

EMERGENCY PETITION FOR SPECIAL RELIEF IN CUSTODY

INSTRUCTIONS

***IT IS STRONGLY RECOMMENDED THAT
YOU CONSULT AN ATTORNEY***

DISCLAIMER

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INSTRUCTIONS

GENERAL

If there is a health and safety issue involving the child(ren), a parent or anyone who has a claim for custody may file an Emergency Petition for Special Relief along with the Custody Complaint or a Petition for Modification of an Existing Custody Order or a Petition for Contempt of an Existing Custody Order.

You are required to file a Custody Complaint or a Petition for Modification of an Existing Custody Order or a Petition for Contempt along with this Emergency Petition for Special Relief. Please refer to those instructions for more detailed information about the custody process.

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

- A parent of the child(ren).
- A person who stands in *loco parentis* to the child.
- 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(ren) or under a court order; and
 - (ii) who assumes or is willing to assume responsibility for the child(ren); and
 - (iii) when one of the following conditions is met:
 - (A) the child(ren) has/have been determined to be a dependent child under 42 Pa.C.S. CH. 63 (relating to juvenile matters);
 - (B) the child(ren) is/are substantially at risk due to parental abuse, neglect, drug or alcohol abuse or incapacity; or
 - (C) the child(ren) has/have, for a period of at least 12 consecutive months, resided with the grandparent, excluding brief temporary absences of the child(ren) from the home, and is/are removed from the home by the parents, in which case the action must be filed within six months after the removal of the child/ren from the home. See 23 Pa.C.S. §5324.
- An individual who has established that:
 - (i) The individual has assumed or is willing to assume responsibility for the child; and
 - (ii) The individual has a sustained, substantial and sincere interest in the welfare of the child; and
 - (iii) Neither parent has any form of care and control of the child.

All three must apply and this does not apply if there is a dependency proceeding.

Not every custody dispute is an “emergency” and simply alleging that the other parent has the child(ren) and will not permit the other parent to see the child(ren) **DOES NOT** constitute an emergency. Only when there is a serious, factually provable immediate risk to the health and safety of the child(ren) will the court consider granting any type of relief before the parties appear before the Custody Conference Officer.

INSTRUCTIONS FOR COMPLETION OF THE PETITION:

Fill in the name(s) of the plaintiff(s) and the defendant(s) as shown on the Custody Complaint, Petition for Modification or Petition for Contempt. If this is a Petition for Modification or a Petition for Contempt, the plaintiff(s) and defendant(s) should be listed as it appears on the last Court Order. Fill in the docket number unless it is a new case. If it is a new case, the Prothonotary will fill in the docket number. Do not fill in anything under the word ORDER. At the bottom of the page, fill in the name(s) and address(es) of the plaintiff(s) and defendant(s) and anyone who should receive a copy of this order if the judge chooses to use this order. **If you are a victim of abuse and the other party is the abuser and you do not want the other party to know your contact information, you must complete the Confidential Information Form (CIF) Abuse Victim Addendum. An abuse victim is defined as a person for whom a protection order has been granted by a Court. This form is to be filed with the Prothonotary and should not be sent to the other party(ies). This contact information will only be available to the Court and Court staff. If you print out the packet from the Self-Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.**

- Check the appropriate box whether you are filing a Custody Complaint, Petition for Modification or Petition for Contempt. Remember that you need to file one of these documents at the same time as this Emergency Petition for Special Relief in Custody. **DO NOT FILE THIS EMERGENCY PETITION FOR SPECIAL RELIEF WITHOUT ALSO FILING A CUSTODY COMPLAINT, OR A PETITION FOR MODIFICATION OR A PETITION FOR CONTEMPT.**
- Complete the plaintiff’s name(s), mailing address(es), telephone number(s), email address(es), and date(s) of birth. Check whether the plaintiff(s) is/are the parent of the child(ren). If the plaintiff(s) has/have another relationship to the child(ren), state this relationship. If this is a Petition for Modification or a Petition for Contempt, the plaintiff(s) and defendant(s) should be listed as it appears on the last Court Order. If there is more than one plaintiff, please provide their contact information in the additional spaces. **If you are the plaintiff, a victim of abuse and the other party is the abuser and you do not want the other party to know your contact information, you must also complete the Confidential Information Form (CIF) Abuse Victim Addendum. An abuse victim is defined as a person for whom a protection order has been granted by a Court. This form is to be filed with the Prothonotary and should not be sent to the other party(ies). This contact information will only be available to the Court and Court staff. If you print out the packet from the Self-Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.**

- Complete the defendant's name(s), mailing address(es), telephone number(s), email address(es), and date(s) of birth. Check whether the defendant(s) is/are the parent of the child(ren). If the defendant(s) has/have another relationship to the child(ren), state this relationship. If this is a Petition for Modification or a Petition for Contempt, the plaintiff(s) and defendant(s) should be listed as it appears on the last order of court. If there is more than one defendant, please provide their contact information in the additional spaces. **If you are the defendant, a victim of abuse and the other party is the abuser and you do not want the other party to know your contact information, you must also complete the Confidential Information Form (CIF) Abuse Victim Addendum. This form is to be filed with the Prothonotary and should not be sent to the other party(ies). An abuse victim is defined as a person for whom a protection order has been granted by a Court. This contact information will only be available to the Court and Court staff. If you print out the packet from the Self-Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.**
- **Each child is to be identified by number and listed as CHILD 1, CHILD 2, etc. DO NOT WRITE THE CHILD(REN)'S NAMES OR THE COMPLETE DATE OF BIRTH ON THE Emergency Petition for Special Relief. You must complete the Confidential Information Form found in this packet and include the full name and full date of birth of CHILD 1, CHILD 2, etc.** Complete the addresses of the child(ren) for whom you are seeking custody and year of birth. If you need more room, use an additional sheet of paper. If the child(ren)'s address is confidential because of abuse, complete the Confidential Information Form Abuse Information Addendum. **If you print out the packet from the Self-Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.**
- Check whether Children and Youth Services has ever been involved with this/these child(ren).
- Explain in **DETAIL** why an emergency order should be entered before the custody conference. **STATE IN DETAIL WHAT BAD THINGS HAVE HAPPENED TO THE CHILD(REN) AND WHY YOU THINK BAD THINGS WILL HAPPEN TO THE CHILD(REN) IF THE COURT DOES NOT ENTER AN ORDER BEFORE YOU AND THE OTHER PARENT/PARTY CAN ATTEND A CUSTODY CONFERENCE. IF YOU NEED TO IDENTIFY THE CHILD(REN) IN THIS PARAGRAPH, DO NOT REFER TO THEM BY NAME BUT USE CHILD 1, CHILD 2, ETC.**
- Explain what relief you are requesting from the court. What interim relief would you like the court to order?
- Sign and date the petition. If there is more than one petitioner, all petitioners must sign the petition. Complete the "Verification" and "Certification".



Think very carefully about signing this petition. If it is found that the statements made by you in the petition are false, you may be criminally prosecuted for filing false statements with the Court and have to pay a fine or face imprisonment.

A Confidential Information Form must be filed at the same time this Petition is filed. If you print out the packet from the Self-Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.

CONFIDENTIAL INFORMATION FORM

This form must be filed with the Emergency Petition for Special Relief.

- Complete the caption as you did for the scheduling order and Emergency Petition for Special Relief.
- List the date.
- List the initials, full name of the child(ren) and the date of birth of the child(ren). Use one box for each child. Additional pages are provided.
- Sign in the space provided and list the date.

Print your name, address, telephone number and email address in the space provided **unless your contact information is found on the CIF Abuse Victim Addendum because you are a victim of abuse and the other party is the abuser. If you print out the packet from the Self-Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.**

FILING

You must make at least three (3) copies of the completed forms and take them to the Prothonotary's Office which is located on the first floor of the courthouse. This is where you file the Complaint, Petition for Modification of a Custody Order, or a Petition for Contempt of a Custody Order. The Prothonotary's Office will time stamp these forms and will keep the original and one copy. The clerk will give two copies back to you. One copy is for you to keep, and the other copy is for you to serve on the other party or parties. The original will be taken by the Prothonotary clerk to the Court Administrator's Office. The Court Administrator's Office will immediately take the petition to a judge. You should not wait in the courthouse for a judge to rule on your petition. Make sure

that you have included a cell phone number and email address on your petition so that the judge's office can reach you if necessary. Usually, you will receive an order in the mail from the judge's office detailing his or her decision on your petition but sometimes the judge's office will send the order by email if a hearing has been scheduled.

SERVICE

After you have filed your petition with the Prothonotary's Office, it is required to serve the other party(ies). They **must** receive a copy of the paperwork that you have filed. You may take the Petition for Special Relief to the Sheriff's Office for service. The Sheriff's Office is located on the first floor of the courthouse. The clerk in the Prothonotary's Office will direct you. You may also send a copy of the Petition for Special Relief to the other party(ies) by certified mail, return receipt requested. A post office employee will assist you with this procedure.

IT IS REQUIRED THAT YOU SEE THAT THE OTHER PARTY(IES) IS/ARE GIVEN A COPY OF THE PETITION FOR SPECIAL RELIEF IN CUSTODY IMMEDIATELY AND FILE WITH THE PROTHONOTARY THE AFFIDAVIT OF SERVICE FOUND IN THIS PACKET.

IF YOU THINK THAT YOUR SITUATION REQUIRES A JUDGE TO ENTER AN INTERIM ORDER BEFORE YOU CAN ATTEND A CUSTODY CONFERENCE, YOU SHOULD TRY TO GET A LAWYER TO HELP YOU. YOU SHOULD IMMEDIATELY CALL OR GO TO:

- MidPenn Legal Services
213-A North Front Street
Harrisburg, PA 17101
(717) 232-0581

EMERGENCY PETITION FOR SPECIAL RELIEF IN CUSTODY

FORMS

***IT IS STRONGLY RECOMMENDED THAT YOU
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Plaintiff(s)

v.

Defendant(s)

: IN THE COURT OF COMMON PLEAS OF
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. _____ CV _____ CU
:
: CIVIL ACTION
:
: IN CUSTODY

ORDER

AND NOW THIS _____ day of _____, 20____. upon consideration of the attached Emergency Petition for Special Relief, it is hereby ordered as follows:

- The Emergency Petition for Special Relief is hereby DENIED.
- The subject child(ren) shall not be removed from Dauphin County pending further order of court.
- A hearing on the Emergency Petition for Special Relief shall be convened at _____ m. on _____, 20____ in Courtroom #_____,
 - Dauphin County Courthouse, 101 Market Street, Harrisburg, PA
 - Juvenile Justice Center, 7th Floor, 25 South Front Street, Harrisburg, PA
- The Emergency Petition for Special Relief is GRANTED as follows:

_____.

BY THE COURT:

Judge

Distribution:

		:	IN THE COURT OF COMMON PLEAS
Plaintiff(s)		:	DAUPHIN COUNTY, PENNSYLVANIA
		:	
v.		:	NO. _____ CV _____ CU
		:	
		:	
Defendant(s)		:	

EMERGENCY PETITION FOR SPECIAL RELIEF IN CUSTODY

If you are an abuse victim and do not want to reveal your contact information, you are not required to list your address, telephone number and email address but you must complete a Confidential Information Form (CIF) Abuse Victim Addendum and file this form with the Prothonotary at the same time you file the Emergency Petition for Special Relief. Write "See CIF Abuse Victim Addendum" on the paragraph instead of listing this information. When you serve the other party(ies) do not include the CIF Abuse Victim Addendum. The information contained on the CIF Abuse Victim Addendum will only be available to the Court and Court Staff.

AND NOW COMES _____ who
 (Your Name(s))
 file(s) this Emergency Petition for Special Relief in Custody and allege(s) as follows:

1. A (**MUST** check one) Custody Complaint, Petition for Modification of Existing Custody Order or Contempt Petition was filed simultaneously with this Emergency Petition for Special Relief in Custody.

2. Plaintiff's full name: _____

Plaintiff's complete mailing address:

 Street, City, State, Zip Code, and County If confidential, write "See CIF Abuse Victim Addendum"

Plaintiff's telephone number: _____
If confidential, write "See CIF Abuse Victim Addendum"

Plaintiff's email address: _____
If confidential, write "See CIF Abuse Victim Addendum"

Plaintiff's date of birth: _____

Plaintiff's relationship to the minor child(ren) is parent other _____
(please specify).

If there is more than one plaintiff listed in the caption, please complete the following information. If there is only one plaintiff listed in the caption, please skip to question 3.

Additional Plaintiff's full name: _____

Additional Plaintiff's complete mailing address:

Street, City, State, Zip Code, and County If confidential, write "See CIF Abuse Victim Addendum"

Additional Plaintiff's telephone number: _____
If confidential, write "See CIF Abuse Victim Addendum"

Additional Plaintiff's email address: _____
If confidential, write "See CIF Abuse Victim Addendum"

Additional Plaintiff's date of birth: _____

Additional Plaintiff's relationship to the minor child(ren) is parent other

(please specify)

3. Defendant's full name: _____

Defendant's complete mailing address:

Street, City, State, Zip Code, and County If confidential, write "See CIF Abuse Victim Addendum"

Defendant's telephone number: _____
If confidential, write "See CIF Abuse Victim Addendum"

Defendant's email address: _____
If confidential, write "See CIF Abuse Victim Addendum"

Defendant's date of birth: _____

Defendant's relationship to the minor child(ren) is parent other _____
(please specify).

If there is more than one defendant listed in the caption, please complete the following information. If there is only one defendant listed in the caption, please skip to question 4.

Additional Defendant's full name: _____

Additional Defendant's complete mailing address:

Street, City, State, Zip Code, and County If confidential, write "See CIF Abuse Victim Addendum"


Additional Defendant's telephone number: _____
If confidential, write "See CIF Abuse Victim Addendum"

Additional Defendant's email address: _____
If confidential, write "See CIF Abuse Victim Addendum"

Additional Defendant's date of birth: _____

Additional Defendant's relationship to the minor child(ren) is parent other

(please specify)

4.  **SEE CONFIDENTIAL INFORMATION FORM FOR THE COMPLETE NAME AND DATE OF BIRTH OF THE CHILD(REN). DO NOT WRITE THE CHILD(REN)'S NAME OR COMPLETE DATE OF BIRTH ON THIS PETITION. IF YOU HAVE MORE THAN FIVE CHILDREN WHO ARE THE SUBJECT OF THIS CUSTODY ACTION, PLEASE USE THE REVERSE SIDE OF THIS PAGE AND REFER TO THEM AS CHILD 6, ETC. AND LIST THEIR YEAR OF BIRTH.**

Address of Child 1 (No name) _____
ADDRESS of Child or write "See CIF Abuse Victim Addendum" YEAR of Birth

Address of Child 2 (No name) _____
ADDRESS of Child or write "See CIF Abuse Victim Addendum" YEAR of Birth

Address of Child 3 (No name) _____
ADDRESS of Child or write "See CIF Abuse Victim Addendum" YEAR of Birth

Address of Child 4 (No name) _____
ADDRESS of Child or write "See CIF Abuse Victim Addendum" YEAR of Birth

Address of Child 5 (No name) _____
ADDRESS of Child or write "See CIF Abuse Victim Addendum" YEAR of Birth

Confidential Information Form and CIF Abuse Victim Addendum (If applicable) must be completed and filed with this Petition.

5. Is/was Children and Youth Services ever involved with this/these child/ren?

Yes.

No.

6. Please explain in detail what bad things will happen to the child(ren) if a court order is not entered before the parties can attend a custody conference in due course. **BE SPECIFIC – state the dates, times, and places where bad things have happened to the child(ren) and/or what bad things you foresee happening to the child(ren) in the future if the court does not intervene immediately. IF YOU NEED TO IDENTIFY THE CHILD(REN) IN THIS PARAGRAPH, USE CHILD 1, CHILD 2, ETC. DO NOT USE THEIR NAMES.**

Wherefore, the petitioner requests that the court grant the following relief:

7. I have filed a completed Confidential Information Form and Confidential Information Form Abuse Victim Addendum (if applicable) with this Petition.



READ THE FULL STATEMENT BELOW BEFORE YOU SIGN IT.

I verify that the statements made in the Emergency Petition for Special Relief 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 and **can be punishable by fine or imprisonment.** I also acknowledge that I have received, completely read and understand everything contained in the instruction sheets for this Emergency Petition for Special Relief.

Date

Signature of Petitioner (Your Signature)

If there is more than one petitioner, all must sign.

Signature of Petitioner (Your Signature)

Signature of Petitioner (Your Signature)

CERTIFICATION

I, _____, 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

Signature of Petitioner

Date

Signature of Petitioner (If more than one petitioner)



BEFORE YOU FILE THIS EMERGENCY PETITION FOR SPECIAL RELIEF WITH THE PROTHONOTARY, MAKE SURE YOU HAVE COMPLETED THE FOLLOWING FORMS:

- Confidential Information Form
- Confidential Information Form Abuse Victim Addendum if you are an abuse victim and do not want to disclose your contact information to anyone but the Court.
- Criminal Record/Abuse History Verification
- Self-Represented Party Entry of Appearance
- Either a Custody Complaint, Petition for Modification or Petition for Contempt

These forms must be filed with the Prothonotary at the same time as the Emergency Petition for Special Relief.

Plaintiff

v.

Defendant

: IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
:
: NO. _____ CV _____ CU
:
:
:

AFFIDAVIT OF SERVICE

I, _____, verify that on
(Your Name)

_____, 20____, I served the opposing party with a true and correct copy of the Emergency Petition for Special Relief by the following method:

I verify that the statements made in this affidavit 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.

Date: _____

Signature

CERTIFICATION

I, _____, certify that this Affidavit of Service 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

SIGNATURE

Print Name