

## PETITION TO MODIFY CUSTODY

### INSTRUCTION SHEET

**USE THIS FORM IF YOU WANT TO CHANGE AN EXISTING CUSTODY ORDER.**

1. Complete the Domestic Relations Information Sheet with as much information as you have.
2. Complete, date, and sign the Petition to Modify. (detailed instructions included)

3. The filing fee for a petition to modify 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 Petition to Modify and Information Sheet with the filing fee by mailing or hand-delivering them in person to:

Clerk of Court  
1133 Chestnut Street.  
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 by money order ONLY** Make the money order payable to **“PROTHONOTARY CLERK OF FAMILY COURT.” Personal checks will not be accepted.**

6. Whether you file the petition 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 Clerks office at a cost of \$.25 per page.

7. Once the petition is filed, the court will mail the petition and an order scheduling a hearing on the petition to you and the other party.

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

### § 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 parents control.

## TERMS THAT ARE USED IN THE PETITION.

PLAINTIFF                      Person who is filing complaint

DEFENDANT                    Person against whom you are filing

## HOW TO FILL IN THE PETITION.

HEADING (CAPTION).

Fill in the names of the plaintiff and defendant in the heading of the petition exactly as they appear in the custody complaint. The plaintiff is the person who filed the custody complaint. The defendant is the person against whom the custody action was filed. The plaintiff and defendant keep those titles throughout the case. The Domestic Relations Number (D.R. No.) is the number assigned your case by the Court. You can find this number in the caption of your Complaint for Custody.

LINE 1

If you are filing the petition to modify the custody order, you are the petitioner. Fill in your name and address as the petitioner. Indicate whether you are the plaintiff or defendant in the custody complaint by circling the appropriate term.

LINE 2.

The person against whom the petition is filed is the respondent. Fill in the name and address of the respondent. Indicate whether the respondent is the plaintiff or defendant in the custody complaint by circling the appropriate term.

LINE 3.

If you know the date and terms of your last custody order fill in line three. If not skip this line.

LINE 4.

Fill in a brief statement describing why you want the order changed.

LINE 5.

Describe generally how you want the order changed.

DATE AND SIGN THE PETITION.

DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

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

	:	FAMILY COURT DIVISION
	:	
Plaintiff	:	CIVIL ACTION – IN CUSTODY
	:	
vs.	:	DR. NO.:
	:	
	:	
Defendant	:	
	:	

**PETITION TO MODIFY CUSTODY ORDER**

1. Petitioner is (name) \_\_\_\_\_

is plaintiff or defendant(circle one) in the custody complaint, and lives (street, city, state, zip)

2. Respondent is (name) \_\_\_\_\_

is plaintiff or defendant (circle one) in the custody complaint, and lives at (street, city, state, zip)

3. On (month/date/year) , \_\_\_\_\_, The Honorable (name of Judge)

\_\_\_\_\_, entered the following order:

4. The best interest of the child(ren) will be served by the court in modifying said order, because:

5. Petitioner requests that the order be changed to provide as follows:

Wherefore, petitioner prays this court to grant the petition to

Respectfully submitted,

\_\_\_\_\_  
Petitioner

Date: \_\_\_\_\_

VERIFICATION

I, \_\_\_\_\_ (your name), verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
\_\_\_\_\_ Petitioner