

GENERAL INFORMATION FOR SELF REPRESENTED LITIGANTS IN CUSTODY ACTIONS

If you wish to file a custody action in Clarion County without the assistance of counsel here are some things that you need to be aware of. This is not a complete list – if you are going to act as your own attorney you will have to familiarize yourself with Pennsylvania law regarding custody as well as educating yourself about the process in Clarion County. Neither the Prothonotary and staff nor court staff can give you legal advice. Some of the information you will need can be found on the Court's page of the County of Clarion website at <http://www.co.clarion.pa.us/government/courts.html>.

Pennsylvania Rules of Civil Procedure 1915.1 through 1915.24 deal with Actions for Custody, Partial Custody and Visitation of Minor Children. You will need to be familiar with these Rules if you plan to represent yourself.

In addition to the Rules of Civil Procedure, you will need to familiarize yourself with the law which the court must apply in deciding child custody disputes. The law is published in Purdon's Pennsylvania Statutes at 23 Pa.C.S.A., Section 5322 through Section 5340. Of particular importance are Section 5328 - "Factors to consider when awarding custody", Section 5331 - "Parenting plan", and Section 5337 – "Relocation". Online at: http://www.legis.state.pa.us/cfdocs/legis/LI/Public/cons_index.cfm

When you file a document, you must make service on the other party. The Pennsylvania Rules regarding service can be found at Pa. Rule of Civil Procedure 440 and 1930.4. Rule 1930.4 deals with original process, or the first filing in a matter, while Rule 440 deals with service of all papers other than original process. Certificates of Service that you can print off and fill out can be found at the above listed website.

Please be sure to file a Pro Se Entry of Appearance (the form can be found on the website) at the commencement of the action and any time there are changes in the information you have provided.

Every custody complaint or petition for modification must include a Criminal or Abuse History Verification (see Rule 1915.3-2). The form can be found at above listed website.

The original custody action in Clarion County must contain information regarding the Education Program for Divorcing Parents. Information on this can be found at the above listed website.

When you file an original custody complaint please bring no fewer than three copies with you. You will need to serve two copies on the defendant and you will want to keep at least one copy for yourself. The original will be filed in the Prothonotary's Office.

At the time you file your custody complaint please be prepared to pay the filing fee. Cash or money order is preferred. The Prothonotary's Fee schedule can be found at <http://www.co.clarion.pa.us/government/prothonotary.html>.

You will find it useful to review the Clarion County Local Rules of Civil Procedure for those rules regarding custody actions in Clarion County, specifically Local Rules 1915.3, 1940.3 and 1940.5.