

**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](http://www.eriecountypa.gov/courts)
- 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 6<sup>th</sup> 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**  
*Plaintiff* :  
**VS.** : **OF ERIE COUNTY, PENNSYLVANIA**  
 \_\_\_\_\_ :  
*Defendant* : **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: **(check 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  single.

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

g) He is  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 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:

\_\_\_\_\_



9.

c) The plaintiff/defendant is a person seeking physical or legal custody and is not in loco parentis to the child/ren and has standing pursuant to 23 Pa.C.S. §5324(4) and (5) because:

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d) The plaintiff/defendant is a grandparent seeking partial physical custody or supervised physical custody of grandchild/ren and has standing pursuant to 23 Pa.C.S. §5325 because:

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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: **(check 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

\_\_\_\_\_  
*Plaintiff*  
VS.  
\_\_\_\_\_  
*Defendant*

:  
:  
:  
:  
:

**IN THE COURT OF COMMON PLEAS**  
**OF ERIE COUNTY, PENNSYLVANIA**  
**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)*

\_\_\_\_\_  
*(print name)*