

INSTRUCTIONS

PETITION FOR MODIFICATION OF AN EXISTING CUSTODY ORDER

*IT IS STRONGLY RECOMMENDED THAT YOU
CONSULT AN ATTORNEY*

DISCLAIMER

THE SELF HELP CENTER STAFF AND THE STAFF IN ANY COURT OFFICE ARE UNABLE TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THE PACKETS 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. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL THE DAUPHIN COUNTY LAWYER REFERRAL SERVICE AT (717) 232-7536.

INSTRUCTIONS FOR PETITION FOR MODIFICATION OF AN EXISTING CUSTODY ORDER

A. OVERVIEW OF PENNSYLVANIA CUSTODY LAW

1. Do not confuse child support with child custody. Child support payments and custody arrangements are **separate**. For example, a parent who does not pay child support may have a right to visit the child(ren). You must file separately for child support. Child support matters are handled through the Domestic Relations Office, 25 South Front Street, Eighth Floor, Harrisburg, PA 17101.
2. In child custody matters, the courts will focus on the “**best interests of the child.**” In general, both parents have a right to have a relationship with their child. A parent who does not have primary physical custody will usually have partial custody, shared custody, visitation, or supervised visitation (when a parent visits the child under the supervision of another care provider).
3. If there is a current custody order in place, which was filed in **Dauphin County**, and you believe that circumstances have changed and that the order should be modified, use these forms to seek modification of the custody order. **If there is no custody order in place, you should file a custody complaint.** (See Self Help Center Custody Complaint forms and instructions.)

B. STEPS IN THE CUSTODY PROCESS

PLEASE NOTE:

IF YOU DO NOT HAVE AN ADDRESS FOR ANY OF THE OTHER PARTY(IES), YOU SHOULD NOT FILE THESE FORMS BUT CONSULT AN ATTORNEY TO LEARN ABOUT OTHER OPTIONS.

ALL BIOLOGICAL PARENTS MUST BE NAMED AS A PARTY TO THE ACTION UNLESS A PARENT IS DECEASED, THEIR PARENTAL RIGHTS HAVE BEEN TERMINATED BY AN ORDER OF COURT OR THE IDENTITY OF THE BIOLOGICAL PARENT IS UNKNOWN.

1. Read the instructions carefully and print legibly.
2. Complete the 'Petition for Modification of Custody Order' form.
3. Make at least two (2) copies of the completed form. Therefore, you will have at least three (3) total (the original and two (2) copies).
4. Take the original 'Petition for Modification of Custody Order' form and the copies to the Dauphin County Prothonotary's Office, which is located on the first floor of the Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA. 17101.
5. The Prothonotary's Office will date stamp your forms. The Prothonotary's Office will keep the original and one (1) copy and give you the remaining copy for your records.
6. The filing fee for the 'Petition for Modification of Custody Order' is \$110.00 (payable by cash, certified check, or money order). If you do not think that you can afford the filing fee, you may file a 'Petition to Proceed In Forma Pauperis (IFP)'. (See Self Help Center In Forma Pauperis forms and instructions.)
7. The Prothonotary's Office will forward the original 'Petition for Modification of Custody Order' to the Court Administrator's Office for assignment to a Custody Conference Officer. Dauphin County has four (4) Custody Conference Officers who are attorneys that meet with all parties in order to try to work out a custody schedule that is agreeable to all parties so that a trial before a judge is not necessary. The child(ren) should not attend this custody conference unless specifically requested by the Custody Conference Officer. The Custody Conference Officer will schedule the conference.
8. Once the custody conference is scheduled, all parties will receive a copy of the scheduling order in the mail which indicates the date, time and location of the custody conference. This notification will be sent to all parties by certified mail, restricted delivery, return receipt requested by the Custody Conference Officer.
9. Most of the custody conferences are held at the Dauphin County Courthouse but occasionally, they are held at the Custody Conference Officer's office. If the parties are able to reach an agreement, the Custody Conference Officer prepares an order for review and signature by a judge. If the parties are not able to reach an agreement, the Custody Conference Officer writes a report and the case is assigned to a judge for a hearing. **Please be aware that although you may have decided to proceed without an attorney, the other party(ies) may attend the conference with an attorney.**

10. Plan to arrive 15 minutes before the scheduled conference. Wear appropriate clothing, be polite, and try to be positive and willing to cooperate in order to work out a custody schedule. Be ready to discuss the case in a mature and flexible manner. Try to respect the other party's position and do your best to work out an agreement that reflects not so much your best interest or the interests of the other parent but the **best interests of the children**. You have an obligation to approach the conference in a reasonable manner.

C. INSTRUCTIONS FOR EACH FORM

For all forms:

1. Try to print clearly.
2. Make sure the court will be able to read what you write.
3. Fill in ALL blank lines.

Order Of Court (page 2) -- This form should be placed on top.

Copy the Plaintiff's name and Defendant's name as they appear on your existing custody order. Copy the docket number from your existing custody order.

Do **NOT** fill in any other blank lines on this form.

Petition for Modification of Custody Order (pages 4-5) - This form goes after the Order of Court.

On the five (5) blank lines in the top left hand corner fill in:

Your name.

Address.

City, State and Zip Code.

Telephone number.

E-mail address (if you have one).

Fill in the Plaintiff and Defendant names as you did on the Order of Court form.

Fill in the docket number on the right hand side. You will use the same docket number that is on your current Custody Order.

QUESTION #1.

Fill in your full name. You are considered to be the Petitioner since you are filing the 'Petition for Modification of Custody Order.'

Fill in the date of the Custody Order currently in effect. **DO NOT FORGET TO ATTACH A COPY OF THE CUSTODY ORDER CURRENTLY IN EFFECT TO THE 'PETITION FOR MODIFICATION OF CUSTODY ORDER.'**

QUESTION #2.

Fill in the Plaintiff(s)' name(s) and mailing address(es). The Plaintiff(s) is/are the person(s) listed first on your existing Custody Order.

QUESTION #3.

Fill in the Defendant(s)' names and mailing address(es). The Defendant(s) is/are the person(s) listed second on your existing Custody Order.

QUESTION #4.

Explain **in detail** the reasons why you feel that the present Custody Order should be modified. Remember that you should be focused on what would be in the best interests of the child(ren).

At the **bottom of the page**:

Fill in today's date.

Sign your name, and print you name, address, and telephone number.

ATTACH A COPY OF THE CUSTODY ORDER CURRENTLY IN EFFECT TO THE 'PETITION FOR MODIFICATION OF CUSTODY ORDER.' (If you need a copy of the Custody Order currently in effect, please contact the Prothonotary's Office at 717-780-6520).

D. JEN & DAVE LINE

The Jen & Dave Line is a 24-hour telephone service providing criminal charge information on parents involved in child custody matters. Parents may access the system by filing an application with the Prothonotary's Office where the custody case is filed. After the application is verified and registered in the system, the parent may call a telephone service to learn if the other parent has been charged with specific criminal offenses in Pennsylvania. A parent who has obtained information using the Jen & Dave Line may ask the court for temporary custody, partial custody or a visitation order. Criminal charges may be a basis for a change in custody. To apply for access to the Jen & Dave Line, complete an application which is available at all county Prothonotary's Offices in Pennsylvania. For more information, contact the Dauphin County Prothonotary's Office at (717) 780-6520.