

Complaint for Custody

FOR GRANDPARENTS AND THIRD PARTIES

Form 2

Complaint for Custody
For Grandparents and Third Parties

The numbers on these instructions correspond with the numbers in the boxes on the complaint form.

- Box 1: Print the name of the county in which you are filing your custody action. See "*Where do I File?*" in the Introduction for more information about what county you should file in.
- Box 2: Print your name exactly as you wrote it on the other forms.
- Box 3: Leave blank. The prothonotary / clerk of court will assign a number to your case and will write your case number on your complaint.
- Box 4: Print the name of father against whom you are filing. Print his name exactly as you wrote it on all other forms.
- Box 5: Print the name of mother against whom you are filing. Print her name exactly as you wrote it on all other forms.

Complete the form by filling in all the information that applies to you on pages 1 through 4. Answer each question completely.

- Box 6: Print your name.
- Box 7: Print your current address.
- Box 8: Print the name of the child's father (defendant).
- Box 9: Print the address of the father, including street, city, state, zip code, and county.
- Box 10: Print the name of the child's mother (defendant).
- Box 11: Print the address of the mother, including street, city, state, zip code, and county.
- Box 12: Check what kind of legal custody you are seeking.
- Box 13: Check what kind of physical custody you are seeking.
- Box 14: Print the name(s) of the child(ren) for whom you seek custody.
- Box 15: Print the current address of the child(ren) for whom you seek custody.
- Box 16: Print the date(s) of birth and age(s) of the child(ren) for whom you seek custody.
- Box 17: Check either "was" or "was not" to indicate whether the child(ren) were or were not born out of wedlock (that is, born during the marriage).

- Box 18: Print the name(s) of the person(s) with whom the child(ren) currently lives.
- Box 19: Print the address of the person(s) with whom the child(ren) currently lives.
- Box 20: Print the names of the person(s) with whom the child(ren) lived for the last five years.
- Box 21: Print the addresses where the children have lived for the last five years.
- Box 22: Print the dates the child(ren) lived with each person(s) for the last five years.
- Box 23: Print the name of the child(ren)'s parent.
- Box 24: Print the parent's current address.
- Box 25: Indicate parent's marital status by checking married, divorced or single.
- Box 26: Print the name of the child(ren)'s other parent.
- Box 27: Print the other parent's address.
- Box 28: Indicate the other parent's marital status by checking married, divorced or single.
- Box 29: How is plaintiff related to the child(ren) (for example, mother, father, etc.).
- Box 30: Print the name(s) of anyone with whom the plaintiff currently lives.
- Box 31: Print the relationship that person has with the plaintiff (for example, husband, wife, fiancé, brother, sister, child, etc.).
- Box 32: How is defendant related to the child(ren) (for example, mother, father, etc.).
- Box 33: Print the name(s) of anyone with whom the defendant currently lives.
- Box 34: Print the relationship that person has with the defendant (for example, husband, wife, fiancé, brother, sister, child, etc.).
- Box 35: Have you been a party or witness in another case involving custody of the child(ren)? If you have, check "has," if not, check "has not."
- Box 36: If you checked "has," complete Box 36 with the court (county), term (year), case number and its relation to this action; if you checked "has not" leave blank.
- Box 37: Do you know of another case involving the same parties (PFA, dependency custody)? If you do, check "has," if not, check "has not."

- Box 38: If you checked "has," complete Box 38 with the court (county), term (year), case number and its relation to your action. If you checked "has not" leave blank.
- Box 39: Do you know of any person who is not plaintiff or defendant in your case who has the child living with him or her, or who claims to have custody rights to the child(ren)? If you do, check "knows," if not, check "does not know."
- Box 40: If you checked "knows," print the name and address of the person. If you checked "does not know" leave blank.
- Box 41: State the reasons you believe the best interest and permanent welfare of the child(ren) will be served by the Court's granting your request for custody.
- Box 42: If there is anyone else who may have a right to custody of the child(ren) print their name here.
- Box 43: If you provided a name for Box 42, print the address here.
- Box 44: If you provided a name for Box 42, state the reasons for their claim for custody.
- Box 45: If you are a grandparent or other third party, you must read the Custody Act and state why you are entitled to request physical or legal custody.
- Box 46: If you are a grandparent or other third party, you must read the Custody Act and state why you are entitled to request for partial physical custody.
- Box 47: **Attach a completed Criminal Record/Abuse History Verification form (Custody Form 3).**
- Box 48: Check what kind of legal custody you are seeking.
- Box 49: Check what kind of physical custody you are seeking.
- Box 50: Sign your name, print your name, address and telephone number.
- Box 51: After reviewing your complaint, making sure everything you stated is true and correct, sign your name to the verification, and complete the date.

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PENNSYLVANIA

Plaintiff

v. _____
Defendant

Defendant

1

2

3

No. _____

IN CUSTODY

**COMPLAINT FOR CUSTODY
(Grandparents and Third Parties)**

6

1. The plaintiff is _____ (name), residing at

7

(Street) (City) (State) (Zip Code) (County)

2. The defendant is _____ (name), residing at

9

(Street) (City) (State) (Zip Code) (County)

3. The defendant is _____ (name), residing at

11

(Street) (City) (State) (Zip Code) (County)

4. Plaintiff seeks shared legal custody sole legal custody and partial physical custody
 primary physical custody shared physical custody sole physical custody
 supervised physical custody of the following child(ren):

Name _____

14

Address _____

15

Date of Birth _____

16

17

The child (was) (was not) born out of wedlock.

The child is presently in the custody of 18 (name) who resides at 19 (Street) (City) (State) (Zip Code) (address).

During the past five years, the child has resided with the following persons and at the following addresses:

<u>List all Persons</u> <u>20</u>	<u>List all Addresses</u> <u>21</u>	<u>Dates</u> <u>22</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The parent of the child is 23, currently residing at 24.

This parent is 25 (married)(divorced)(single).

The parent of the child is 26, currently residing at 27.

This parent is 28 (married)(divorced) (single).

5. The relationship of plaintiff to the child is that of 29.

The plaintiff currently resides with the following persons:

<u>Name</u> <u>30</u>	<u>Relationship</u> <u>31</u>
_____	_____
_____	_____
_____	_____

6. The relationship of defendant to the child is that of 32.

The defendant currently resides with the following persons:

<u>Name</u> <u>33</u>	<u>Relationship</u> <u>34</u>
_____	_____
_____	_____
_____ <u>35</u>	_____

7. Plaintiff (has)(has not) participated as a party or witness, or in another capacity, in other litigation concerning the custody of the child in this or another court. The court, term and

number, and its relationship to this action is _____.

Plaintiff (has)(has no) information of a custody proceeding concerning the child pending in a court of this Commonwealth. The court, term and number, and its relationship to this action is: _____.

Plaintiff (knows)(does not know) of a person not a party to the proceedings who has physical custody of the child or claims to have custodial rights with respect to the child. The name and address of such person is: _____.

8. The best interest and permanent welfare of the child will be served by granting the relief requested because (set forth facts showing that the granting of the relief requested will be in the best interest and permanent welfare of the child. _____.

9. Each parent whose parental rights to the child have not been terminated and the person who has physical custody of the child have not been named as parties to this action. All other persons, named below, who are known to have or claim a right to custody of the child have been given notice of the pendency of this action and the right to intervene:

<u>Name</u>	<u>Address</u>	<u>Basis of Claim</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. (a) If the plaintiff is a grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody pursuant to 23 Pa.C.S. § 5323, you must plead facts establishing standing pursuant to 23 Pa.C.S. § 5324(3) _____.

(b) If the plaintiff is a grandparent or great-grandparent who is seeking partial physical custody or supervised physical custody pursuant to 23 Pa. C.S. § 5325, you must plead facts establishing standing pursuant to § 5325. _____.

(c) If the plaintiff is a person seeking physical and/or legal custody pursuant to 23 Pa.C.S. § 5324(2) as a person who stands in loco parentis to the child, you must plead facts _____.

establishing standing.

11. The plaintiff has attached the Criminal Record/Abuse History Verification form required pursuant to Pa. R.C.P. No. 1915.3-2.

WHEREFORE, Plaintiff requests the court to grant shared legal custody sole legal custody partial physical custody primary physical custody shared physical custody sole physical custody supervised physical custody of the child.

Plaintiff's Signature

Plaintiff's Name

(Address)

(Address)

(Telephone)

VERIFICATION

I verify that the statements made in this Complaint 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.

Plaintiff's Signature

Date: _____

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PENNSYLVANIA

_____	:	No. _____
Plaintiff	:	
v.	:	
_____	:	IN CUSTODY
Defendant	:	
_____	:	
Defendant	:	

**COMPLAINT FOR CUSTODY
(Grandparents and Third Parties)**

1. The plaintiff is _____ (name), residing at

(Street) (City) (State) (Zip Code) (County)

2. The defendant is _____ (name), residing at

(Street) (City) (State) (Zip Code) (County)

3. The defendant is _____ (name), residing at

(Street) (City) (State) (Zip Code) (County)

4. Plaintiff seeks () shared legal custody () sole legal custody and () partial physical custody
() primary physical custody () shared physical custody () sole physical custody
() supervised physical custody of the following child(ren):

<u>Name</u>	<u>Address</u>	<u>Date of Birth</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The child () was, () was not, born out of wedlock.

The child is presently in the custody of _____ (name)
who resides at _____ (address).
(Street) (City) (State) (Zip Code)

During the past five years, the child has resided with the following persons and
at the following addresses:

<u>List all Persons</u>	<u>List all Addresses</u>	<u>Dates</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The parent of the child is _____, currently residing at _____.

The parent is () Married () Divorced () Single.

The parent of the child is _____, currently residing at _____.

This parent is () Married () Divorced () Single.

5. The relationship of plaintiff to the child is that of _____.

The plaintiff currently resides with the following persons:

<u>Name</u>	<u>Relationship</u>
_____	_____
_____	_____
_____	_____

6. The relationship of defendant to the child is that of _____.

The defendant currently resides with the following persons:

<u>Name</u>	<u>Relationship</u>
_____	_____
_____	_____
_____	_____

7. Plaintiff () has () has not, participated as a party or witness, or in another capacity, in other
litigation concerning the custody of the child in this or another court. The court, term, and
number, and its relationship to this action is _____.

Plaintiff () has () has no information of a custody proceeding concerning the child pending in a court of this Commonwealth. The court, term and number, and its relationship to this action is:

Plaintiff () knows () does not know, of a person not a party to the proceedings who has physical custody of the child or claims to have custodial rights with respect to the child. The name and address of such person is:

8. The best interest and permanent welfare of the child will be served by granting the relief requested because (set forth facts showing that the granting of the relief requested will be in the best interest and permanent welfare of the child).

9. Each parent whose parental rights to the child have not been terminated and the person who has physical custody of the child have been named as parties to this action. All other persons, named below, who are known to have or claim a right to custody of the child have been given notice of the pendency of this action and the right to intervene:

<u>Name</u>	<u>Address</u>	<u>Basis of Claim</u>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

10. (a) If the plaintiff is a grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody pursuant to 23 Pa.C.S. § 5323, you must plead facts establishing standing pursuant to 23 Pa.C.S. § 5324(3).

- (b) If the plaintiff is a grandparent or great-grandparent who is seeking partial physical custody or supervised physical custody pursuant to 23 Pa.C.S. § 5325, you must plead facts establishing standing pursuant to § 5325.

(c) If the plaintiff is a person seeking physical and/or legal custody pursuant to 23 Pa.C.S. § 5324(2) as a person who stands in loco parentis to the child, you must plead facts establishing standing.

11. The plaintiff has attached the Criminal Record/Abuse History Verification form required pursuant to Pa. R.C.P. No. 1915.3-2.

WHEREFORE, Plaintiff requests the court to grant () shared legal custody () sole legal custody and () partial physical custody () primary physical custody () sole physical custody () shared physical custody () supervised physical custody of the child.

Plaintiff's Signature

Plaintiff's Name

_____ (Address)

_____ (City, State, Zip)

_____ (Telephone)

VERIFICATION

I verify that the statements made in this Complaint 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.

Plaintiff's Signature

Date: _____