

## COMPLAINT FOR CUSTODY/PARTIAL CUSTODY/VISITATION

### INSTRUCTION SHEET

#### USE THIS FORM IF THERE IS NO CUSTODY ORDER.

1. Fill in the Domestic Relations Information Sheet with as much information as you have.
2. Complete, date, and sign the Complaint for Custody/Partial Custody/Visitation (detailed instructions included).
3. The filing fee for a complaint for custody/partial custody/visitation can be found on the Courts Website at <http://fjd.phila.gov/pdf/prothyfees.pdf>. If you cannot pay the filing fee, you may ask to be excused from paying the fee by filing a **Petition to Proceed In Forma Pauperis (IFP)**. If you receive welfare or SSI, bring your welfare photo ID or proof that you receive SSI.
4. File the completed complaint and information sheet with the filing fee by mailing or hand-delivering them in person to:

Clerk of Court  
1133 Chestnut St.  
Philadelphia, Pa. 19107

5. **If you file in person, you may pay the filing fee by money order, cash, or credit card. If you file by mail, you may pay ONLY by money order.** Make the money order payable to **“PROTHONOTARY/CLERK OF FAMILY COURT.”** **Personal checks will not be accepted.**
6. Whether you file the complaint by mail or hand-deliver it to the office of the Clerk of Family Court, you must file the original **AND** six (6) copies. A copy machine is available at the Clerk's office at a cost of \$.25 per page.
7. Once the complaint is filed, the Court will mail a copy of the complaint and an order with a date to appear in court on the complaint.

## PROVISIONS OF LAW THAT MAY HELP YOU FILL OUT THE COMPLAINT:

### § 5301 Declaration of policy

The General Assembly declares that it is the public policy of this Commonwealth, when in the best interest of the child, to assure a reasonable and continuing contact of the child with both parents after a separation or dissolution of the marriage and the sharing of the rights and responsibilities of child rearing by both parents and continuing contact of the child or children with grandparents when a parent is deceased, divorced, or separated.

[1985, Oct. 30, P.L. 264, No 66 §1.]

### § 5302. Definitions

The following words and phrases when used in this subchapter shall have the meaning given to them in this section unless the context clearly indicated otherwise.

Child - any unemancipated person under 18 years of age.

Legal Custody - The legal right to make major decisions affecting the best interest of a minor child, including, but not limited to, medical, religious, and educational decisions.

Partial Custody - The right to take possession and control of a child.

Physical Custody - The actual physical possession and control of a child.

Shared Custody - An order awarding shared legal or shared physical custody, or both, of a child in such a way as to assure the child of frequent and continuing contact with and physical access to both parents.

Visitation - The right to visit a child. The term does not include the right to remove a child from the custodial parent's control.

## TERMS THAT ARE USED IN THE COMPLAINT:

PLAINTIFF                      Person who is filing complaint

DEFENDANT                  Person against whom you are filing

## HOW TO FILL IN THE COMPLAINT:

### HEADING (CAPTION).

Fill in the names of the plaintiff and defendant in the heading of the complaint. The Court will give the complaint a number and put it on the copy that is mailed to you.

### LINE 1.

If you are filing this complaint, you are the plaintiff. Fill in the name and address of the plaintiff.

### LINE 2.

Fill in the name and address of the defendant.

### LINE 3.

Fill in the names, dates of birth, and addresses of the children who are the subject of the complaint.

### LINE 4.

Indicate the dates and with whom the children have lived for the past five years.

### LINE 5.

Fill in the name and address of the children's parents. If unknown, write "unknown".

### LINE 6.

Fill in your relationship to the children.

### LINE 7.

Identify by name and relationship anyone who lives with you in your home.

LINE 8.

Fill in the relationship of the defendant to the children.

LINE 9.

Identify by name and relationship any people that live with the defendant.

LINE 10.

Circle if you know there has been a custody action in another court. Provide details if you know of any such action(s). If not, skip this line.

LINE 11.

Circle whether you know any person(s) not a party to this complaint who has physical custody or claims to have custody or visitation rights with respect to the children. If you know any such persons, provide names and addresses. If not, skip this line.

LINE 12.

Fill in the reason you are filing this complaint.

LINE 13.

Circle what types of custody you are seeking. Circle all that apply.

SIGN AND DATE THE COMPLAINT.

DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

_____	:	
PLAINTIFF	:	FAMILY COURT DIVISION
vs.	:	CIVIL ACTION
_____	:	
DEFENDANT	:	D.R. NO.
	:	

**COMPLAINT FOR CUSTODY/PARTIAL CUSTODY/VISITATION**

1. The plaintiff is (name) \_\_\_\_\_  
and resides at (street, city, state, zip) \_\_\_\_\_  
\_\_\_\_\_
2. The defendant is (name) \_\_\_\_\_  
Residing at (street, city, state, zip) \_\_\_\_\_  
\_\_\_\_\_
3. Plaintiff seeks legal custody, physical custody, partial custody, or visitation of the following child(ren):  
  
Name: \_\_\_\_\_ DOB: \_\_\_\_\_  
Address: \_\_\_\_\_  
  
Name: \_\_\_\_\_ DOB: \_\_\_\_\_  
Address: \_\_\_\_\_  
  
Name: \_\_\_\_\_ DOB: \_\_\_\_\_  
Address: \_\_\_\_\_  
  
Name: \_\_\_\_\_ DOB: \_\_\_\_\_  
Address: \_\_\_\_\_
4. During the past five years, the child(ren) have resided with the following persons and at the following addresses:

5. The parents of the child(ren) are :  
Name: \_\_\_\_\_  
Address currently residing at \_\_\_\_\_  
\_\_\_\_\_

Name \_\_\_\_\_  
Address currently residing at \_\_\_\_\_  
\_\_\_\_\_

6. The relationship of plaintiff to the child(ren) is that of \_\_\_\_\_

7. The plaintiff currently resides with the following person/s: \_\_\_\_\_  
\_\_\_\_\_

8. The relationship of defendant to the child(ren) is that of \_\_\_\_\_

9. The defendant currently resides with the following person/s: \_\_\_\_\_  
\_\_\_\_\_

10. The plaintiff (circle one) **has or has not** participated as a party or witness or in another capacity in other litigation concerning the custody of the child(ren) or knows information of a custody proceeding concerning the child(ren) in this or another court. The court, term and number, and its relationship to this action  
is:

11. Plaintiff (circle one) **knows or does not know** of a person not a party to the proceedings who has physical custody of the child(ren) or claims to have custody or visitation rights with respect to the child(ren). The name and address of such person(s)  
is:

12. The best interest of the child(ren) will be served by granting the relief requested because

\_\_\_\_\_

13. Plaintiff requests the court to grant plaintiff (circle all the types of custody requested) **legal custody, physical custody, partial custody, visitation** of the child(ren).

WHEREFORE, plaintiff requests the court to grant this petition.

Date \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

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

Date \_\_\_\_\_

\_\_\_\_\_  
Plaintiff