
LYCOMING COUNTY

PETITION FOR SPECIAL RELIEF

SELF-HELP KIT

Often parties have disagreements regarding decisions to be made on behalf of their minor children. When the parties are unable to reach an agreement you may file a Petition for Special Relief to appear before a Judge and allow the Judge to decide. You can only file a Petition for Special Relief if you have an existing custody case. At a hearing on a Petition for Special Relief the Judge cannot hold the other party in contempt for violating an order or modify the award of custody. Some examples of issues appropriate for Petitions for Special Relief include: a child's participation in a sports team or a decision to be made on medical treatment. Petitions for Special Relief should not be filed concerning frivolous issues. The Court will not decide issues that are simply parenting choices and not a decision of legal custody.

To petition for Special Relief, file the attached forms in the Prothonotary's Office at the courthouse.

YOU MUST FILL OUT THE CAPTION EXACTLY AS IT APPEARS ON YOUR CURRENT CUSTODY ORDER, USING THE SAME CAPTION AS YOUR CURRENT ORDER.

Completing each of the forms:

1. **Motion Cover Sheet:** Complete caption (heading) by printing clearly. (Do not write).
2. **Entry of Appearance as a Self-Represented Party.**
3. **Petition for Special Relief:** You are the Petitioner, because you are bringing this action in Court. The Respondent is the other person in this action. Fill in the rest of the paragraphs with a short description of the reason you want to appear before the Judge. A copy of your current Order must be attached.

Copies: After you have completed the forms, clip them together in order, the Motion Cover Sheet on the front. You will then need to get copies made. You need a copy for yourself, one for the Respondent, one for any additional Respondent, and one for the Prothonotary. After you have copies made, staple them in order.

BE SURE TO FILL IN ALL SECTIONS OF THE PETITION.

		: IN THE COURT OF COMMON PLEAS OF
Plaintiff		: LYCOMING COUNTY, PENNSYLVANIA
		:
vs.		: CIVIL ACTION - LAW
		: CUSTODY
		:
		: NO. _____
Defendant		:

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

1. I am the Plaintiff Defendant in the above-captioned case.
2. I intend to represent myself in the custody divorce protection from abuse paternity case
3.

Check only one box in Question 3.

 This is a new case and I am representing myself in this case and have decided not to hire an attorney to represent me, or
 This is not a new case and I am representing myself in this case and have decided not to hire an attorney to represent me, or
 This is not a new case. _____ previously represented me in this case.

(Name of Attorney)

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:

I requested that attorney to acknowledge his/her withdrawal as my attorney in this case by signing this form.
_____, Esquire

(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 of 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 _____.
- My telephone number 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:** _____

_____,
Plaintiff : IN THE COURT OF COMMON PLEAS OF
vs. : LYCOMING COUNTY, PENNSYLVANIA
_____, :
Defendant : CIVIL ACTION - LAW
: CUSTODY
: NO. _____
:

Petition for Special Relief

1. The Petitioner is _____, whose
(your name)
address and phone number is _____,
(address) (phone)

2. The Respondent is the _____, whose address
(other parent or party)
and phone number is _____,
(address) (phone)

3. The children involved in this case are:

Name: _____ Born: _____ Address: _____

4. Our current Custody Order was entered on: _____ . A copy is
attached as Exhibit "A".

5. Special Relief is necessary because (allege facts which indicate why the relief should be granted): _____

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 penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Signature

Printed Name

HOW TO SERVE THE PETITION FOR SPECIAL RELIEF

Wait until you get your papers back from the court with the date and time of your hearing. Then, it is your responsibility to serve the other party with them. The court will not address your Petition unless the other party is served with the notice and petition. It is important to serve as soon as possible. The other party must receive them at least ten (10) days before the hearing date. The documents may be served in one of the following three (3) ways. It is highly recommended that you serve the papers by **certified mail**, so that you can prove that they were sent and received. You must serve the papers within 30 days of the date you filed your Petition for Modification. If over 30 days, you will need to have Petition reinstated at the Prothonotary's Office.

A. CERTIFIED MAIL: When you go to the post office, someone at the window can help you to prepare and send the certified mail. You should request a **"return receipt,"** which is a green card that you get back showing that it was delivered, and request **"restricted delivery,"** which means only the person you are serving can accept it, and that person has to sign the green card that you get back. You have to pay for certified mail. As of January 2013, the fees were:

Certified: \$3.10

Return Receipt: \$2.55

Restricted Delivery: \$4.75

When you mail it, you will get a "sender's receipt" (white). A few days later, you will get the green card in the mail signed by the other party. Keep these receipts to include with your Affidavit of Service .

B. REGULAR MAIL: The law allows you to serve a Petition to Modify by regular mail to the last known address of the person being served, but **it is far better to use certified mail**, as instructed above. If you cannot afford all the fees above, you should, at the very least, ask for a "certificate of mailing" to prove you mailed it. A certificate of mailing cost \$1.20 (as of 2013). Keep this certificate to include with your Affidavit of Service. Try to make sure that you have the correct address for the other party. If the court is concerned that the other parent/party did not receive the notice and petition, your order will not be changed.

C. PERSONAL SERVICE: You can have a person who is 18 years of age or older serve the papers in person. You should not serve the papers yourself. The person who serves the legal papers on the other parent or party must do it in one of the following ways:

(a) by handing a copy to the other parent/party;

(b) by handing a copy to an adult member of the family with whom the other parent/party resides;

(c) by handing a copy of the papers to an adult person in charge of the parent/party's residence at the time (example: babysitter, etc.);

(d) going to the other parent/party's place of employment and handing a copy to the person in charge.

If you have the money, you can pay the Sheriff, Constable, or process server to serve the papers and file an Affidavit of Service for you.

HOW TO SERVE THE PETITION FOR SPECIAL RELIEF

Wait until you get your papers back from the court with the date and time of your hearing. Then, it is your responsibility to serve the other party with them. The court will not address your Petition unless the other party is served with the notice and petition. It is important to serve as soon as possible. The other party must receive them at least ten (10) days before the hearing date. The documents may be served in one of the following three (3) ways. It is highly recommended that you serve the papers by **certified mail**, so that you can prove that they were sent and received. You must serve the papers within 30 days of the date you filed your Petition for Modification. If over 30 days, you will need to have Petition reinstated at the Prothonotary's Office.

A. CERTIFIED MAIL: When you go to the post office, someone at the window can help you to prepare and send the certified mail. You should request a **“return receipt,”** which is a green card that you get back showing that it was delivered, and request **“restricted delivery,”** which means only the person you are serving can accept it, and that person has to sign the green card that you get back. You have to pay for certified mail. As of January 2013, the fees were:

Certified: \$3.10

Return Receipt: \$2.55

Restricted Delivery: \$4.75

When you mail it, you will get a "sender's receipt" (white). A few days later, you will get the green card in the mail signed by the other party. Keep these receipts to include with your Affidavit of Service .

B. REGULAR MAIL: The law allows you to serve a Petition to Modify by regular mail to the last known address of the person being served, but **it is far better to use certified mail**, as instructed above. If you cannot afford all the fees above, you should, at the very least, ask for a “certificate of mailing” to prove you mailed it. A certificate of mailing cost \$1.20 (as of 2013). Keep this certificate to include with your Affidavit of Service. Try to make sure that you have the correct address for the other party. If the court is concerned that the other parent/party did not receive the notice and petition, your order will not be changed.

C. PERSONAL SERVICE: You can have a person who is 18 years of age or older serve the papers in person. You should not serve the papers yourself. The person who serves the legal papers on the other parent or party must do it in one of the following ways:

(a) by handing a copy to the other parent/party;

(b) by handing a copy to an adult member of the family with whom the other parent/party resides;

(c) by handing a copy of the papers to an adult person in charge of the parent/party's residence at the time (example: babysitter, etc.);

(d) going to the other parent/party's place of employment and handing a copy to the person in charge.

If you have the money, you can pay the Sheriff, Constable, or process server to serve the papers and file an Affidavit of Service for you.

HOW TO FILL OUT AND FILE THE AFFIDAVIT OF SERVICE

Choose ONE of the three Affidavit of Service forms that follow these instructions. There is one for service by certified mail, one for regular mail and one for personal service. You have to fill out and file one of these forms with the Prothonotary after you serve the other parent/party, unless you paid a sheriff or constable to do it for you. If you are serving more than one person, you have to complete and file a separate Affidavit for each one.

BY CERTIFIED MAIL:

- Fill in the caption.
- Fill in the blanks.
- Staple your sender's receipt (the white receipt) and the green card you got back in the mail to the Affidavit.
- Sign and date at the bottom and make one copy of everything.
- File at the Prothonotary's Office before the hearing and keep a time-stamped copy for your records.

BE SURE TO BRING IT WITH YOU TO THE HEARING.

BY REGULAR MAIL:

- Fill in the caption.
- Fill in the blanks
- Staple your sender's receipt (certificate of mailing) to the Affidavit.
- Sign and date at the bottom and make one copy of everything.
- File at the Prothonotary's Office before the hearing and keep a time-stamped copy for your records.

BE SURE TO BRING IT WITH YOU TO THE HEARING.

BY PERSONAL SERVICE:

This form is completed by someone else who serves the papers for you, and then you file it with the Prothonotary before the conference.

- Fill in the caption.
- Fill in the blank spaces.
- Check the paragraph that best describes how the papers were served.
- Have the person who served the papers sign and date and write his/her address and telephone number at the bottom.
- Make one copy and file at the Prothonotary's Office before the hearing. Keep a timestamped copy for your records.
- Remember to fill out an Affidavit for each person who has been served.

BE SURE TO BRING IT WITH YOU TO THE HEARING.

_____,
Plaintiff

vs.

_____,
Defendant

: IN THE COURT OF COMMON PLEAS OF
: LYCOMING COUNTY, PENNSYLVANIA
:
: CIVIL ACTION - LAW
: CUSTODY
: NO. _____
:

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

I, _____, certify that on _____, I
(your name) (date mailed)
mailed a true and correct copy of the Motion Cover Sheet and Petition for Special Relief
by certified mail, restricted delivery, return receipt requested, to:

(Other parent/party's name and address)

Defendant received the Petition on _____, Sender's receipt
(date received)
and return receipt are attached.

I verify that the foregoing is 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.

Date

Petitioner

Plaintiff

vs.

Defendant

: IN THE COURT OF COMMON PLEAS OF
: LYCOMING COUNTY, PENNSYLVANIA
:
: CIVIL ACTION - LAW
: CUSTODY
: NO. _____
:

AFFIDAVIT OF SERVICE BY REGULAR MAIL

I, _____, certify that on _____, I
(your name) (date mailed)
mailed a true and correct copy of the Motion Cover Sheet and Petition for Special Relief to:

(Other parent/party's name and address)

Certificate of mailing is attached.

I verify that the foregoing is 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.

Date

Petitioner

_____	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	CUSTODY
_____	:	NO. _____
Defendant	:	

AFFIDAVIT OF PERSONAL SERVICE

I, _____, certify that I am a competent adult who is 18 years
(Person serving other parent/party)
of age or older, and I am not a party to this action or an employee or relative of a party to
this action. On _____, I served a true and correct copy of the
(date)
Motion Cover Sheet and Petition for Special Relief upon _____ by:
(other parent/party)

handing a copy to him/her;

handing a copy to an adult family member at his/her residence by the name of
_____;

handing a copy to an adult in charge of his/her residence by the name of
_____;

handing a copy to an adult in charge at his/her place of employment by the name of
_____.

at this address/location: _____
(Place served)

at approximately _____.
(Time of day)

I verify that the foregoing is 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.

Date (server's signature)

Name: _____

Address: _____

Phone: _____