

Intervene in Custody Packet

PLEASE READ ALL OF THE INFORMATION CONTAINED IN THIS PACKET BEFORE YOU START FILLING OUT THE FORMS.

THIS PACKET DOES NOT CONSTITUTE LEGAL ADVICE. IF YOU HAVE ANY QUESTIONS ABOUT THIS PROCESS, YOU SHOULD SEEK THE ADVICE OF AN ATTORNEY. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS.

We encourage you to contact an attorney to advise you on this matter. If you cannot afford an attorney, the Court will not appoint an attorney for you. You may contact Northwestern Legal Services at (800) 665-6957 or (814) 724-1040 to see if they will provide free legal services to you. They are not obligated to do so.

You will be required to follow the State and Crawford County Rules of Civil Procedure and all applicable laws even if you do not have an attorney.

This packet is for use when you are seeking some form of custody of one or more children and there is already a custody action for those children. This packet is not for establishing or modifying custody.

You may be permitted to intervene in an existing custody case if:

1. You are a biological parent of the child(ren) and you were not included in the existing custody action;
2. You are a biological grandparent of the child(ren) and you were not included in the existing custody action;
3. You stand *in loco parentis* to the child(ren) who is/are the subject of the existing custody action. In order to stand *in loco parentis* to the child(ren), you must have put yourself in the situation of a lawful parent by assuming the obligations of the parental relationship without going through the formality of a legal adoption. Normally, standing to proceed *in loco parentis* in a custody action will be found where the child(ren) has/have established strong psychological bonds with the petitioner who, although not a biological parent, has lived with the child(ren) and provided care, nurture and affection; or
4. You have received an "Order and Notice" pursuant to Pa.R.C.P. 1915.16, indicating you may have the right to intervene in the existing custody action.

To complete this packet, you will need:

- Your contact information;
- The qualifying relationship that allows you to intervene in custody;
- The type of custody you are seeking; and
- When filling out the "Criminal Record / Abuse History Verification", if you or anyone in your household has been convicted of any of the crimes on the form:
 - The type of crime,
 - The date of conviction, guilty plea, no contest plea or pending charges, and
 - The sentence.

Instructions:

1. When filling out these forms, please write as clearly and neatly as possible.
2. Fill out these forms to the best of your ability, completing every line that applies. DO NOT LEAVE ANY LINES BLANK. Use "None" or "0" if necessary. Do NOT use "N/A" anywhere on the forms.
3. You are the "Petitioner". Check the original complaint to find out who the "Plaintiff" and "Defendant" would be. Be sure the caption is filled out EXACTLY the same on all forms; you should always have the same names in the same place on each form. The "FD." line is for the case number, which was assigned when the original complaint was filed.
4. Fill out the "Petition to Intervene in Custody Action" [pages 3-4] and the "Criminal Record / Abuse History Verification" [pages 6-10]. When filling out the petition, you are given several options for the type(s) of custody you are seeking. You may request a form of legal custody and/or a form of physical custody. Legal custody is the right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions. Physical custody is the actual physical possession and control of a child. Your options and their definitions under 23 Pa.C.S. § 5322(a) are:
 - a. **Shared legal custody** – The right of more than one individual to legal custody of the child.
 - b. **Sole legal custody** – The right of one individual to exclusive legal custody of the child.
 - c. **Partial physical custody** – The right to assume physical custody of the child for less than a majority of the time.
 - d. **Primary physical custody** – The right to assume physical custody of the child for the majority of time.
 - e. **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.
 - f. **Sole physical custody** – The right of one individual to exclusive physical custody of the child.
 - g. **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.
5. Take the completed Petition, Verification, Order [page 5] and at least 3 (three) photocopies of the forms to the Prothonotary's Office. File the originals. Keep one copy for your records and serve the other photocopies on the "Plaintiff" and "Defendant" separately, as directed by Pennsylvania Rule of Civil Procedure 440. If there are other parties already part of the custody action in addition to the "Plaintiff" and "Defendant", you must also make a photocopy and serve that on any such other party or parties as directed by Rule 440. Generally:
 - a. If the party has an attorney, you should mail by regular first class mail, hand deliver or leave a copy of the documents at the attorney's office. If the attorney has a box in the Prothonotary's Office, you can leave their copy in their box if the attorney previously agreed in this case to receive service that way.
 - b. If the party does not have an attorney and you know their current addresses, you should mail by regular first class mail, hand deliver or leave a copy of the documents at the party's home.
 - c. If the party does not have an attorney and you do not know their current address, you should mail by regular first class mail or leave a copy of the documents at the address that the party put on their most recent pleading in this case, or hand deliver the documents if you can locate the party somewhere else.
 - d. You can serve the documents by fax if the party or their attorney agreed, or if the party or their attorney put a fax number on an earlier pleading in this case. Please read Rule 440(d)(2) to see how the fax cover sheet should be prepared.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
Civil Action – Law

_____,
Plaintiff
:
:
:
Vs. _____ FD. _____
:
:
_____,
Defendant
:

PETITION TO INTERVENE IN CUSTODY ACTION

AND NOW, this _____ day of _____, 20____,

_____, petition(s) to
(Name or names of proposed Interveners)
intervene in this custody action and in support thereof avers the following:

1. Petitioner(s) is/are _____,
(Name(s) of Petitioner(s))
who reside(s) at _____
(Address of Petitioner(s))
in _____ County, _____
(County) (State)

2. Petitioner(s) should be permitted to intervene in this custody action because *(Check any appropriate block or blocks below):*

I/we am/are biological grandparent(s) of the minor child(ren) who is/are the subject of this current custody proceeding.

I/we stand *in loco parentis* to the child(ren) who is/are the subject of this current custody proceeding for the following reason(s):

(Briefly explain why you have in loco parentis status with the child(ren).)

I am a biological parent of the minor child who is the subject of this current custody proceeding.

3. The best interest of the child(ren) will be served by the Court allowing the Petitioner(s) to intervene.

WHEREFORE, Petitioner(s) request(s) that this Court allow Petitioner(s) to intervene in this custody action for the purpose of seeking (*check all that apply*) shared legal custody / sole legal custody / partial physical custody / primary physical custody / shared physical custody / sole physical custody / supervised physical custody.

Date

Petitioner

Date

Petitioner

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

Date

Petitioner

Date

Petitioner

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

Plaintiff	:	
	:	
vs.	:	AD _____
	:	
Defendant	:	

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

I, _____, hereby swear or affirm, subject to penalties of law including Pa.C.S. § 4909 relating to unsworn falsification to authorities that:

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:

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<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"/>	_____	_____

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|--------------------------|--|--------------------------|--------------------------|-------|-------|
| <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"/> | _____ | _____ |

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|--------------------------|---|--------------------------|--------------------------|-------|-------|
| <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 an 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 the death of a child). | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa. C.S. § 4304 (relating to endangering the welfare of children). | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa. C.S. § 4305 (relating to dealing in infant children). | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

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|--------------------------|--|--------------------------|--------------------------|-------|-------|
| <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
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 & Youth agency, including the following:

<i>Check all that apply</i>	<i>Self</i>	<i>Other household member</i>	<i>Date</i>
<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"/>	_____
Involvement with a Children & Youth Agency or similar 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. § 4909 relating to unsworn falsification to authorities.

Signature

Printed Name

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

v. _____
No. _____

CERTIFICATE OF COMPLIANCE

This form is associated with the pleading titled _____, dated _____, 20____.

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Signature Date

Name: _____

Address: _____

Telephone: _____

Email: _____