

# Checklist for filing a Child Custody Case in Fayette County

## WARNING ABOUT YOUR LEGAL RIGHTS

 Self-represented parties are held to the same standards as attorneys admitted to the bar of the Commonwealth of Pennsylvania. Even though you choose to represent yourself, you must understand and follow statewide and local Rules of Court.

For your protection, be sure to verify you have met all up-to-date requirements by proceeding as follows:

NOTE: A custody case will always include the mother and father (if living) of the children.

\*If you are representing yourself in the custody case, you are required to complete and file the **Self Represented Appearance Form** in the Prothonotary's Office so that you can proceed with the case. An Attorney representing a party is also required to file an appearance.

### Step I

#### COMPLAINT FOR CUSTODY

- \_\_\_\_\_ Fill out the:
  - Complaint for Custody **for Parents**     FORM 1A
  - OR
  - Complaint for Custody **for Grandparents and Third Parties**
  - FORM 1B
  
- \_\_\_\_\_ Complete the Criminal Record/Abuse History Verification FORM 2
  
- \_\_\_\_\_ Complete the required Order of Court.     FORM 3
  
- \_\_\_\_\_ Decide how service/delivery is going to be made and prepare the appropriate paperwork:
  - Personal Service             FORM 4A and FORM 4A part 2
  - Service by mail                FORM 4B

\_\_\_\_\_ Make one copy the following forms that are to be delivered/served on the defendant. You may make an extra copy of the same documents for yourself:

- \_\_\_\_\_ Copy of Complaint for Custody FORM 1A or FORM 1B
- \_\_\_\_\_ Blank copy of Criminal Record/Abuse History Verification FORM 2
- \_\_\_\_\_ Order of Court FORM 3
- \_\_\_\_\_ Blank copy of either FORM 4A and FORM 4A part 2 or FORM 4B for their records

\_\_\_\_\_ Make one copy of the following forms to be served/delivered to the Administrative Office of Fayette County Courts:

- \_\_\_\_\_ Copy of Complaint for Custody FORM 1A or FORM 1B
- \_\_\_\_\_ A completed copy of Criminal Record/Abuse History Verification FORM 2
- \_\_\_\_\_ Order of Court FORM 3

\_\_\_\_\_ File the following forms in the Prothonotary's office:

- \_\_\_\_\_ Complaint for Custody FORM 1A or FORM 1B
- \_\_\_\_\_ Criminal Record/Abuse History Verification FORM 2
- \_\_\_\_\_ Order of Court FORM 3

\_\_\_\_\_ Pay to the Prothonotary's Office the filing fee for the Complaint for Custody. The Prothonotary's fee schedule is on the website of the Administrative Office of Fayette County Courts at [www.co.fayette.pa.us/CourtAdmin](http://www.co.fayette.pa.us/CourtAdmin) . The Prothonotary will only accept cash or money orders.

\_\_\_\_\_ The Prothonotary's Office will insert a case number on the original Complaint for Custody, Order of Court and the Criminal Record/Abuse History Verification. That case number shall be used on all documents pertaining to this case

\_\_\_\_\_ Ask the Prothonotary's Office to time stamp all copies of the Complaint for Custody to verify to the defendant (s) that it was filed with the Courts

\_\_\_\_\_ Write the case number provided by the Prothonotary's Office on all your forms before you serve them on defendant and deliver them to the Administrative Office of Fayette County Courts

\_\_\_\_\_ Serve each Defendant with a copy of:

- a. the Complaint for Custody FORM 1A or FORM 1B
- b. A blank copy Criminal Record/Abuse History Verification FORM 2
- c. Order of Court FORM 3
- d. and a copy of either FORM 4A and FORM 4A part 2 or FORM 4B for service

\_\_\_\_\_ After service/delivery on the defendant(s) of the Complaint for Custody and Order of Court has been completed, file the Proof of Service of your custody complaint in the Prothonotary's office and deliver a copy to Child Custody Services. (Completed FORM 4A and FORM 4A part 2 or completed FORM 4B)

\_\_\_\_\_ After filing, serve the Administrative Office of Fayette County Courts a copy of the completed forms:

- a. the Complaint for Custody FORM 1A or FORM 1B
- b. Criminal Record/Abuse History Verification FORM 2
- c. Order of Court FORM 3

When you serve the Administrative Office of Fayette County Courts with the required documents, they will time stamp the paperwork in their office. The documents will then be forwarded to Child Custody Services.

- **No action will be taken by the Court after the filing of the Complaint for Custody unless:**
  - a. **you file a "Request for Child Custody Mediation Conference" FORM 5 along with a copy of the \$100.00 receipt paid to the Prothonotary for the conference or**

- b. you deliver a custody agreement (listing the assigned judge) and signed by all parties to the Administrative Office of Fayette County Courts.**

A child custody mediation conference is not always needed. Some parties may work out a child custody agreement, therefore, their case will not proceed to Child Custody Services. If an agreement is worked out between the parties, the parties need to prepare the agreement listing the caption, the assigned judge. All parties are to sign the bottom of the agreement. Include on the agreement a signature line at the bottom for the judge. The parties original signed agreement is to be delivered to the Administrative Office of Fayette County Courts.

## **STEP 2 CHILD CUSTODY MEDIATION CONFERENCE**

In the event you cannot work out an agreement with the opposing party, you are required to:

- \_\_\_\_\_ Complete a “Request for a Child Custody Mediation Conference” FORM 5. Instructions for FORM 5 are included in this custody process.
  
- \_\_\_\_\_ Pay the \$100 filing fee in the Prothonotary’s Office. The Prothonotary only accepts cash or money orders. (If you cannot afford to pay the fee, you can attach a copy of the *In Forma Pauperis* (IFP) Order signed by the assigned judge
  
- \_\_\_\_\_ File the original Request for a Child Custody Mediation Conference in the Prothonotary’s Office
  
- \_\_\_\_\_ Deliver to the Administrative Office of Fayette County Courts:
  - 1) a copy of the Request for Child Custody Mediation Conference (FORM 5)
  - 2) a copy of the Complaint for Custody (FORM 1A or 1B)
  - 3) a copy of the Order of Court (FORM 3)
  - 4) a copy of the Criminal Record/Abuse History Verification (FORM 2)
  - 5) a copy of the paid filing fee receipt.

The Administrative office will list the documents for Motions Court and then forward all documents to Child Custody Services.

If the original Request for Child Custody Mediation Conference is not filed in the Prothonotary's Office and a copy not delivered to the Administrative Office of Fayette County Courts, Child Custody Services will assume you are preparing an agreement for the Court's review and a child custody mediation conference will not be scheduled.

When Child Custody Services receives the Complaint for Custody (FORM 1A or FORM 1B), information regarding the required education program will be mailed to all parties.

Once Child Custody Services receives the Request for Child Custody Mediation, notice will be mailed to the parties with the scheduled date and the time of the mediation conference. If service of the custody complaint has not been made on the defendant(s), the conference will not be held.

Prothonotary  
Fayette County Courthouse  
1<sup>st</sup> Floor  
61 E. Main St.  
Uniontown, PA 15401  
(724) 430-1272

Administrative Office of Fayette County Courts  
Fayette County Courthouse  
3<sup>rd</sup> Floor  
61 E. Main St.  
Uniontown, PA 15401  
(724) 430-1230

Child Custody Services  
Fayette County Courthouse  
3<sup>rd</sup> Floor  
61 E. Main St.  
Uniontown, PA 15401  
(724) 434-6022