

# **Complaint For Custody**

**FOR PARENTS**

## **FORM 1A**

(Instructions)

## Complaint For Custody Instructions

**The numbers on these instructions correspond with the information and numbers on the Complaint Form FORM 1A.**

THE CAPTION IS THE TOP PART OF EVERY FILING AND SHOULD BE THE SAME IN ALL THE FILINGS YOU PREPARE IN REFERENCE TO THIS CASE. THE CAPTION INCLUDES THE FOLLOWING:

**Plaintiff:** the person who initiated the very first filing of the custody complaint. This never changes.

**Defendant:** the person who is being named as a party in this lawsuit in the very first filing.

*(The name of the parties, the Plaintiff and the Defendant, is placed on the left side of the caption.)*

**No. \_\_\_\_\_:** is the case number that will be assigned to this lawsuit once it is filed in the Prothonotary's Office. This number will remain the same with all documents filed within this lawsuit.

*(“The No. \_\_\_\_\_” is placed to the right of names of the parties.)*

- \_\_\_\_\_ 1. Print the name of the plaintiff (or moving party), and address of plaintiff. Include the county in which the plaintiff lives.
- \_\_\_\_\_ 2. Print the name of the defendant or opposing party (that is, the father or mother of child(ren) against whom you are filing. Include the address and county that parent lives in.
- \_\_\_\_\_ 3. Check what type of legal custody you are seeking.
- \_\_\_\_\_ 4. Check the type of physical custody you are seeking.
- \_\_\_\_\_ 5. List all children for which you are seeking some type of custody, the current address where the child(ren) is/are currently living, and the date of birth for each child.
- \_\_\_\_\_ 6. Answer yes or no as to whether or not the child(ren) was/were born out of wedlock (that is, the child of two people who were not married at the time of the child's birth).
- \_\_\_\_\_ 7. Print the name(s) of the person(s) with whom the child(ren) currently lives.
- \_\_\_\_\_ 8. List **all** people, the addresses and the dates, with whom the child(ren) has/had lived during the last five (5) years.
- \_\_\_\_\_ 9. List the mother of the child(ren) and her current address.
- \_\_\_\_\_ 10. Indicate mother's marital status by circling married, divorced or single.

- \_\_\_\_\_ 11. List the father of the child(ren) and his current address.
- \_\_\_\_\_ 12. Indicate father's marital status by circling married, divorced or single.
- \_\_\_\_\_ 13. How is plaintiff related to the child(ren) (for example, mother, father, etc.)
- \_\_\_\_\_ 14. Print the name(s) of anyone with whom the plaintiff current lives, and the relationship that person has with the plaintiff (for example, husband, wife, fiancé, brother, sister, child etc.).
- \_\_\_\_\_ 15. How is defendant related to the child(ren) (for example, mother, father, etc.).
- \_\_\_\_\_ 16. Print the name(s) of anyone with whom the defendant currently lives, and the relationship that person has with the defendant (for example, husband, wife, fiancé, brother, sister, child etc.).
- \_\_\_\_\_ 17. Have you been a party or witness in another case involving custody of these child(ren)? If you have, circle "has;" if not, circle "has not".
- If you circled "has," fill in the county court, term (year), and case number and its relation to this action; if you circled "has not" leave blank.
- \_\_\_\_\_ 18. Do you know of another case involving the same parties (Custody, PFA, dependency). If you do circle "has;" if not, circle "has not."
- If you circled "has", fill in with the county court, term (year), and case number and its relation to your action. If you circled "has not" leave blank.
- \_\_\_\_\_ 19. Do you know of any person who is not the plaintiff or defendant in your case who has the child living with him or her, or who claims to have custody rights to the child(ren)? If you do, circle "knows;" if not, circle "does not know."
- If you circled "knows", print the name and address of the person. If you circled "does not know" leave blank.
- \_\_\_\_\_ 20. State the reasons you believe the best interest and permanent welfare of the child(ren) will be served by the Court's granting your request for custody.
- \_\_\_\_\_ 21. If there is anyone else who may have a right to custody of the child(ren) print their name here, their address, and why they would have a right to custody.
- \_\_\_\_\_ 22. Fill out and file with this complaint the Criminal Record/Abuse History Verification FORM 2. If this is not attached to your complaint your complaint will automatically be DISMISSED by the Court.

\_\_\_\_\_ Check what kind of legal custody you are seeking.

\_\_\_\_\_ Check what kind of physical custody you are seeking.

\_\_\_\_\_ Sign your name or, if represented by counsel, the attorney's signature.

\_\_\_\_\_ Print your name, address and **telephone number** or, if represented by counsel, the attorney is to complete the information. The telephone number is very important, in the event the court has to call you.

Verification:

\_\_\_\_\_ Sign your name to verify that all the information in the Complaint for Custody is factual to the best of your knowledge, and the date that you completed this form.

REMEMBER TO:

- \_\_\_\_\_ Review your Complaint for Custody to make sure all questions are answered correctly.
- \_\_\_\_\_ Attach your Criminal Record/Abuse History Verification FORM 2
- \_\_\_\_\_ Attach the Order of Court FORM 3 to the front of your Complaint for Custody.

You must take the Order of Court, Complaint for Custody and your Criminal Record/Abuse History Verification to the Prothonotary's Office, 1<sup>st</sup> Floor of the Fayette County Courthouse, Uniontown, PA to be filed.

A fee will be required to be paid when filing your Complaint for Custody. You may contact the Prothonotary's Office 724-430-1272 for the amount of the filing fee (only cash or money order) or prepare the Petition to Proceed *In Forma Pauperis* (IFP), if you cannot afford to pay the filing fee. The Petition to Proceed IFP form is available for a small fee in the Fayette County Law Library and on the website for the Administrative Office of Fayette County Courts at [www.co.fayette.pa.us/CourtAdmin](http://www.co.fayette.pa.us/CourtAdmin) .

After you have filed the Order of Court, the Complaint for Custody and Criminal Record/Abuse History Verification and received a case number you must deliver a copy of the these documents to the Administrative Office of Fayette County Courts, 3<sup>rd</sup> Floor of the Fayette County Courthouse, Uniontown, PA.

After filing these documents, you will also need serve the Order of Court FORM 3, the Complaint for Custody FORM 1A, and a blank copy of the Criminal Record/Abuse History Verification FORM 2 on the other party, the defendant(s), and prove service of these documents. For Proof of Service you must complete either FORM 4A and FORM 4A part 2 or Form B.