

CUSTODY MOTIONS COURT PACKET

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 Pennsylvania and Crawford County Rules of Civil Procedure and all applicable laws even if you do not have an attorney.

This Custody Motion form is for use in two situations:

1. **Maintaining the status quo pending a custody conference.** Filing this Motion is appropriate when no custody order has yet been issued, but the parents were following a custody arrangement that one of the parents suddenly changed.

OR

2. **There is a true emergency:** there is an immediate threat to the health, safety, or welfare of the child(ren), or you can prove that the other parent is going to remove the child(ren) from the country, and an order entered here may not result in getting the child(ren) back.

If there is no custody case, the moving party must file a custody action in the Prothonotary's Office before filing a Custody Motion requesting relief in Custody Motions Court.

If there IS an existing custody case, the moving part must file a "Petition for Modification of a Custody Order" (and associated documents) in the Prothonotary's Office before requesting relief in Custody Motions Court.

Do not use this form to request the court to find that a party is in contempt of an existing custody order (see "Enforcement of Child Custody Orders Packet").

You may seek any other relief you are entitled to under the law in addition to, or instead of filing a Custody Motion. This may include remedies that could result in relief more quickly than going through Custody Motions Court.

This Custody Motion can only result in a **temporary** order that will not be binding on the custody Conference Officer or on the court.

To fill out this motion, you will need:

- The original Complaint's caption and case number;
- The reasons you are filing the Custody Motion; and
- What, exactly, you are requesting from the court.

Instructions:

1. When filling out these forms, please write as clearly and neatly as possible.
2. Consult the original complaint to find out who the “Plaintiff” and “Defendant” would be. Be sure the top or “caption” of the Custody Motion [page 3] is filled out EXACTLY the same – you should always have the same names in the same place on each form. The space to the right of the parties’ names is for the case number assigned when the complaint was filed: [F or A]D 20____ - ____.
3. Check the applicable boxes in the first two lines of the Custody Motion, and use the blank lines to explain why you want a temporary order. Be specific. Add the date and sign the Custody Motion where it says “Movant’s Signature.” Leave the *second* block of lines blank, for the Judge’s ruling.
4. When filling out the Notice [page 4]:
 - a. The first part of the Notice is to set the date of the hearing. Custody Motions Court only occurs on Wednesday, so you must request the hearing for a Wednesday that is at least three business days after the day you will file the Custody Motion.
 - b. The second part is the “Certification of Notice and Service.” You will have to give a copy of the Custody Motion and this Notice to the other party or parties (or their counsel, if any) at least three business days before the hearing. Write the date when you are sending the copies, and mark the method – 1st Class U.S. Mail, hand delivery, or fax.
 - c. The third part is the “Information for Court Administrator.” Please read and answer these questions carefully.
 - d. The fourth part is the “Uncontested Motion Certification.” This section is not relevant to your motion and should be left blank.
 - e. Sign the Notice at the bottom (after “By:”) and include your telephone number.
5. Make two (2) photocopies of the completed Custody Motion and Notice, and the Notice of Language Rights form [last page]. Keep one copy for yourself and serve another copy on the other party as directed in instruction 4(b). Take the original Motion and Notices to the Intake Window on the fourth floor of the Crawford County Judicial Center by 4:00 p.m. on any day prior to the date of the hearing that you requested in the Notice.
6. The Custody Motion that you delivered to the Intake Window will be reviewed by a judge before you go to Custody Motions Court. The judge will determine, based upon the information in the Custody Motion, whether the relief that you are requesting can be considered in Custody Motions Court. If the relief that you are requesting cannot be considered in Custody Motions Court, your Custody Motion will be denied, and you will need to pursue the other court remedies that you may have. If your Custody Motion is denied prior to Custody Motions Court, you will be called at the telephone number you provided at the bottom of the Notice to inform you that there will not be a hearing, and you should promptly notify the other party that there will not be a hearing. If you do not receive a telephone call from the Judge’s Chambers, you should assume that you will have a hearing on the day you requested in the Notice.
7. During the hearing, both parties will have five (5) minutes to present their side; the person who filed the Custody Motion will go first.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Plaintiff :
v. :

Defendant :
_____ D 20 _____

CUSTODY MOTION

The undersigned ☐ Plaintiff / ☐ Defendant / ☐ Intervenor, by his/her attorney (if any), _____, Esq., moves the court to ☐ confirm the status quo or ☐ address an emergency situation because: _____

I verify that the statements made in this motion 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. I also certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Date

Movant's Signature

ORDER OF COURT

And now, _____ 20_____, _____

BY THE COURT,

J.

NOTICE

You are hereby notified that the attached motion/petition will be presented by me on _____, 20_____.

() to the Prothonotary as an uncontested matter;

() in Custody Motions Court at 1:00 p.m.

CERTIFICATION OF NOTICE AND SERVICE

The undersigned represents that three (3) business days' prior notice and a copy of this motion and proposed order have been served by () first class mail, () fax, or () hand delivery on the _____ day of _____, 20_____ upon all parties or their counsel of record in accordance with Pa.R.Civ.P. 440.

INFORMATION FOR COURT ADMINISTRATOR

- A. Is this an original filing in this case? ____Yes ____No
- B. Has any judge heard this matter previously? ____Yes ____No
- C. If yes, name of judge who presided over previous matter:
____Vardaro ____ Spataro ____ Stevens ____ Schultz ____ Other/Name:_____
- D. Estimated court time required if this matter is granted:
____Minutes ____Hours ____Days
- E. Is this motion/petition opposed by another party?
____Yes ____No ____Unknown

UNCONTESTED MOTION CERTIFICATION

The undersigned represents that:

- ____1. All parties or counsel have consented.
- ____2. Consents of all parties or counsel are attached.
- ____3. The Order seeks only a return hearing or argument date and no other relief.
- ____4. The Order seeks only the appointment of a master or hearing officer and no other relief.

Opposing Counsel: _____

(if opposing party is unrepresented, list his/her current address and telephone):

Address: _____

Telephone: (____) _____

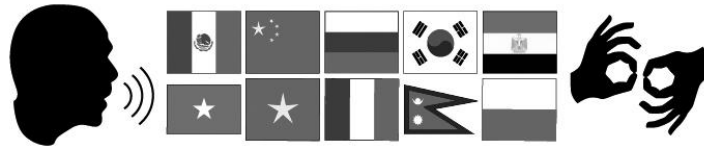
I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

By: _____

Telephone: (____) _____

Attorney For: _____

Notice of Language Rights



Language Access Coordinator, Crawford County Court of Common Pleas
Crawford County Judicial Center, 359 E. Center St., Ste. 4050
Meadville, PA 16335 ph. (814) 333-7498 fax (814) 333-7489
CourtAdministration@co.crawford.pa.us

English: You have the right to an interpreter at no cost to you. To request an interpreter, please inform court staff using the contact information provided at the top of this notice.

Spanish/Español: Usted tiene derecho a un intérprete libre de costo. Para solicitar un intérprete favor de informárselo al personal judicial utilizando la información provista en la parte superior de este aviso.

Mandarin/Cantonese Simplified Chinese/普通话/粤语简体中文: 您有权获得免费的口译员服务。若需要口译员，请使用本通知上方提供的联系信息通知法院工作人员。

Mandarin/Cantonese Traditional Chinese/普通話/廣東話繁體中文: 您有權要求免費傳譯服務。如欲要求傳譯服務，請參閱本通知頂部的聯絡資料，通知法庭職員。

العربية/Arabic: يحق لك الحصول على مترجم دون دفع أي تكلفة من جانبك. لطلب مترجم، يُرجى إعلام موظفي المحكمة باستخدام معلومات الاتصال المقدمة في الجزء العلوي من هذا الإشعار.

Russian/Русский: У вас есть право на бесплатные услуги переводчика. Заявка на переводчика подается в суд по адресу, телефону или эл. почте, указанным выше в заголовке этого уведомления.

Vietnamese/Tiếng Việt: Quý vị có quyền được một thông dịch viên giúp mà không tốn chi phí nào cả, xin hãy báo cho nhân viên tòa án dùng thông tin liên lạc có ở trên đầu thông báo này.

Nepali/नेपाली: तपाईंको निःशुल्क रूपमा भाषा अनुवादक राख्न पाउने अधिकार छ। अनुवादकको लागि अनुरोध गर्न, यस सूचनाको माथि दिइएको सम्पर्क जानकारी भरेर अदालतका कर्मचारीहरूलाई जानकारी दिनुहोस्।

Korean/한국어: 귀하는 비용에 대한 부담 없이 통역 서비스를 받을 권리가 있습니다. 통역 서비스를 요청하려면 본 통지서의 상단에 기재된 연락처를 통해 법원 직원에게 알려십시오.

Polish/Polski: Ma Pan/Pani prawo do nieodpłatnego skorzystania z usług tłumacza ustnego. Aby zwrócić się o wsparcie ze strony tłumacza ustnego, proszę skontaktować się z pracownikami sądu, korzystając z danych znajdujących się w górnej części niniejszego dokumentu.

Pakistan/پنجابی/Punjabi: تہاڈے کول بغیر ادائیگی کیتیاں اک مترجم حاصل کرن دا حق اے۔ مترجم دی درخواست کرن لئی، میربانی کر کے ایس نوٹس دے اوتے فراہم کیتیاں رابطے دیاں معلومات نوں ورتدیاں عدالت دے عملے نوں اطلاع دوو۔

Punjabi/ਪੰਜਾਬੀ/India: ਤੁਹਾਨੂੰ ਇਕ ਦੁਭਾਸ਼ੀਆ ਹਾਸਲ ਕਰਨ ਦਾ ਹੱਕ ਹੈ, ਜਿਸ ਦੀ ਤੁਹਾਨੂੰ ਕੋਈ ਲਾਗਤ ਨਹੀਂ ਲੱਗੇਗੀ। ਦੁਭਾਸ਼ੀਏ ਲਈ ਬੇਨਤੀ ਕਰਨ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰ ਕੇ ਅਦਾਲਤ ਦੇ ਅਮਲੇ ਨੂੰ ਜਾਣੂ ਕਰਵਾਓ ਤੇ ਇਸ ਲਈ ਇਸ ਨੋਟਿਸ ਦੇ ਸਿਖਰ ਉਤੇ ਦਿੱਤੀ ਸੰਪਰਕ ਜਾਣਕਾਰੀ ਦਾ ਇਸਤੇਮਾਲ ਕਰੋ।

Portuguese/Português: Você tem direito a um intérprete gratuitamente. Para solicitar um intérprete, informe à nossa equipe usando os dados de contato mostrados na parte superior deste aviso.

Somali/Somaali: Waxaad xaq u leedahay in lagu turjumo lacag la'aan ah. Si aad u codsato turjumaanka, fadlan u sheeg maxkamadda shaqaalaha adiga oo isticmaala macluumaadka ciwaanka kor lagu siiyay ee ogeysiiskaan.

Haitian Creole/Kreyòl Ayisyen: Ou gen dwa resevwa sèvis yon entèprèt gratis. Pou mande pou yon entèprèt, tanpri fè manm pèsònèl tribinal la konnen lè ou sèvi avèk enfòmasyon an yo te bay ou nan tèt avi sa a.

French/Français : Vous avez le droit de bénéficier gratuitement de l'assistance d'un interprète. Pour en faire la demande, veuillez en informer le personnel du tribunal à l'aide des coordonnées indiquées en haut de page.