

MODIFICATION OF EXISTING CUSTODY ORDER

It sometimes becomes necessary to make changes or modifications to your Custody Order. These changes should not be frivolous or entered into lightly without serious consideration. However, changes in residence, jobs, and the like may necessitate a change in the Order.

To modify your existing Order, file the enclosed Petition for Modification of Existing Order in the Prothonotary's Office using the docket number on your Custody Order. You must serve the Petition and Order upon the opposing party by certified mail, return receipt requested, to be signed by the addressee only. For further instructions on this procedure, contact your local post office.

Note: You must make two (2) copies of the Petition for Modification, Order and Notice and file them along with the original at the Prothonotary's Office.

IN THE COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

_____) No. _____ Misc.
Plaintiff)
Vs.) CUSTODY/
) VISITATION
_____)
Defendant

ORDER AND NOTICE

You, _____, Plaintiff/Defendant, have been
sued in Court to modify custody of the child(ren): _____
_____.

You are ordered to appear in person at the Clinton County Courthouse on the
_____ day of _____, 20____, at _____ o'clock _____ m. in
Court Room No. _____, Lock Haven, Pennsylvania.

If you fail to appear as provided by this Order, an Order for custody, partial custody, or
visitation may be entered against you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT
HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE
CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT
AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH
INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE
PERSONS AT A REDUCED FEE OR NO FEE.

Office of the Clinton County Court Administrator
Clinton County Courthouse
230 E. Water St.
Lock Haven, PA 17745
570-893-4016

BY THE COURT:

J.

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clinton County is required by law to comply with the Americans with Disabilities Act of 1990. For
information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please
contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the
scheduled conference or hearing.

IN THE COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

_____) No. _____ Misc.
Plaintiff)
Vs.)
_____) CUSTODY/
Defendant) VISITATION

PETITION FOR MODIFICATION OF EXISTING ORDER

TO THE HONORABLE, THE JUDGES OF SAID COURT:

1. The Plaintiff is _____, whose address
is _____.

Plaintiff's telephone number is _____.

2. The Defendant is _____, whose address
is _____.

Defendant's telephone number is _____.

3. The parties are the parents of:

_____, born _____

_____, born _____

_____, born _____

_____, born _____

4. The existing Order of Court is dated _____.

5. Modification of the existing Custody Order is necessary because it will be in the best interest of the child(ren) for the following reasons:

6. Modification of the existing Court Order is requested in the following respects:

Date: _____
Plaintiff/Defendant _____

HOW TO SERVE THE PETITION FOR MODIFICATION AND ORDER AND NOTICE

After filing the Petition for Modification at the Prothonotary's Office in the Clinton County Courthouse, it is not adequate to simply talk to the other party about the custody action. A copy of the papers must be sent to the Plaintiff/Defendant following the instructions below. You must give the Plaintiff/Defendant legal notice that you have filed for custody, and this kind of notice is described as "service."

Service of the Order and Notice and the Petition is **YOUR** responsibility. The documents may be served by certified mail. To do so, you must send the Order and Notice and Petition by **certified mail, return receipt requested, restricted delivery** to the Plaintiff's/Defendant's address. "Restricted delivery" means that the return receipt must be signed by the Plaintiff/Defendant only.

When you go to the post office, someone at the window can help you prepare and send the certified mail. The cost **MUST** be paid; it will be approximately \$5.00.

When you send the certified mail, you will be given a "sender's receipt" (a little white receipt). Keep this receipt to include with your proof of service. For the time being, put this receipt into your folder of papers to save.

You should mail the documents to the Plaintiff/Defendant as soon as possible after you pick them up from the Prothonotary's Office. The Plaintiff/Defendant must receive them **at least ten (10) days before the hearing date**.

Once the Plaintiff/Defendant has signed the green receipt, indicating that he or she has received the documents, service is complete. You will have proof that service is complete when you receive the green receipt with the Plaintiff's/Defendant's signature on it. When you receive the green receipt, you must save it. It is to be included with your original receipt and attached to the Affidavit of Service.

The final document in your packet is the Affidavit of Service. It should be completed and filed with the Prothonotary as soon as you receive the return receipt from the Plaintiff/Defendant. The sender's receipt (the little white receipt that you got at the post office) and the green card with the Plaintiff's/Defendant's signature should be stapled to the Affidavit of Service when it is filed.

The Affidavit of Service is quite simple to fill out. It states that on a certain day you mailed a copy of the Order and Notice and the Petition by certified mail to the Plaintiff's/Defendant's address. It also says that the Plaintiff/Defendant received it on a specific day. That date is on the green receipt. Go to the next section to find out how to prepare and file the Affidavit of Service.

HOW TO FILL OUT AND FILE THE AFFIDAVIT OF SERVICE

Caption -- You must fill out the names of the parties (Plaintiff and Defendant). Now that the action has been filed, there is a docket number in the right side of the caption that was assigned by the Prothonotary. That number appears on your copies which you got back from the Prothonotary. Be sure that you neatly print or type the correct docket number in the space provided in the last line of the right hand side of the caption.

Fill in your name, as Plaintiff/Defendant, the date you sent the papers to Plaintiff/Defendant (this date appears on your little white sender's receipt), the Plaintiff's/Defendant's name and address, and the date that the Plaintiff/Defendant received the papers (this date is written on the green card). Staple your sender's receipt (the white receipt) and the green card (with the Plaintiff's/Defendant's signature) to the Affidavit. Sign and date the Affidavit and make one copy of it. (Be sure you copy the receipt and green card also.) Take the original and the copy to the Prothonotary. There is no fee to file this document. Have your copy file-stamped and **BRING IT WITH YOU TO THE HEARING**. The original will remain in the Prothonotary's Office and become part of the Court record. Put your copy in your file of documents which you are taking to the hearing.

IN THE COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

_____) No. _____ Misc.
Plaintiff)
Vs.)
_____) CUSTODY/
Defendant) VISITATION

AFFIDAVIT OF SERVICE

I, _____, Plaintiff/Defendant, certify that on the _____ day of _____, 20_____, a true and correct copy of the Petition for Modification of Existing Order were mailed by certified mail, restricted delivery to the Plaintiff/Defendant, _____, at this address:
_____.

Plaintiff/Defendant received the Petition on the _____ day of _____, 20_____. Sender's receipt and return receipt are attached hereto.

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.A. §4904 relating to unsworn falsification to authorities.

Date (Plaintiff) (Defendant)