: _____

(C) OTHER INCOME WITHIN THE LAST TWELVE MONTHS:

BUSINESS OR PROFESSIONAL: _____

OTHER SELF-EMPLOYMENT: _____

INTEREST: _____

DIVIDENDS: _____

PENSION OR ANNUITIES: _____

SOCIAL SECURITY BENEFITS: _____

SUPPORT PAYMENTS: _____

DISABILITY PAYMENTS: _____

UNEMPLOYMENT COMPENSATION/SUPPLEMENTAL BENEFITS: _____

WORKERS COMPENSATION: _____

PUBLIC ASSISTANCE: _____

OTHER: _____

(D) OTHER CONTRIBUTIONS TO HOUSEHOLD SUPPORT:

HUSBAND/WIFE - NAME: _____

If your (husband/wife) is employed state:

EMPLOYER: _____

SALARY OR WAGES PER MONTH: _____
(Insert amount from pay stub **BEFORE** any taxes or deductions)

SALARY OR WAGES PER MONTH: _____
(Insert amount from pay stub **AFTER** any taxes or deductions)

TYPE OF WORK: _____

CONTRIBUTIONS FROM CHILDREN: _____

CONTRIBUTIONS FROM PARENTS: _____

OTHER CONTRIBUTIONS: _____

(E) PROPERTY OWNED:

CASH: _____

CHECKING ACCOUNT: _____

SAVINGS ACCOUNT: _____

CERTIFICATES OF DEPOSIT: _____

REAL ESTATE (INCLUDING HOME): _____

MOTOR VEHICLE: MAKE: _____ YEAR: _____

COSTS: _____ AMOUNT OWED: _____

STOCKS, BONDS: _____

OTHER: _____

(F) DEBTS AND OBLIGATIONS PER MONTH:

MORTGAGE/RENT: _____

UTILITIES: ELECTRIC: _____ WATER/SEWER: _____

OIL/GAS/COAL: _____ PHONE: _____

CABLE: _____

LOANS: _____

CREDIT CARDS: _____

FOOD: _____ NON FOOD: _____

CHILD SUPPORT: _____

CHILD CARE: _____

TRANSPORTATION COSTS: _____

MEDICAL BILLS: _____

BACK TAXES: _____

MISCELLANEOUS HOUSEHOLD EXPENSES: _____

(G) PERSONS DEPENDENT UPON YOU FOR SUPPORT:

(WIFE) (HUSBAND) NAME: _____

CHILDREN, IF ANY:

NAME: _____ AGE: _____

OTHER PERSONS:

NAME: _____

RELATIONSHIP: _____

4. I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances, which would permit me to pay the costs incurred herein.

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

DATE: _____

SIGNATURE: _____

Pennsylvania Rule of Civil Procedure 1930.4. Service of Original Process in Domestic Relations Matters.

(a) *Persons Who May Serve.* Original process in all domestic relations matters may be served by the sheriff or a competent adult:

(1) by handing a copy to the defendant; or

(2) by handing a copy;

(i) at the residence of the defendant to an adult member of the family with whom the defendant resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which the defendant resides; or

(iii) at any office or usual place of business of the defendant to the defendant's agent or to the person for the time being in charge thereof.

(3) or pursuant to special order of court.

Note: See Rule 76 for the definition of "competent adult." Service upon an incarcerated person in a domestic relations action must also include notice of any hearing in such action, and specific notice of the incarcerated individual's right to apply to the court for a writ of habeas corpus ad testificandum to enable him or her to participate in the hearing. The writ is available where an incarcerated individual wishes to testify as provided by statute or rule, as well as where the individual's testimony is sought by another. *Vanaman v. Cowgill*, 363 Pa. Super. 602, 526 A.2d 1226 (1987). See 23 Pa.C.S.A. § 4342(j) and Rule 1930.3. In determining whether a writ of habeas corpus ad testificandum should be issued, a court must weigh the factors set forth in *Salemo v. Salemo*, 381 Pa. Super. 632, 554 A.2d 563 (1989).

(b) *Service in Protection From Abuse Matters.* In Protection from Abuse matters only, original process may also be served by an adult using any means set forth in subdivision (a) above. If personal service cannot be completed within forty-eight (48) hours after a Protection From Abuse petition is filed, the court may, by special order as set forth in subdivision (a)(3) above, authorize service by another means including, but not limited to, service by mail pursuant to subdivision (c) of this rule.

(c) *Service by Mail.* Except in Protection from Abuse matters unless authorized by special order of court pursuant to subdivision (b) above, original process may also be served by mailing the complaint and order to appear, if required, to the defendant's last known address by both regular and certified mail. Delivery of the certified mail must be restricted to addressee only, and a return receipt must be requested.

(1) If the certified mail is refused by defendant, but the regular mail is not returned within fifteen (15) days, service may be deemed complete.

(2) If the mail is returned with notation by the postal authorities that it was unclaimed, service shall be made by another means pursuant to these rules.

(d) *Acceptance of Service.* In lieu of service pursuant to this rule, the defendant or the defendant's authorized agent may accept service of original process by filing with the prothonotary a separate document which shall be substantially in the following form:

(Caption)

ACCEPTANCE OF SERVICE

I accept service of the _____ (NAME OF DOCUMENT)

I certify that I am authorized to accept service on behalf of the defendant.

DATE

DEFENDANT OR AUTHORIZED AGENT

MAILING ADDRESS

Note: If defendant accepts service personally, the second sentence should be deleted.

(e) *Time for Service Within the Commonwealth.* Original process shall be served within the Commonwealth within thirty days of the filing of the petition or complaint.

(f) *Service Outside of the Commonwealth.* Original process shall be served outside the Commonwealth within ninety days of the filing of the complaint:

- (1) by any means authorized by this rule; or
- (2) in the manner provided by the law of the jurisdiction in which defendant will be served; or
- (3) in the manner provided by treaty; or
- (4) as directed by the foreign authority in response to a letter rogatory or request.

Note: Sections 5323 and 5329(2) of the Judicial Code, 42 Pa.C.S. § § 5323 and 5329(2), provide additional alternative procedures for service outside the

Commonwealth. For Protection from Abuse matters, personal service outside of the Commonwealth must first be attempted before service can be made by certified and regular mail or by any of the other means prescribed in subsection (f) of this Rule for out-of-state service.

(g) *Reinstatement of Complaint.* If service is not made as required by subdivision (e) or (f) of this rule, the prothonotary upon praecipe accompanied by the original process, or praecipe indicating that the original complaint has been lost or destroyed accompanied by a substituted complaint, shall reinstate the complaint.

(1) A complaint may be reinstated at any time and any number of times. A new party defendant may be named in a reinstated complaint.

(2) A reinstated complaint shall be served as required by subdivision (e) or (f) of this rule.

(h) *Proof of Service.* Proof of service shall be made as follows:

(1) The person making service of original process shall make a return of service forthwith. If service has not been made within the time allowed, a return of no service shall be made upon the expiration of the period allowed for service.

(2) Proof of service shall set forth the date, time, place and manner of service, the identity of the person served and any other facts necessary for the court to determine whether proper service has been made.

(3) Proof of service by a person other than the sheriff shall be by affidavit. If a person other than the sheriff makes a return of no service, the affidavit shall set forth with particularity the efforts made to effect service.

(4) Proof of service by mail shall include a return receipt signed by the defendant or, if the defendant has refused to accept mail service, the returned letter with the notation that the defendant refused to accept delivery, and an affidavit that the regular mail was not returned within fifteen days after mailing.

(5) Proof of service or of no service shall be filed with the prothonotary.

(6) An executed Acceptance of Service shall be filed in lieu of a Proof of Service where defendant accepts service of original process.

(i) *Appearance at Hearing or Conference.* Regardless of the method of service, a party who appears for the hearing or conference will be deemed to have been served.