

# PETITION FOR MODIFICATION OF EXISTING CUSTODY ORDER & ORDER

*A copy of your current Custody Order MUST be attached to your Petition.*

- If you are filing for Modification, you **MUST give 3 business days advanced notice in writing** - that means you sent them or gave the other party(ies) the “Notice of Intention to Present” AND copies of all documents that you will present to the Judge.

**You MUST complete ALL of the forms in this packet, which include:**

- **Notice of intention to Present** – this is the form that **MUST** be completed and sent to other the party or their attorney along with copies of all documents you will present to the judge, **3 days before appearing in Motions court.**
- **Petition to Modify Custody Order cover sheet** - this must include the case number and the party names as they were on the original Custody Order (i.e. the plaintiff is always the plaintiff and defendant is always the defendant, regardless of who is filling out the Petition)
- **Petition**
- **Verification**
- **Order** – **ONLY** complete the top section of this form, the Judge will complete the rest
- **Proof of service** – The Judge’s Law Clerk will give you this form after you present your motion to the Judge

Take completed forms to Courtroom #2, Monday through Thursday, excluding Court holidays, no later than 8:45 a.m.

**YOU MUST BE AT LEAST 18 YEARS OLD TO FILE ON YOUR OWN**  
If you are not 18 years old you must have your custodial parent(s) or Court Appointed Guardian file for you.

**THERE IS A DRESS CODE IN THE COURTROOM.**

## **SUMMARY OF STEPS:**

For Petition for Modification of existing Custody Order, Petition for Special Relief, Petition for Contempt, Petition for Relocation or Motion to Continue Custody Conference .

### **Before you go to Court:**

1. Complete the appropriate forms in ink, not pencil. Incomplete forms may be refused. **You must include a copy of your original Custody Order.**
2. Give the other party, and their attorney, **3 business day's written NOTICE, of the exact date you intend to see the Judge, BEFORE YOU GO TO MOTIONS COURT** - that means you sent them or gave the other party(ies) the "Notice of Intention to Present" **ALONG WITH COPIES** of the documents that you will present to the Judge.
3. **Make sure you look at the IMPORTANT INFORMATION sheet! There are NOTICE, FILING AND SERVICE requirements that are STRICTLY FOLLOWED.**

### **In Court:**

4. Take completed forms to Motions Court, Courtroom #2, Second Floor of the Courthouse, no later than 8:45 a.m. Monday through Thursday. Do NOT be late. Late motions will not be heard. Go into the Courtroom, have a seat and wait your turn.
5. The Judge will sign the petition and assign a hearing date, if needed. You will then receive a clocked copy of the Order and the original will be returned to you.

### **After you leave Court:**

6. Obtain the Proof of Service and/or an acceptance of service form from the Law Clerk.
7. **FILE** the papers in the Prothonotary's Office (1<sup>st</sup> floor).
8. **SERVE** the other party with a copy of the Complaint/Petition and the Order signed by the Judge.
9. **FILE** either a Proof of Service or Acceptance of Service Form with the Prothonotary after service has been done.
10. Bring a copy of the Proof of Service that you filed in the Prothonotary's office to ALL later hearings, conferences and/or trials.

**Note:** When filling out the forms parties must be identified as Plaintiff or Defendant as they are listed on the *original* custody Complaint, regardless of who is filing the Petition. The person filing the petition is the *Petitioner*, the other party is the *Respondent*.

**YOU MUST BE AT LEAST 18 YEARS OLD TO FILE ON YOUR OWN**

**If you are not 18 years old you must have your custodial parent(s) or Court Appointed Guardian file for you.**

## IMPORTANT INFORMATION

1. **NOTICE**: Depending on what documents you are filing you must give the other party advance notice of the exact date you are planning to go to Motions Court.

**Petition for Emergency Custody**: 24 hours written notice BEFORE you give your papers to the Judge

**Petition for Modification**

**Petition for Contempt**

**Petition for Relocation**

**Motion to Continue**

**Petition for Special relief**

**Request to Withdraw Complaint for Custody**

3 business days written notice BEFORE you give your papers to the Judge

Send or give the other party the Notice of Intention to Present along with copies of the documents you will be presenting to the judge.

If there is a PFA, you may send the legal paperwork but do NOT include any other letters, notes, etc. If it is a true emergency, you may have a family member or friend call or hand deliver copies of the notice.

If you do not know where the other party lives, you must read PA Rules of Court # 430 & # 1930.4 and Beaver County Local Rule # 430 and follow the required procedures.

2. **FILING**

- a. After you have presented your motion to the Judge you must file all of the original documents that you gave to the Judge with the Prothonotary's office
- b. You must also return to the Prothonotary's office to file the Proof of Service form after you have served the other party (see below)

3. **SERVICE**

- a. You must give the other party copies of all documents that you presented to the judge.
- b. You must either serve the other party by mail or by hand delivery
- c. If you serve the other party by mail you must send the documents by both **Regular mail and Certified mail**.
  - i. Complete the Proof of Service form by checking both regular mail and certified mail
  - ii. After you have received the green card verifying certified mail delivery, staple that green card to the Proof of Service form and **AGAIN file with the Prothonotary's office**
- d. If you choose to Hand deliver the Documents you must have the other Party sign an **Acceptance of Service form. You MUST FILE the Acceptance of Service in the Prothonotary's office after it is signed.**

***\*\*\*\* Always keep a copy of the Proof of Service documents for your records and ALWAYS bring the Proof of Service forms to all Conciliation Conferences, Pre-Trial Conferences and/or Hearings/Trials in Court.***

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA**

\_\_\_\_\_,  
Plaintiff,  
vs. \_\_\_\_\_, No. \_\_\_\_\_  
Defendant.

**NOTICE OF INTENTION TO PRESENT**

**TO:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(name & address of the other party)

Please take notice that I intend to present the attached Motion/ Petitions on (date)\_\_\_\_\_ at 8:45 a.m, Courtroom No. 2, Beaver County Courthouse, Beaver, PA. If you wish to oppose the requested relief or action, you should appear at that time and present your objections to the court.

**Date** \_\_\_\_\_

\_\_\_\_\_  
Petitioner

**CERTIFICATION OF SERVICE**

I hereby certify that I have caused to be served a true and correct copy of the attached on the above named defendant at least 3 business days prior to the date of presenting the Motion by way of (check all that apply):

\_\_\_\_\_ regular mail  
\_\_\_\_\_ certified mail  
\_\_\_\_\_ hand delivery

\_\_\_\_\_  
Petitioner

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A

CIVIL DIVISION

_____	:	No. _____
Plaintiff,	:	Civil Action – Law
	:	
vs.	:	Type of Pleading:
	:	<b>Petition to Modify Custody</b>
	:	<b>Order</b>
	:	
_____	:	Filed on behalf of:
Defendant.	:	_____
		(Your Name)

Filing Party's Information:(Your Name)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone #: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA

\_\_\_\_\_,  
Plaintiff,  
vs. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant. No. \_\_\_\_\_

PETITION FOR MODIFICATION OF CUSTODY ORDER

1. The petition of \_\_\_\_\_ (*your name*) respectfully represents that on (*date*) \_\_\_\_\_ an Order of Court was entered regarding custody of (*child/ren's name/s*) \_\_\_\_\_. A true and correct copy of the current custody copy is attached to this Petition.

2. This order should be modified because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The child/children has resided at \_\_\_\_\_  
ADDRESS (give full address)  
for the past 6 months.

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

\_\_\_\_\_  
Petitioner's signature

**I AM OVER THE AGE OF 18. Yes / No (CIRCLE ONE)**

**VERIFICATION**

I, \_\_\_\_\_, verify that the statements made in this Petition for Modification of Custody are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann § 4904, relating to unsworn falsification to authorities which provides that if I knowingly make false averments, I may be subject to criminal penalties.

\_\_\_\_\_  
Petitioner

Date: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL ACTION-LAW

\_\_\_\_\_  
Plaintiff :  
vs. : No. \_\_\_\_\_  
\_\_\_\_\_  
Defendant :

ORDER OF COURT

You, \_\_\_\_\_, have been sued in Court to obtain custody or visitation of the child(ren) (give names) \_\_\_\_\_.

You are ordered to appear in person before the Child Custody Conference Officer, Juvenile Services Division, 173 Friendship Circle, Beaver, Pennsylvania, 15009 on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) for a Conference before conference officer \_\_\_\_\_.  
(The Court will assign the date, time, and officer.)

**All children age 10 and over must be present for this Conference.**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.  
IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE,  
GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO  
FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service  
775 Fourth Street  
Beaver, PA 15009  
(724) 728-4888

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Beaver 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 our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT

\_\_\_\_\_  
Date \_\_\_\_\_  
\_\_\_\_\_  
Judge