

BASIC INSTRUCTIONS FOR FILING A MODIFICATION PETITION

****PLEASE NOTE....THIS DOES NOT TAKE THE PLACE OF FULLY READING
THE CUSTODY CONCILIATION INSTRUCTION BOOKLET****

1. DO NOT PRINT ON BOTH SIDES OF THE PAPER ON ANY FORM

- Use the attached modification petition.
- Print a Criminal Record/Abuse History Verification from www.eriecountypa.gov/courts/family-court/custody-conciliation.
- For each of the above forms: fill in the blanks and make three (3) photocopies of **both** original forms for a total of four (4) of your completed paperwork (you will need one (1) additional copy per additional party if more than two (2) parties are involved with your custody case).

2. Submit in person or mail all original forms and copies as stated above, along with one (1) additional blank Criminal Record/Abuse History Verification form for each defendant/s and a money order or check (payable to Prothonotary) for the **modification fee**. For in person submissions, cash or credit/debit card are acceptable **DO NOT MAIL CASH**. Call 814-451-6234 for current fee.

MODIFICATION PETITIONS NEED TO BE SUBMITTED IN PERSON OR MAILED TO:

**Custody Conciliation Office
140 West 6th Street Room 02
Erie, PA 16501**

**IN PERSON MODIFICATION PETITIONS WILL BE ACCEPTED BETWEEN
8:00 A.M. AND 11:30 A.M. AND BETWEEN 1:00 P.M. AND 4:00 P.M.**

3. The Custody Conciliation Office will schedule you for a modification conference. We will attach the scheduling order to your Modification Petition.

4. The paperwork will be returned to you for you to serve the other party/ies.

**THE CUSTODY CONCILIATION OFFICE IS NOT RESPONSIBLE FOR SERVING THE
OTHER INVOLVED PARTIES.**

IT IS YOUR RESPONSIBILITY TO PROPERLY SERVE ALL PARTIES INVOLVED.

PERSONAL SERVICE BY CONSTABLE, SHERIFF, OR INDEPENDENT THIRD PARTY:

If you choose to have the other party/ies personally served you must provide a completed Affidavit of Service for each party served to the Custody Conciliation Office.

SERVICE BY U.S. MAIL:

One (1) certified copy is to be served on the other party/ies by regular first class mail. You must complete a Certificate of Service for the regular first class mail and provide it to the Custody Conciliation Office.

YOU MUST PROVIDE DOCUMENTATION THAT THE PARTY/IES WERE SERVED.

_____	:	IN THE COURT OF COMMON PLEAS
<i>Plaintiff</i>	:	
VS.	:	OF ERIE COUNTY, PENNSYLVANIA
_____	:	
<i>Defendant</i>	:	NO.

MODIFICATION PETITION

1. The plaintiff is _____ residing at _____
(entire street address, city, state & zip code)
Telephone Number _____

2. The defendant is _____ residing at _____
(entire street address, city, state & zip code)
Telephone Number _____

3. The plaintiff/defendant seeks: **(circle all that apply)** *(shared legal custody)* *(sole legal custody)*
(partial physical custody) *(primary physical custody)* *(shared physical custody)*
(sole physical custody) *(supervised physical custody)* of the following child/ren:

<u>Name (of Child/ren)</u>	<u>Present Address (of Child/ren)</u>	<u>Birth Date (of Child/ren)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- a) The child/ren (was) (was not) born out of wedlock.
- b) The child/ren is presently in the custody of _____ who
resides at _____
- c) During the past five (5) years, the child/ren has resided with the following
persons and at the following addresses:

<u>List the Persons</u>	<u>List the Addresses</u>	<u>Dates</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

d) The mother of the child/ren is _____, currently residing at _____.

e) She is (married) (divorced) or (single).

f) The father of the child/ren is _____, currently residing at _____.

g) He is (married) (divorced) or (single).

4. The relationship of the plaintiff to the child/ren is that of _____. The plaintiff currently resides with the following persons:

Name and Relationship to Plaintiff

_____	_____
_____	_____
_____	_____

5. The relationship of the defendant to the child/ren is that of _____. The defendant currently resides with the following persons:

Name and Relationship to Defendant

_____	_____
_____	_____
_____	_____

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

- a) The plaintiff/defendant (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:

- b) The plaintiff/defendant (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 custody or visitation rights with respect to the child/ren. The name and address of such as person is:

7. The best interest and permanent welfare of the child/ren will be served by granting the relief requested because: _____

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 or visitation with the child/ren will be given notice of the pendency of this action and the right to intervene: _____

9. I am not a parent of the child/ren, nevertheless, I have standing for the following reason:

- a) If the plaintiff/defendant 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 23 Pa.C.S. §5324(3). _____

b) If the plaintiff/defendant 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 plaintiff/defendant 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/ren, you must plead facts establishing standing. _____

10. I have attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. 1915.3-2.

Wherefore, the plaintiff/defendant requests the Court to grant: ***(circle all that apply)***
(shared legal custody) (sole legal custody) (partial physical custody)
(primary physical custody) (shared physical custody) (sole physical custody)
(supervised physical custody) of the child.

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

Signature

Print Name

Plaintiff/Defendant
(circle one)

_____	:	IN THE COURT OF COMMON PLEAS
<i>Plaintiff</i>	:	
VS.	:	OF ERIE COUNTY, PENNSYLVANIA
_____	:	
<i>Defendant</i>	:	NO.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petition for Modification and Scheduling Order for the custody conference scheduled for _____(date) at _____(time) were served on (names and addresses where served):

and in the following manner (describe manner of service for each person served—i.e. certified mail and/or regular mail; give the date and time of service)

I hereby verify that the facts stated herein are true and correct to the best of my knowledge, information and belief. I understand that any false statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Date: _____

(signature of Petitioner)

(print name)