

## *McKean County*

# **CUSTODY COMPLAINT FORMS AND INSTRUCTIONS**

### **WARNING**

Custody is civil litigation and is a very serious matter. It is highly recommended that you hire an attorney to represent you in any custody action. If you choose not to hire an attorney, you may lose rights important to you. The court will expect you to follow the rules of procedure the same as though you had an attorney representing you. The information contained in this packet is not to be used as a substitute for professional legal advice. Most individuals seeking a medical remedy for a medical problem will consult a medical expert—a doctor. If you are seeking a legal remedy for a legal problem, we recommend that you consult a legal expert—a lawyer.

#### **Disclaimer**

Court staff is not able to give you legal advice or help you fill out/complete these forms. The information in this packet is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents.

## **TABLE OF CONTENTS**

### **I. General Information:**

- A. Introduction
- B. Legal Definitions
- C. Rules of Court
- D. Basic Procedure
- E. Service
- F. Getting a Custody Order
- G. Enforcing a Custody Order
- H. Modifying a Custody Order
- I. Relocating

### **II. Instructions:**

- A. Completing the Entry of Appearance
- B. Completing the State Cover Sheet
- C. Completing the Local Cover Sheet
- D. Completing the Supplemental Cover Sheet
- E. Completing the Notice
- F. Preparing the Complaint
- G. Completing the Criminal/Abuse Verification
- H. Filing the Complaint
- I. Completing Service
- J. Sample Custody Agreement
- K. Completing the Motion to Adopt an Agreement
- L. Completing the Sample Order Adopting an Agreement

### **III. Forms:**

- A. Entry of Appearance (Form 1)
- B. State Cover Sheet (Form 2)
- C. Local Cover Sheet (Form 3)
- D. Supplemental Cover Sheet (Form 4)
- E. Notice (Form 5)
- F. Custody Complaint (Form 6)
- G. Criminal/Abuse Verification Form (Form 7)
- H. Service Documentation Forms
  - 1. Proof of Service - Certified Mail (Form 8)
  - 2. Affidavit of Service – Mail Unsuccessful (Form 9)
  - 3. Acceptance of Service (Form 10)
- I. Sample Custody Agreement (Form 11)
- J. Motion to Adopt Custody Agreement (Form 12)
- K. Sample Order Adopting an Agreement (Form 13)

### **IV. Appendix**

- A. Statutes Referenced in Forms

## I. General Information

### A. Introduction

These materials are intended to assist individuals involved in a custody action by providing general information and legal forms. IT IS HIGHLY RECOMMENDED THAT YOU HIRE AN ATTORNEY TO REPRESENT YOU IN ANY CUSTODY ACTION. The information contained in this packet is not to be used as a substitute for professional legal advice. Even if you do not hire an attorney to begin your custody action, you can change your mind and choose to hire an attorney at any time.

### B. Legal Definitions

There are two forms of custody: Legal Custody and Physical Custody

1. Legal Custody is the right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions. Legal custody can be shared or can be solely with one person.
2. Physical Custody is when a person has actual physical possession and control of a child.

There are different types of physical custody, which include:

- a. Partial Physical Custody: The right to assume physical custody of the child for less than the majority of the time.
  - b. Primary Physical Custody: The right to assume physical custody of the child for the majority of the time.
  - c. Shared Physical Custody: The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.
  - d. Sole Physical Custody: The right of one individual to exclusive physical custody of the child.
  - e. Supervised Physical Custody: Custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.
3. *In Loco Parentis*: For all intents and purposes you are the parent of the child(ren). You have clothed them, fed them, and otherwise cared for them for longer than six (6) months without the consent of the parents.

Further information about custody law can be found in the Pennsylvania statutes (Purdon's) at Title 23 Pa.C.S.A., Domestic Relations, Sections 5321 to 5340. Please see the next section for information on accessing these laws.

### C. Rules and Statutes

A copy of the McKean County Local Rules of Civil Procedure and the Pennsylvania Rules of Civil Procedure can be obtained from the law library located on the 2<sup>nd</sup> Floor of the Courthouse or on the County's website [www.mckeancountypa.org](http://www.mckeancountypa.org). Select the "Court of Common Pleas" under

“Departments” and from the menu on the right select “Rules and Statutes.” The Pennsylvania Rules of Civil Procedure that apply to custody cases are Rules 1915.1 through 1915.25. Further, at the same location on the Court’s website as described above there is a link to “Purdon’s Pennsylvania Statutes” and “Pennsylvania Code.” Through either of these websites you can access the custody laws or any other laws that are referenced in this packet or on the forms. Look for the Title number first and then the Section number.

Here are some websites that provide basic information about the child custody process: [www.palawhelp.org](http://www.palawhelp.org) and [www.aboutthechildrenblog.com](http://www.aboutthechildrenblog.com). The Court **DOES NOT** endorse any of these websites or the information contained therein.

#### D. Basic Procedure

This packet contains forms and instructions on how to initiate a custody action. If a custody order already exists or if there are problems with enforcing the already existing order, then you should not use this packet but rather you should get one of the other packets from the Prothonotary and follow the instructions in those packets regarding your request to modify, relocate or enforce the custody order. **There are separate packets for Modification of a Custody Order, Emergency Petition for Custody, Enforcing a Custody Order and Custody Relocation.**

**STOP!! Read the next paragraph carefully!**

#### E. Service (providing a copy of the documents you are filing to all other parties)

Pennsylvania Rule of Civil Procedure 1930.4 requires that Original Process (such as a Custody Complaint or Petition to Modify) must be properly served on (mailed or handed to) all other parties, or their attorney, if any. Please read this rule carefully and select the best method for service. Please file one of the Proof of Service documents (Forms 8, 9 or 10) with the Prothonotary’s Office once you have served the other parties. The instructions in section II, paragraph I will tell you how to properly serve the other side.

**If you do not properly serve all other parties, your case may be delayed, or even dismissed.**

#### F. Getting a Custody Order

You can start a custody action by yourself or through an attorney. Even if there is an agreement about custody, you still need to prepare and file a Custody Complaint (Form 6) if you want your custody agreement to be an Order of Court.

##### 1. If You Have an Agreement

You can prepare an Entry of Appearance (Form 1), proper cover sheets (Forms 2-4), the Notice (Form 5), Custody Complaint (Form 6), the Criminal/Abuse Verification (Form 7), the written agreement (Form 11), the Motion to Adopt an Agreement (Form 12), and the Sample Order to Adopt an Agreement (Form 13) and file them in the Prothonotary's Office at the same time.

## 2. If You Do Not Have an Agreement

You must prepare an Entry of Appearance (Form 1), proper cover sheets (Forms 2-4), Custody Complaint (Form 5), the Criminal Abuse Verification (Form 6) and file them in the Prothonotary's Office at the same time. After the court receives all of your properly filed documents, the case will be scheduled for Orientation. You must then properly serve a copy of the Complaint to the other party. You must prove that you properly served the other parties by completing a Proof of Service document (see Pennsylvania Rule of Civil Procedure 1930.4(h) and Forms 8, 9, and 10).

### G. Enforcing a Custody Order

If someone violates the provisions of a custody order, you can file a Petition for Civil Contempt along with a Notice. After the Court receives a completed Petition for Civil Contempt along with a Notice, then a date and time will be scheduled for a hearing before the Court. These documents must be properly served on (mailed or handed to) all parties and proper proof of service must be submitted to the Court. At the hearing, the Court will review the evidence, and if necessary, take testimony from any witnesses. If someone violates a custody order, then he/she can be subject to a fine, imprisonment or other remedies. **There is a separate packet available for your use regarding enforcing a custody order.**

### H. Modifying a Custody Order

If a custody order already exists, but circumstances have changed, then you can file a Petition for Modification. **There is a separate packet available for your use regarding modifying a custody order.**

### I. Relocating

If you are planning to change the residence of the child(ren) and this change will significantly impair the ability of a nonrelocating party to exercise custodial rights, you may need to file a Petition for Relocation along with a Proposed Revised Custody Schedule and a Counter-Affidavit Regarding Relocation. **There is a separate packet available for your use regarding custody relocation.**

## II. Instructions

**If you have not already done so, prior to beginning this Section, please detach the Forms at the end of this packet.** Please note that the Forms at the end of the packet are in the same order as these instructions. You **MUST** use Forms 1, 2, 3, 4, 5, 6, and 7 and EITHER Form 8, 9, or 10. Forms 11-13 are only for those who have an agreement). **It will take you approximately two (2) hours to complete these forms.**

- A. Instructions for Completing the Entry of Appearance (FORM 1).
- B. Instructions for Completing the State Cover Sheet (FORM 2).
- C. Instructions for Completing the Local Cover Sheet (FORM 3).
- D. Instructions for Completing the Supplemental Cover Sheet (FORM 4).
- E. Instructions for Completing the Notice (FORM 5).
- F. Instructions for Completing the Custody Complaint (FORM 6).
- G. Instructions for Completing the Criminal Verification (FORM 7).
- H. Filing the Complaint.
- I. Instructions for Serving the Notice, Custody Complaint and Criminal Verification (FORMS 8-10).
- J. Instructions for the Sample Custody Agreement (FORM 11)
- K. Instructions for the Motion to Adopt an Agreement (FORM 12)
- L. Instructions for the Sample Order Adopting the Custody Agreement (FORM 13)

### **A. Instructions for Completing the Entry of Appearance – (FORM 1)**

**STOP!!! REMOVE FORM 1.** All parties representing themselves must fill out and file an Entry of Appearance form before they can file their Complaint. The Prothonotary uses the information on the form to ensure that all legal documents and orders are sent to the required parties:

#### Caption

- Neatly print or type your name above the word “Plaintiff(s)”.
- Neatly print or type the name of the person or persons you are filing against above the word “Defendant(s).”
- The Prothonotary will fill in the “No.” line.

#### Litigant Information

##### The Rest of the Form

- Section 1: place an “X” on the line before the word “Plaintiff.”
- Section 2: Already filled out.
- Section 3: place an “X” on the situation that applies to you. Only check one. If you choose option 3, be sure the attorney signs the sheet as well.
- Section 4: place an “X” on the line before the word “I” and sign on the line at the end of the sentence.
- Section 5: place a full mailing address in the space provided unless protected as explained in the second paragraph. Please see Appendix to find the statute referenced.
- Section 6: place a telephone number in the space provided unless protected as explained in the second paragraph. Please see the Appendix to find the statute referenced.

- Section 7: read and understand.
- Section 8: place the name and address of the opposing party or the opposing party's attorney.
- Section 9: Read, date and sign the verification.
- Make two (2) copies of the completed form.
- Send one copy of the completed form to the person you are filing against via First Class Mail and keep one copy for yourself.
- File the original with the Complaint as proscribed in Section H.

**B. Instructions for Completing the State Cover Sheet– (FORM 2)**

**STOP!!! REMOVE FORM 2.** The State Cover Sheet is used by the Pennsylvania Court Administrator to collect data that is used to improve the Pennsylvania Court System.

Section A: Case Information

- First Box: Already filled out.
- Second Box: neatly type or print your name under “Lead Plaintiff’s Name.”
- Second Box: neatly type or print the name of the person or persons you are filing against under “Lead Defendant’s Name.”

**DO NOT FILL IN ANYTHING FURTHER ON FORM 2**

**C. Instructions for Completing the Local Cover Sheet – (FORM 3)**

**STOP!!! REMOVE FORM 3.** The Local Cover Sheet is used by the Court for case tracking purposes. Parties can use the Local Cover Sheet to quickly find contact information for the opposing party.

Caption

- Neatly print or type your name above the word “Plaintiff(s)”.
- Neatly print or type the name of the person or persons you are filing against above the word “Defendant(s)”.

Case Information

- Write the current date in the space provided.

Section 2

- Put an “X” on the line before “Plaintiff.”
- Do not fill in any other information on Section 2.

Section 3

- Do not fill in any information after the words “The plaintiff is represented by:”
- After the words “The plaintiff appears *pro se*” place your address, telephone number, and e-mail.

## Section 4

- If the person you are filing against is represented by an attorney and you know the name and contact information of the attorney, then fill in the information after the words “The defendant is represented by”
- If the person you are filing against does not have an attorney, then fill in the information after the words “The defendant appears *pro se*.” Be sure to include the address, phone number, and e-mail of the person you are filing against.

### **D. Instructions for Completing the Supplemental Cover Sheet – (FORM 4)**

**STOP!!! REMOVE FORM 4.** The Supplemental Cover Sheet is used by the Court for statistical purposes.

#### Caption:

- Neatly print or type your name above the word “Plaintiff(s)”.
- Neatly print or type the name of the person or persons you are filing against above the word “Defendant(s)”.

**DO NOT FILL IN ANYTHING FURTHER ON FORM 4.**

### **E. Instructions for Completing the Notice – (FORM 5)**

**STOP!!! REMOVE FORM 5.** The Notice is required by law. Every person who files against another person must give them notice that suit has been filed and the consequences for not responding.

#### Caption:

- Neatly print or type your name above the word “Plaintiff(s)”.
- Neatly print or type the name of the person or persons you are filing against above the word “Defendant(s)”.

#### The Notice:

- Write the name of the person you are filing against on the line following the word “You.”
- Circle the type of custody you are requesting either primary physical or partial physical.
- Write the name of all children involved in the custody action on the line provided after the word “children.”

### **F. Instructions for Completing the Custody Complaint – (FORM 6)**

**STOP!!! REMOVE FORM 6.** The custody Complaint is detailed and will require time and focus to completely fill out. This form must be filled out properly in order for your custody case to move forward. Please set aside sufficient time to properly fill out the form.

#### Caption

- Neatly print or type your name above the word “Plaintiff(s).”
- Neatly print or type the name of the person or persons you are filing against above the word “Defendant(s).”

### Section 1

- Put your name on the line after the word “Plaintiff.”
- Put your address on the line after the words “who resides at...”

### Section 2

- Put the name of the person you are filing against after the word “Defendant.”
- Put the address of the person you are filing against after the words “who resides at...”

### Section 3

- Circle one (shared legal custody), (sole legal custody), (partial physical custody), (primary physical custody), (shared physical custody), (sole physical custody), or (supervised physical custody) based on what form of custody you are filing for. (See General Information for the legal definitions of these terms if you are not sure).
- Put the name(s) of the child or children who you are seeking custody, partial custody of, or supervised physical custody with on the line(s) below “Name.” Put each child’s present address on the line below “Present Residence.” Put each child’s date of birth on the line below “Date of Birth.”
- Circle “was” to indicate if the child(ren) were born to parents who were not married to each other or “was not” to indicate that the child(ren) were born to parents who were married to each other at the time the child(ren) were born.
- Put the name of the person who currently has the child(ren) in their physical custody on the line after the words “the child is presently in the custody of...”
- Put that person’s address on the line after the words “who resides at...”
- Put the names of all persons the child(ren) have resided with in the last five years (or since birth if the child is less than five years old) on the lines under “List All Persons.”
- Put the complete address of all of those persons on the lines under “List All Addresses.”
- Put the dates that the child(ren) lived with those persons on the lines under “Dates.”
- Put the name of the Mother of the child(ren) on the line after the words “The mother of the child is...” (If there is more than one child and they have different Mothers, you need to file a separate Custody Complaint against each Mother).
- Put Mother’s complete address on the line after the words “currently residing at...”
- Circle “Married”, “Divorced” or “Single” to indicate Mother’s current marital status.
- Put the name of the Father of the child(ren) on the line after “The father of the child is...” (If there is more than one child and they have different Fathers, you need to file a separate Custody Complaint against each Father).
- Put Father’s complete address on the line after the words “currently residing at...”
- Circle “Married”, “Divorced” or “Single” to indicate Father’s current marital status.

### Section 4

- Put your relationship to the child(ren) on the first line (Mother, Father, Maternal Grandparent, Paternal Grandparent, etc.).

- Put the name(s) of all the people who reside in the same home with you on the lines below "Name."
- Put the relationship of these people to you on the lines below "Relationship."

### Section 5

- Put the relationship of the person you are filing against to the child(ren) on the first line (Mother, Father, Maternal Grandparent, Paternal Grandparent, etc.).
- Put the name(s) of all the people who reside in the same home with this person on the lines below "Name."
- Put the relationship of these people to the person you are filing against on the lines below "Relationship."

### Section 6

- Circle "has" if you have participated as a party or witness or in any other capacity in a different case concerning the child(ren) in this Custody Complaint or circle "has not" if you have not participated as a party or witness or in any other capacity in a different case concerning the child(ren) in this Custody Complaint.
- If you circled "has", put the docket number of that other case and state what relationship that case has to the Custody Complaint that you are filing on the line provided.
- Circle "has" if you have information about another custody proceeding that is pending in Pennsylvania or in any other state concerning the child(ren) in this Custody Complaint or circle "has not" if you have no information about another custody proceeding that is pending in Pennsylvania or in any other state concerning the child(ren) in this Custody Complaint.
- If you circled "has", put the docket number of that other case and state what relationship that case has to the Custody Complaint that you are filing on the line provided.
- Circle "knows" if you know of anyone who you did not name in this Custody Complaint but who has physical custody of the child(ren) or who claims to have custody rights to the child(ren) or circle "does not know" if you do not know of anyone who you did not name in this Custody Complaint but who has physical custody of the child(ren) or who claims to have custody rights to the child(ren).
- If you circled "knows", put the name and address of any such person(s) on the line provided.

### Section 7

- Put the names, addresses and the basis of their claim on the lines provided for any persons you know who have a right to custody of the child(ren) or who claim to have a right to custody of the child(ren) and who are not named in your Custody Complaint.

### Section 8(a)

- If you are a grandparent who does not stand *in loco parentis* (see legal definitions under the General Information section) and is seeking physical and/or legal custody, then place information on the lines provided that explains why you feel you have the right to file this custody complaint. Please see the Appendix to find the statute referenced.

### Section 8(b)

- If you are a grandparent or great-grandparent who is seeking physical and/or legal custody, then place information on the lines provided that explains why you feel you have the right to file this custody complaint. Please see the Appendix to find the statute referenced.

### Section 8(c)

- If you are a person seeking physical and/or legal custody and you are not the biological parent of the child(ren), but you stand *in loco parentis* (see legal definitions in the General Information section), then place information on the lines provided that explains why you feel you have the right to file this Custody Complaint. Please see the Appendix to find the statute referenced.

### Section 9

- Please explain in the space provided why granting you custody of the child(ren) would be in their best interest. Please use the back of this form if you need more space.

### Section 10

- Please see instructions for Form 7.

### Wherefore Clause

- Sign your name above the word "Plaintiff."

### Verification

- Sign your name on the line above "Plaintiff (Signature)" to verify that all the statements that you have made in the Custody Complaint are true and correct to the best of your knowledge. You may be subject to criminal penalties if you make any statements in your Custody Complaint that you know are not true. The Verification **MUST BE SIGNED**.

### Service

Please note that a copy of this Complaint must be given to the person you are filing against. The proper way to ensure that they get a copy will be explained in a later instruction section.

### **G. Instructions for Completing the Criminal/Abuse History Verification Form – (FORM 7)**

**STOP!!! REMOVE FORM 7.** This form is also required by law. It must be filled out completely or you cannot file your Custody Complaint.

### Caption

- Neatly print or type your name above the word "Plaintiff(s)".
- Neatly print or type the name of the person or persons you are filing against above the word "Defendant(s)".

## Verification

- Neatly print or type your name after the word “I” to verify that all the statements you will make in the Criminal Record/Abuse History Verification are true and correct to the best of your knowledge. You may be subject to criminal penalties if you make any statements that you know are not true.

## Section 1

- Put an “X” in the box under the column labeled “Check all that apply” for every listed crime that you or a member of your household have been convicted of or plead guilty to.
- Put an “X” in the box under the column labeled “Self” for every listed crime that you were convicted of or plead guilty to.
- Put an “X” in the box under the column labeled “Other household member” for every listed crime that any member of your household has been convicted of or plead guilty to.
- Put the required day, month, and year for every crime under the column labeled “Date of conviction, etc.”
- Put the number of days/months/years served in prison or jail, the number of days/months/years served on probation or other sentence under the column labeled “Sentence” for every crime you or a member of your household was convicted of or plead guilty to.

## Section 2

- Put an “X” in the box under the column labeled “Check all that apply” if either listed situation applies to you or any member of your household.
- Put an “X” in the box before the option “Other” if there is an episode of abuse or violent conduct that is not covered in the listed situations that applies to you or any member of your household.
- Put an “X” in the box under the column labeled “Self” for every situation that applies to you.
- Put an “X” in the box under the column labeled “Other household member” for every situation that applies to a member of your household.
- Put the date of the violent or abusive episode under the column labeled “Date” for every situation that applies.

## Section 3

- Write the evaluation, counseling or treatment received following a conviction or finding of abuse including, but not limited to: drug and alcohol treatment, psychiatric counseling, psychological counseling, medicine, etc. in the lines provided.

## Section 4

- Write the name, date of birth, and relationship to child of any person who was convicted of one of the crimes listed in Section 1, but is not a part of this law suit.

## Section 5

- If you know that the party you are filing against has a criminal/abuse history, please explain the details in the space provided including the types of crimes/abuse and the dates when it occurred. Please use the back of the form if you need more space.

### Second Verification

- Sign your name on the line above "Signature" to verify that all the statements that you have made are true and correct to the best of your knowledge. Neatly print or type your name on the line above "Printed Name." You may be subject to criminal penalties if you make any statements in your Criminal/Abuse Verification that you know are not true. The Verification **MUST BE SIGNED.**

### Service

Please note that a **blank** copy of this form must be sent to party you are filing against. This will be explained further in the next instruction section.

### **H. Instructions for Filing the Entry of Appearance, Cover Sheets, Notice, Custody Complaint and Criminal/Abuse Verification.**

Once you have filled out the Entry of Appearance, Cover Sheets, Notice, Custody Complaint and Criminal/Abuse Verification, each must be filed with the McKean County Prothonotary. The case is initiated once these documents are filed.

- Make four (4) copies of the Notice, Entry of Appearance, Custody Complaint and Criminal/Abuse Verification.
- Bring all four (4) copies, plus the original, of each document and the cover sheets to the McKean County Prothonotary's Office located at the Courthouse on 500 W. Main Street, Smethport, Pennsylvania.
- Have the Prothonotary time stamp the original and each copy of each document. The Prothonotary will keep the original for filing and will give one copy to the Family Law Office.
- Pay the filing fee.
- Keep the other three (3) copies.

### **I. Instructions for Serving the Notice, Custody Complaint, and Criminal/Abuse Verification – (FORMS 8-10)**

**STOP!!! REMOVE FORMS 8-10.** There are three (3) documents in this packet that can be used to prove that the person(s) you are filing the Custody Complaint against have been given a copy of the Notice, Custody Complaint, and **blank** Criminal/Abuse Verification. Use Form 8 if you send them their copies by certified mail restricted to the addressee only and the mail is accepted; meaning you received the green card back with their signature. Use Form 9 if you send them their copies by certified mail restricted to addressee only, but they refuse to accept the certified mail; meaning you receive the documents back with a notation from the Postal Service that says "refused." Please note that Form 9 must be signed in the presence a notary public. Use Form 10 if you hand a copy of the Notice, Complaint, and blank Criminal/Abuse Verification to the person you are filing against. **YOU ONLY NEED TO COMPLETE ONE OF THESE FORMS.**

### Executing Proper Notice

You have two (2) options to properly provide notice. One, send a copy of the Notice, Complaint, and blank Criminal/Abuse verification to the person you are filing against via certified **AND** first class mail. Two, personally hand a copy of the Notice, Complaint, and blank Criminal/Abuse Verification to the person you are filing against.

### First Option, the Mail

- Send one (1) copy of the Notice, Complaint, and **blank** Criminal/Abuse Verification Form to the person you are filing against via certified mail, restricted delivery to addressee only, return receipt requested **AND**
- Send one (1) copy of the Notice, Complaint, and **blank** Criminal/Abuse Verification Form to the person you are filing against via First Class Mail.
- Fill out either Form 8 or Form 9.

### Second Option, In Person

- Hand a copy of the Notice, Custody Complaint, and blank Criminal/Abuse Verification to the person you are filing against.
- Fill out Form 10.

### Proof of Service (Certified Mail) (Form 8)

- Once you receive the green card back, continue onto the next steps. If you receive the documents back “refused” move on to Form 9.
- Put your name above “Plaintiff(s)”.
- Put the name of the person(s) you are filing against above “Defendant(s)”.
- Put the docket number for your custody case next to “No.” (you can find the docket number in caption of the Complaint).
- Put the date you mailed the documents after the words “I hereby certify that on...”
- Put the address that you sent the documents to after the words “return receipt requested, at...”
- Put the green card on the form. **THE ORIGINAL GREEN CARD MUST BE ATTACHED TO THIS FORM.** You can tape it to a blank 8 ½ by 11 inch sheet of paper and paper clip that paper to this Form. **DO NOT STAPLE THE GREEN CARD ONTO THE FORM.**
- Put your signature on the line above the word “Plaintiff.”
- After this Form is completed, you must file it in the Prothonotary’s Office so the Court has proof that the person(s) you are filing against have been notified that you filed a Custody Complaint.

### Affidavit of Service (Form 9)

If you mailed all of the necessary documents and they came back “refused.”

- Put your name above “Plaintiff(s)”.
- Put the name of the person(s) you are filing against above “Defendant(s)”
- Put the docket number for your custody case next to “No.” (you can find the docket number in caption of the completed Complaint).
- Put your name on the line before the word “Plaintiff.”
- Put the address of the person you are filing against on the line before the word “address.”
- Put the date that you sent the certified mail on the line before the word “date.” **DO NOT SIGN THE FORM YET.**

- Take the filled out form to a Notary Public.
- In front of the Notary Public, sign your name on the line above “Plaintiff.”
- Have the Notary Public sign and date in the appropriate place on the form.
- After this Form is completed, you must file it in the Prothonotary’s Office so the Court has proof that you attempted to give notice to the person(s) you are filing against.

Acceptance of Service (Form 10)

If you hand delivered all of the necessary documents to the person(s) you are filing against.

- Put your name above “Plaintiff(s)”.
- Put the name of the person(s) you are filing against above “Defendant(s)”.
- Put the docket number for your custody case next to “No.” (you can find the docket number in caption of the completed Custody Complaint).
- Put the date that the person you are filing against received the Notice, Custody Complaint, and blank Criminal/Abuse Verification Form.
- Have the person you are filing against sign on the line above “Defendant or Authorized Agent.”
- Put the address of the person you are filing against on the line above “Mailing Address.”
- After this Form is completed, you must file it in the Prothonotary’s Office so the Court has proof that the person(s) you are filing against have been notified that you filed a Custody Complaint.

**J. Instructions for the Sample Custody Agreement (FORM 11)**

**STOP!!! REMOVE FORM 11.** This form allows for you and the person you are filing against to put your agreement into writing. The Court cannot explain to you how to fill this form out because it will reflect your agreement, not the Court’s. You do not have to use this sample agreement to put your agreement into writing; however, it is a useful place to start.

**K. Instructions for the Motion to Adopt an Agreement (FORM 12)**

This form must be filed for the Court to adopt your agreement as a Court Order. Remember, that you and the person you are filing against must agree.

Caption

- Neatly print or type your name above the word “Plaintiff(s)”.
- Neatly print or type the name of the person or persons you are filing against above the word “Defendant(s)”.

Section 1

- Neatly print your name on the line following “The Plaintiff is...”
- Place your address on the line following “who resides at...”

Section 2

- Neatly print the name of the person you are filing against on the line following “The Defendant is...”
- Place the address of the person you are filing against on the line following “who resides at...”

### Section 3

- Neatly print the name of the child(ren) on the line following "...the natural parents of..."

### Signature Lines

- Place your signature on the line above "Plaintiff's Signature."
- Have the person you are filing against place their signature on the line above "Defendant's Signature."
- File this Form along with a copy of your agreement and the sample order (Form 13) at the Prothonotary's Office.

### **L. Instructions for the Sample Order Adopting an Agreement (FORM 13)**

This form is used by the Court to officially adopt the agreement that you and the party you are filing against have reached.

### Caption:

- Neatly print or type your name above the word "Plaintiff(s)".
- Neatly print or type the name of the person or persons you are filing against above the word "Defendant(s)".
- DO NOT fill anything out anything else on this form.
- File this form, along with a copy of your agreement and the Motion to adopt at the Prothonotary's Office.

### III. Forms

- A. Entry of Appearance (Form 1)
- B. State Cover Sheet (Form 2)
- C. Local Cover Sheet (Form 3)
- D. Supplemental Cover Sheet (Form 4)
- E. Notice (Form 5)
- F. Custody Complaint (Form 6)
- G. Criminal/Abuse Verification (Form 7)
- H. Service Documentation Forms
  - 1. Proof of Service - Certified Mail (Form 8)
  - 2. Affidavit of Service – Mail Unsuccessful (Form 9)
  - 3. Acceptance of Service (Form 10)
- I. Sample Custody Agreement (Form 11)
- J. Motion to Adopt an Agreement (Form 12)
- K. Sample Order Adopting an Agreement (Form 13)

PLEASE DETACH THE FOLLOWING FORMS AND FILL IN THE FORMS WHILE GOING THROUGH THE INSTRUCTIONS.

PLEASE NOTE THAT YOU MAY NOT NEED TO FILL IN OR USE ALL THE FORMS THAT HAVE BEEN PROVIDED.

PLAINTIFF

IN THE COURT OF COMMON PLEAS  
McKEAN COUNTY, PENNSYLVANIA

vs.

NO. \_\_\_\_\_

DEFENDANT

**ENTRY OF APPEARANCE AS SELF-REPRESENTED PARTY**

1. I am the \_\_\_ Plaintiff \_\_\_ Defendant in the above-captioned case.

2. I intend to represent myself in the X custody, \_\_\_ divorce case.

**Check only one line in Question 3**

3. \_\_\_ This is a new case and I am representing myself. I have decided not to hire an attorney to represent me. **OR**

\_\_\_ This is not a new case and I am representing myself. I have decided not to hire an attorney to represent me. **OR**

\_\_\_ This is not a new case. \_\_\_\_\_ previously

(Name of Attorney)

represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case. I have provided a copy of this form to that attorney listed above at the following address:

\_\_\_\_\_  
That attorney has acknowledged his/her withdrawal from this case by signing this form.

\_\_\_\_\_, Esq.  
(Attorney Signature)

4. \_\_\_ I am entering my appearance as a self-represented party \_\_\_\_\_  
(Your Signature)

5. I understand that I need to provide a street address or P.O. Box for the purpose of receiving all future pleadings and other legal notices. I further understand that this does not need to be my home address. My address for the purpose of receiving all future pleadings and other legal notices is:

**I understand that this address will be the only address to which notices and pleadings in this case will be sent and that I am responsible to check the mail at this address so I do not miss important deadlines or proceedings.**

\_\_\_ **I am not providing my address because I reside at a confidential location** protected by the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Address Confidentiality Program, 23 Pa. C.S. §6701-6713, and/or the Child Custody Act, 23 Pa. C.S. §5336(b).

6. My telephone number where I can be reached is \_\_\_\_\_.

\_\_\_ **I am not providing my telephone number because it is confidential** pursuant to the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Child Custody Act, 23 Pa. C.S. § 5336(c).

**7. I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.**

8. I understand that I must ensure that a copy of this form is served on all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name \_\_\_\_\_

Address \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

**9. I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities that could result in a fine and/or prison term.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Your Signature)

**FORM 1**

# Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet



County \_\_\_\_\_

<i>For Prothonotary Use Only:</i>	TIME STAMP
Docket No: _____	

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

<b>Commencement of Action:</b>	
<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Writ of Summons
<input type="checkbox"/> Transfer from Another Jurisdiction	<input type="checkbox"/> Petition
	<input type="checkbox"/> Declaration of Taking
Lead Plaintiff's Name: _____	Lead Defendant's Name: _____
Are money damages requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dollar Amount Requested: <input type="checkbox"/> within arbitration limits (check one) <input type="checkbox"/> outside arbitration limits
Is this a <i>Class Action Suit</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this an <i>MDJ Appeal</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of Plaintiff/Appellant's Attorney: _____	
<input checked="" type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)	

SECTION B

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

<p><b>TORT</b> (do not include Mass Tort)</p> <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: _____	<p><b>CONTRACT</b> (do not include Judgments)</p> <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other _____ <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other _____ <input type="checkbox"/> Other: _____	<p><b>CIVIL APPEALS</b></p> <p>Administrative Agencies</p> <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other _____ <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: _____
<p><b>MASS TORT</b></p> <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: _____	<p><b>REAL PROPERTY</b></p> <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other: _____	<p><b>MISCELLANEOUS</b></p> <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations <input type="checkbox"/> Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input checked="" type="checkbox"/> Other: Custody _____
<p><b>PROFESSIONAL LIABILITY</b></p> <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: _____		

\_\_\_\_\_  
 Plaintiff : IN THE COURT OF COMMON PLEAS OF  
 vs. : McKEAN COUNTY, PENNSYLVANIA  
 : CIVIL DIVISION - \_\_\_ Law \_\_\_ Equity  
 : \_\_\_ Medical Professional Liability Action  
 \_\_\_\_\_  
 Defendant : NO. \_\_\_\_\_

**LOCAL COVER SHEET**

Dated: \_\_\_\_\_, 20\_\_\_\_

1. Type of Pleading (*e.g.* Complaint in Divorce) Complaint in Custody
2. By whom filed:  Plaintiff \_\_\_ Defendant Are monetary damages requested? \_\_\_ Yes  No  
 Jury trial demanded \_\_\_ Yes  No Complex\* \_\_\_ Yes  No Small Claim (<\$12,000) \_\_\_ Yes  No  
 To be listed for Arbitration? \_\_\_ Yes  No *Note: A civil action is to be listed for Arbitration unless (1) the amount in controversy exceeds \$50,000 exclusive of interest and costs or (2) the case involves title to real property. \* For definition: See Note following [L205.2\(b\)\(2\)](#).*

3. The plaintiff is represented by:

Attorney \_\_\_\_\_ Email \_\_\_\_\_  
 Firm \_\_\_\_\_  
 Address \_\_\_\_\_  
 Tel. # \_\_\_\_\_ Fax # \_\_\_\_\_ Supreme Court ID No. \_\_\_\_\_

The plaintiff appears *pro se*:

Address \_\_\_\_\_  
 Telephone number \_\_\_\_\_ Email \_\_\_\_\_

4. The defendant(s) is (are) represented by (attach a separate sheet of paper, if necessary):

Attorney \_\_\_\_\_ Email \_\_\_\_\_  
 Firm \_\_\_\_\_  
 Address \_\_\_\_\_  
 Tel.# \_\_\_\_\_ Fax # \_\_\_\_\_ Supreme Court ID No. \_\_\_\_\_

The defendant(s) appear(s) *pro se* (attach a separate sheet of paper, if necessary):

Address \_\_\_\_\_  
 Telephone number \_\_\_\_\_ Email \_\_\_\_\_

\_\_\_\_\_  
 Filer/Counsel for the Plaintiff/Defendant

**FORM 3**

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
Defendant

IN THE COURT OF COMMON PLEAS  
OF McKEAN COUNTY, PENNSYLVANIA  
CIVIL DIVISION

NO. C.D. 2012

McKEAN COUNTY COURT OF COMMON PLEAS  
SUPPLEMENT TO Pa.R.C.P. No. 205.5 COVER SHEET

**FAMILY LAW**

- Annulment  
 Child Custody/Visitation  
 Divorce  
 Paternity

**Divorce Counts**

*Check all that apply*

- Alimony/Spousal Support  
 Alimony *pendente lite*, counsel fees & costs  
 Child Custody/Visitation  
 Child Support  
 Equitable Distribution/Property Rights

Other: \_\_\_\_\_

**ORPHAN'S COURT**

- Adoption  
 Wills  
 Administration of Estates  
 Accounts  
 Trust Estates  
 Minors  
 Incapacitated Persons  
 Auditors & Masters  
 Official Examiners  
 Absentees & Presumed Decedents  
 Real Property Transactions  
 Non-Profit Corporations  
Other: \_\_\_\_\_

**Nature of the Case**

Custody Complaint

*Note: Be brief and concise. Type or print legibly.*

**FORM 4**

\_\_\_\_\_ ,

**Plaintiff,**

**vs.**

\_\_\_\_\_ ,

**Defendant.**

**IN THE COURT OF COMMON PLEAS OF**

**McKEAN COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

**NO.            C.D.**

**NOTICE**

You, \_\_\_\_\_, have been sued in court to obtain (primary physical custody) (partial physical custody) of the following child(ren):

If you fail to defend against the claims set forth in the following pages, an Order for custody or partial custody could be entered against you or the Court may issue a warrant for your arrest.

You must file with the Court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the Court but not later than thirty (30) days after service of the complaint.

No party may make a change in residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

**YOU SHOULD TAKE THIS PAPER TO YOUR ATTORNEY 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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCE FEE OR NO FEE.**

Northwestern Legal Services  
100 Main Street  
Bradford, PA 16701  
(814) 362-6596  
1-800-665-6957

**AMERICANS WITH DISABILITIES ACT OF 1990:** The Court of Common Pleas of McKean 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.

**FORM 5**

**FORM 6**

**IN THE COURT OF COMMON PLEAS  
OF McKEAN COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

\_\_\_\_\_  
**Plaintiff**

vs.

\_\_\_\_\_  
**Defendant**

**NO. C.D. 2012**

**COMPLAINT FOR CUSTODY OR PARTIAL CUSTODY**

1. Plaintiff is \_\_\_\_\_ (name), who resides at \_\_\_\_\_  
(full mailing address).

2. Defendant is \_\_\_\_\_ (name), who resides at \_\_\_\_\_  
(full mailing address)

3. Plaintiff seeks (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the following children:

Name	Present Residence	Date of Birth

The child(ren) (was) (was not) born out of wedlock.

The child(ren) is presently in the custody of \_\_\_\_\_ (name), who resides at

\_\_\_\_\_  
(full mailing address)

The child(ren) is presently in the custody of \_\_\_\_\_ (name), who resides at

\_\_\_\_\_  
(full mailing address)

During the past five years, the child(ren) has resided with the following persons and at the following addresses:

(List All Persons)

(List All Addresses)

(Dates)

The mother of the child is \_\_\_\_\_, currently residing at

---

(full mailing address)

She is (married) (divorced) (single)

The father of the child is \_\_\_\_\_, currently residing at

---

(full mailing address)

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

4. The relationship of the plaintiff to the child is that of \_\_\_\_\_

The plaintiff currently resides with the following persons:

Name	Relationship
------	--------------

---

---

5. The relationship of the defendant to the child is that of \_\_\_\_\_.

The defendant currently resides with the following persons:

Name	Relationship
------	--------------

---

---

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

---

---

Plaintiff (has) (has no) information of a custody proceeding concerning the child pending in a court of this Commonwealth or any other state. The court, term and number, and its relationship to this action is:

---

---

Plaintiff (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 with respect to the child(ren). The name and address of such person is:

---

---



10. I have attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.

**Wherefore, the plaintiff requests the court to grant (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the child.**

\_\_\_\_\_  
Plaintiff

**I verify that the statements made in this Complaint 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.**

\_\_\_\_\_  
Plaintiff

**FORM 6**

**FORM 7**

**IN THE COURT OF COMMON PLEAS OF**

**McKEAN COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

**NO.        C.D.**

\_\_\_\_\_

**Plaintiff,**

**vs.**

\_\_\_\_\_

**Defendant.**

---

**CRIMINAL RECORD / ABUSE HISTORY VERIFICATION**

I \_\_\_\_\_, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. §6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

<b>Check all that apply</b>	<b>Crime</b>	<b>Self</b>	<b>Other household member</b>	<b>Date of conviction, guilty plea, no contest plea or pending charges</b>	<b>Sentence</b>
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>		

<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of	<input type="checkbox"/>	<input type="checkbox"/>		

	children)				
<input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Driving under the influence of drugs or alcohol	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>		

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct or involvement with a Children and Youth agency, including the following:

Check all that apply		Self	Other household member	Date
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Involvement with a Children & Youth agency in Pennsylvania or another jurisdiction.  Where? _____	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>	

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

---



---

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

---



---

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

---



---

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

**FORM 7**

\_\_\_\_\_ ,

**Plaintiff,**

**vs.**

\_\_\_\_\_ ,

**Defendant.**

**IN THE COURT OF COMMON PLEAS OF**

**McKEAN COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

**NO.        C.D.**

**PROOF OF SERVICE**

I hereby certify that on \_\_\_\_\_ (date), a copy of the Notice, Custody Complaint and Criminal/Abuse Verification was served upon Defendant by regular mail, postage pre-paid, and by certified mail, restricted delivery to addressee only, return receipt requested, at \_\_\_\_\_ (address). The return receipt signed by the defendant is attached.

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_ ,

**Plaintiff,**

**vs.**

\_\_\_\_\_ ,

**Defendant.**

**IN THE COURT OF COMMON PLEAS OF**

**McKEAN COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

**NO.            C.D.**

**AFFIDAVIT OF SERVICE**

\_\_\_\_\_ (plaintiff), being duly sworn according to the law deposes and states that he/she served a true and correct copy of the Notice, Custody Complaint and Criminal Abuse Verification filed in this matter by certified/registered mail, return receipt requested, restricted to addressee only and also by regular mail at \_\_\_\_\_ (address), on \_\_\_\_\_ (date). The regular mail has not been returned within fifteen days after mailing. Attached to this affidavit is the returned letter with the notation that the defendant refused to accept delivery.

\_\_\_\_\_  
Plaintiff

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**FORM 9**

\_\_\_\_\_ ,

**Plaintiff,**

**vs.**

\_\_\_\_\_ ,

**Defendant.**

**IN THE COURT OF COMMON PLEAS OF**

**McKEAN COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

**NO.        C.D.**

**ACCEPTANCE OF SERVICE**

I accept service of the Notice, Complaint in Custody and Criminal/Abuse Verification. I certify that I am authorized to accept service on behalf of Defendant.

\_\_\_\_\_

Date

\_\_\_\_\_

Defendant or Authorized Agent

\_\_\_\_\_

Mailing Address

**Form 10**

**FORM 11**

\_\_\_\_\_  
Plaintiff,  
v.  
\_\_\_\_\_  
Defendant.

)  
) THE MCKEAN COUNTY COURT  
) OF COMMON PLEAS  
)  
) CIVIL DIVISION  
)  
)  
)  
) Your Case No. \_\_\_\_\_

**CUSTODY AGREEMENT**

**1. Who is included**

**The following child(ren) is/are included in this agreement** (The child(ren) listed here must have the same schedule; make a different plan for any child(ren) with a different schedule.)

Name	Date of Birth

**Additional schedules are attached for other child(ren)** \_\_\_\_\_.

**2. Legal Custody: decision making (choose one)**

**Shared legal custody:** We can communicate and make joint decisions regarding our child(ren)'s major medical, educational, legal and religious needs; therefore, we shall share this responsibility.

**Sole legal custody:** Most of the time, we cannot communicate and make joint decisions regarding our child(ren), therefore sole legal custody shall be with  Father  Mother and he/she shall be responsible for all major decisions regarding the child(ren). This parent shall keep the other parent informed of our child(ren)'s major decisions. This parent shall list the other parent on all forms and registrations as a parent and emergency contact person.

**3. Physical Custody: where children live (choose one)**

**Shared Physical Custody:** We can communicate and coordinate with each other to provide for our child(ren)'s physical care on a day-to-day basis. The schedule below shall be the shared physical custody schedule for our child(ren).

**Primary Physical Custody:** Our child(ren)'s needs can best be met by primary physical custody being with  Father  Mother and the child(ren) spending time with the other parent according to the schedule below.

**Partial Physical Custody:** Our child(ren)'s needs can best be met by partial physical custody being with  Father  Mother and the child(ren) spending time with the other parent according to the schedule below.

**Other Custody Arrangement** (e.g. supervised custody) as follows:

---

---

---

**4. Are your children old enough to go to school?**

**Yes.** (Skip A. and go to B.)  **No.** (Answer A. and B.)

**A. Schedule before child(ren) is(are) old enough to go to school**

Before reaching school age, the child(ren) shall reside with  Father

Mother, except for the following days and times when the child(ren) shall reside with or be with the other parent:

i. from: \_\_\_\_\_ to \_\_\_\_\_  
(Day and time) (Day and Time)

other:

---

---

---

**Frequency:**

every week  every other week  every two weeks  \_\_\_\_\_

ii. and from: \_\_\_\_\_ to \_\_\_\_\_  
(Day and time) (Day and Time)

other: \_\_\_\_\_

---

---

**Frequency:**

every week  every other week  every two weeks  \_\_\_\_\_

**B. Schedule after child(ren) is (are) old enough to go to school**

After reaching school age, the child(ren) shall reside with  Father

Mother, except for the following days and times when the child(ren) shall reside with or be with the other parent:

i. from: \_\_\_\_\_ to \_\_\_\_\_  
(Day and time) (Day and Time)

other: \_\_\_\_\_

---

---

---

**Frequency:**

every week     every other week     every two weeks     \_\_\_\_\_

ii. and from: \_\_\_\_\_ to \_\_\_\_\_  
(Day and time) (Day and Time)

other: \_\_\_\_\_

---

---

**Frequency:**

every week     every other week     every two weeks     \_\_\_\_\_

**5. Place for custody exchanged between parents**

The exchange of the child(ren) between parents shall take place at the following location(s):

---

---

---

**6. Transportation for exchange between parents**

Dad     Mom     Both     Other \_\_\_\_\_  
(Name of person who will be helping)

shall be responsible for transporting the child(ren).

Comments: \_\_\_\_\_

---

---

---

**7. Third party assistance with exchanges between parents**

- We do not propose assistance with the transfer.  
 The following third party(ies) to conduct or supervise the transfer:

<b>Name</b>	<b>Phone</b>	<b>Conduct</b>	<b>Supervise</b>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

**8. Other conditions that shall govern exchanges, if any:**

---

---

---

**9. Vacation, holiday, birthday and special occasion schedule**

There shall be no change in the **regular schedule (see pages 2-3) during** vacations and holidays unless specifically indicated below. *(Specify whether time will be shared, or with a particular parent in odd, even or every year.)*

	<u>With Dad</u>	<u>With Mom</u>	<u>Date/time begin and end</u>
New Years Eve	_____	_____	_____
New Years Day	_____	_____	_____
Easter Vacation	_____	_____	_____
Mother's Day	_____	_____	_____
Memorial Day Weekend	_____	_____	_____
Father's Day	_____	_____	_____
Independence Day	_____	_____	_____
Labor Day Weekend	_____	_____	_____
Thanksgiving Holiday	_____	_____	_____
Christmas Eve	_____	_____	_____
Christmas Day	_____	_____	_____
Children(s)' Birthday	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**10. Communications**

The non-custodial parent shall have phone contact with the children on the following days \_\_\_\_\_ every week at the following times \_\_\_\_\_.

Other: \_\_\_\_\_

---

All communications between the parents shall be via:

Telephone

E-mail

Text-Messaging

Other: \_\_\_\_\_

**11. Additional Provisions: Check all that apply**

All parties shall undergo a psychological evaluation and follow through with any and all recommendations.

Other counseling routine: \_\_\_\_\_

Neither party shall consume alcohol during their custodial periods.

Other alcohol arrangement: \_\_\_\_\_

Neither party shall smoke in the presence of the child(ren) and shall not allow anyone else to smoke in the presence of the children.

Both parties shall take turns claiming the child(ren) on tax returns.

Other tax claim arrangement: \_\_\_\_\_

Both parties may attend the child(ren)'s extra-curricular activities.

The following person(s) are a danger to the children and shall not be present during partial custody or supervised custody \_\_\_\_\_

Other provision: \_\_\_\_\_

**12. Child Restraints:** The child(ren) shall at all times be secured in age appropriate safety restraints in the rear of any vehicle in which they ride.

**13. Mutual Agreements:** This custody arrangement may be changed by mutual agreement. A change intended to be permanent shall be put in writing and filed with the Court along with a Petition to Modify.

**14. Appendix**

Attached is an Appendix that is an integral part of the Order as the parties are Ordered to fully comply with it.

15. Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ more pages are attached and incorporated by reference.  
# of pages attached

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

\_\_\_\_\_  
*Plaintiff's Signature*

\_\_\_\_\_  
Plaintiff's Name

\_\_\_\_\_  
*Defendant's Signature*

\_\_\_\_\_  
Defendant's Name

**FORM 11**

## APPENDIX TO ORDER

Certain rules of conduct apply to custody matters. These rules are binding on the parties. Breaching them could result in contempt of court or a modification of the custody order. In the event these general rules are different from any specific provision in the custody order, the order shall prevail.

RULE 1. The parties shall always consider the best interests of the children and act accordingly.

RULE 2. The provisions in the custody order are to be considered minimum requirements. The parties are free to expand the provisions by mutual agreement. However, no party can increase or decrease periods of custody without agreement.

RULE 3. The parties shall permit reasonable telephone contact with the children when they are in that party's custody.

RULE 4. In the event of a serious illness or an accident requiring medical attention, the party having custody of the child shall immediately notify the other party and shall inform the other party as to the nature of the illness or injury. During such illness or injury either party shall have the right to visit the child as long as such visit does not interfere with the proper medical care of the child.

RULE 5. A party shall provide the other with an address and a phone number to that party's residence. In the event of a change in this information, the party shall notify the other within 72 hours. Further, a party shall provide an address and contact information in the event of an overnight stay at a location other than that party's residence.

RULE 6. Both parties shall have access to any school or medical records of the child.

RULE 7. Neither party should attempt to influence the children against the other party by making derogatory or uncomplimentary statements. The parties shall not argue or engage in heated discussions in the presence of the children.

RULE 8. Neither party shall question the children about the personal life of the other party, except to the extent necessary to insure the personal safety of the children. Children should not be used as spies; this is a harmful role for a child to fill.

RULE 9. If a party is unable to make a scheduled appointment, that party should give immediate notice to the other party to avoid subjecting the children to unnecessary travel and the failure of expectations.

RULE 10. If either party or a child has plans which interfere with the scheduled custody and wish to change such period of custody, the parties should make arrangements for an adjustment acceptable to everyone involved. Predetermined schedules may encounter complications, and both parties should be flexible for the sake of the children.

RULE 11. A party or the person responsible for transporting the children must refrain from the use of alcohol and illicit drugs and must possess a valid driver's license with current operating privileges. Any party who arrives to pick up the children and has used alcohol excessively, is intoxicated, or does not possess a valid driver's license automatically forfeits that custody period. Any party that returns the children under the same conditions automatically forfeits the next scheduled period of custody. Further, a party, while the child is in his

or her presence, shall refrain from imbibing alcoholic beverages in excess or using illicit drugs. Chronic violations of this rule may result in a modification or suspension of custody.

**RULE 12. In the event of a proposed relocation, any party to this action shall comply with the provisions of 23 Pa.C.S.A. § 5337 relating to a change in residence.**

RULE 13. The parties to this action should welcome their parenting duties, but may delegate these responsibilities to capable babysitters or others when attending normal social functions or in cases of emergencies and/or uncontrollable work schedules.

RULE 14. Child support is a separate issue from child custody. Under no circumstances should a parent refuse contact between a child and a parent on the basis of a child support issue. Failure to follow this directive may result in contempt proceedings.

RULE 15. Clothing and personal belongings a child arrives with at the beginning of a period of custody are to return with the child at the end of that period of custody.

RULE 16. If either party feels the other party has violated these rules or the custody order, that party may petition the court as set forth in Pa.R.C.P. 1915.12.

\_\_\_\_\_ ,

**Plaintiff,**

**vs.**

\_\_\_\_\_ ,

**Defendant.**

**IN THE COURT OF COMMON PLEAS OF**

**McKEAN COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

**NO.        C.D.**

**JOINT MOTION TO ADOPT CUSTODY AGREEMENT**

1. The Plaintiff is \_\_\_\_\_, who resides at

\_\_\_\_\_.

2. The Defendant is \_\_\_\_\_, who resides at

\_\_\_\_\_.

3. Plaintiff and Defendant are the natural parents of \_\_\_\_\_

\_\_\_\_\_

4. Plaintiff and Defendant have mutually agreed on the custody arrangement for the abovementioned children.

5. Plaintiff and Defendant's agreement is attached to this Motion.

WHEREFORE, Plaintiff and Defendant respectfully request the Court to adopt the attached custody agreement as a Court Order.

We verify that the statements made in this Motion are true and correct. We understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Defendant's Signature.

\_\_\_\_\_ ,

**Plaintiff,**

**vs.**

\_\_\_\_\_ ,

**Defendant.**

**IN THE COURT OF COMMON PLEAS OF**

**McKEAN COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

**NO.        C.D.**

**ORDER**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Court hereby adopts the Custody Agreement filed \_\_\_\_\_ by the abovementioned Parties as a Court ORDER.

**BY THE COURT:**

\_\_\_\_\_  
**CHRISTOPHER G. HAUSER, J.**

## **STATUTORY APPENDIX**

### **23 Pa.C.S. § 6112 (Protection from Abuse)**

During the course of a proceeding under this chapter, the court or hearing officer may consider whether the plaintiff or plaintiff's family is endangered by disclosure of the permanent or temporary address of the plaintiff or minor children. Neither in the pleadings nor during proceedings or hearings under this chapter shall the court or hearing officer require disclosure of the address of a domestic violence program. Where the court concludes that the defendant poses a threat of continued danger to the plaintiff and where the plaintiff requests that his or her address, telephone number and information about whereabouts not be disclosed, the court shall enter an order directing that law enforcement agencies, human service agencies and school districts (both in which a plaintiff's child in custody of the plaintiff is or has been enrolled) shall not disclose the presence of the plaintiff or the child in the jurisdiction or district or furnish any address, telephone number or any other demographic information about the plaintiff and child except by further order of the court.

### **23 Pa.C.S. § 6703**

(a) Establishment.--The Office of Victim Advocate shall establish a program to be known as the Address Confidentiality Program. Upon application and certification, persons eligible under section 6704 (relating to persons eligible to apply) shall receive a confidential substitute address provided by the Office of Victim Advocate.

(b) Administration.--The Office of Victim Advocate shall forward all first class, registered and certified mail at no expense to a program participant within three business days. The Office of Victim Advocate may arrange to receive and forward other classes or kinds of mail at the program participant's expense.

(c) Notice.--Upon certification, the Office of Victim Advocate shall provide notice of participation and the program participant's substitute address to appropriate officials involved in an ongoing civil or criminal case in which a program participant is a victim, witness, plaintiff or defendant.

(d) Records.--All records relating to applicants and program participants are the property of the Office of Victim Advocate. These records, including program applications, participants' actual addresses and waiver proceedings, shall be kept confidential and shall not be subject to the provisions of the act of June 21, 1957 (P.L. 390, No. 212),<sup>1</sup> referred to as the Right-to-Know Law, except that records may be released as specifically set forth in this chapter and to a district attorney to the extent necessary for the prosecution of conduct as set forth in section 6711 (relating to penalties).

### **23 Pa.C.S. § 5336**

(a) General rule.--Except as provided in subsections (b) and (c):

(1) A party granted sole or shared legal custody under section 5323 (relating to award of custody) shall be provided access to:

- (i) the medical, dental, religious and school records of the child;
- (ii) the address of the child and any other party; and
- (iii) any other information that the court deems necessary or proper.

(2) Access to any records and information pertaining to the child may not be denied solely based upon a parent's physical custody schedule.

(3) Upon request, a parent, party or entity possessing any information set forth in paragraph (1) shall provide it to any party granted sole or shared legal custody.

(b) Nondisclosure of confidential information.--The court shall not order the disclosure of any of the following information to any parent or party granted custody:

- (1) The address of a victim of abuse.
- (2) Confidential information from an abuse counselor or shelter.
- (3) Information protected under Chapter 67 (relating to domestic and sexual violence victim address confidentiality).
- (4) Information independently protected from disclosure by the child's right to confidentiality under the act of July 9, 1976 (P.L. 817, No. 143),<sup>1</sup> known as the Mental Health Procedures Act, or any other statute.

(c) Other information.--The court may determine not to release information set forth in subsection (a), in which case it shall state the reason for its denial on the record.

### **18 Pa.C.S. § 4904**

(a) In general.--A person commits a misdemeanor of the second degree if, with intent to mislead a public servant in performing his official function, he:

- (1) makes any written false statement which he does not believe to be true;
- (2) submits or invites reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or
- (3) submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.

(b) Statements “under penalty”.--A person commits a misdemeanor of the third degree if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

(c) Perjury provisions applicable.--Section 4902(c) through (f) of this title (relating to perjury) applies to this section.

(d) Penalty.--In addition to any other penalty that may be imposed, a person convicted under this section shall be sentenced to pay a fine of at least \$1,000.

### **23 Pa.C.S. § 5323**

(a) Types of award.--After considering the factors set forth in section 5328 (relating to factors to consider when awarding custody), the court may award any of the following types of custody if it is in the best interest of the child:

- (1) Shared physical custody.
- (2) Primary physical custody.
- (3) Partial physical custody.
- (4) Sole physical custody.
- (5) Supervised physical custody.
- (6) Shared legal custody.
- (7) Sole legal custody.

(b) Interim award.--The court may issue an interim award of custody to a party who has standing under section 5324 (relating to standing for any form of physical custody or legal custody) or 5325 (relating to standing for

partial physical custody and supervised physical custody) in the manner prescribed by the Pennsylvania Rules of Civil Procedure governing special relief in custody matters.

(c) Notice.--Any custody order shall include notice of a party's obligations under section 5337 (relating to relocation).

(d) Reasons for award.--The court shall delineate the reasons for its decision on the record in open court or in a written opinion or order.

(e) Safety conditions.--After considering the factors under section 5328(a)(2), if the court finds that there is an ongoing risk of harm to the child or an abused party and awards any form of custody to a party who committed the abuse or who has a household member who committed the abuse, the court shall include in the custody order safety conditions designed to protect the child or the abused party.

(f) Enforcement.--In awarding custody, the court shall specify the terms and conditions of the award in sufficient detail to enable a party to enforce the court order through law enforcement authorities.

(g) Contempt for noncompliance with any custody order.—

(1) A party who willfully fails to comply with any custody order may, as prescribed by general rule, be adjudged in contempt. Contempt shall be punishable by any one or more of the following:

(i) Imprisonment for a period of not more than six months.

(ii) A fine of not more than \$500.

(iii) Probation for a period of not more than six months.

(iv) An order for nonrenewal, suspension or denial of operating privilege under section 4355 (relating to denial or suspension of licenses).

(v) Counsel fees and costs.

(2) An order committing an individual to jail under this section shall specify the condition which, when fulfilled, will result in the release of that individual.

(h) Parties in same residence.--Parties living separate and apart in the same residence may seek relief under this chapter, but any custody order made under such a circumstance shall be effective only upon:

(1) one party physically vacating the residence; or

(2) an order awarding one party exclusive possession of the residence.

### **23 Pa.C.S. § 5324**

The following individuals may file an action under this chapter for any form of physical custody or legal custody:

(1) A parent of the child.

(2) A person who stands in loco parentis to the child.

(3) A grandparent of the child who is not in loco parentis to the child:

(i) whose relationship with the child began either with the consent of a parent of the child or under a court order;

(ii) who assumes or is willing to assume responsibility for the child; and

(iii) when one of the following conditions is met:

(A) the child has been determined to be a dependent child under 42 Pa.C.S. Ch. 63 (relating to juvenile matters);

(B) the child is substantially at risk due to parental abuse, neglect, drug or alcohol abuse or incapacity; or

(C) the child has, for a period of at least 12 consecutive months, resided with the grandparent, excluding brief temporary absences of the child from the home, and is removed from the home by the parents, in which case the action must be filed within six months after the removal of the child from the home.

### **23 Pa.C.S. § 5325**

In addition to situations set forth in section 5324 (relating to standing for any form of physical custody or legal custody), grandparents and great-grandparents may file an action under this chapter for partial physical custody or supervised physical custody in the following situations:

(1) where the parent of the child is deceased, a parent or grandparent of the deceased parent may file an action under this section;

(2) where the parents of the child have been separated for a period of at least six months or have commenced and continued a proceeding to dissolve their marriage; or

(3) when the child has, for a period of at least 12 consecutive months, resided with the grandparent or great-grandparent, excluding brief temporary absences of the child from the home, and is removed from the home by the parents, an action must be filed within six months after the removal of the child from the home.