

Disclaimer

**by the Court of Common Pleas of Northumberland County,
Pennsylvania**

Neither the staff in the Custody and Protection from Abuse Office nor the staff in any Court office will be able to give you legal advice or help you fill out/complete the forms. The information in the packets is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents.

If you want to obtain the services of an attorney but do not know whom to contact, you may contact the PBA Lawyer Referral Service (LRS), which refers callers to lawyers in the counties that do not have a referral service of their own. This service covers 45 of the 67 counties in the commonwealth of Pennsylvania. The PBA LRS operates Monday through Friday, from 8:00a.m. to 4:30 p.m., and can be reached by calling (800) 692-7375 or (717) 238-6807.

North Penn Legal Services, located in Sunbury, PA, is a regional non-profit provider of legal aid services for low-income persons. They can be contacted at (570) 286-5687. Additional information is also available online at <http://northpennlegal.org/news/news/new-family-law-handbook-now-available/>.

A listing of Northumberland County's bar association members is also available upon request.

INSTRUCTIONS FOR FILING A MOTION TO
MODIFY A CUSTODY ORDER WITHOUT A
LAWYER

1. Read first. The form for a Motion to Modify a Custody Order is attached to these instructions. Read the instructions and the form *completely* before you start to write.
2. Have a copy of your current custody order. You need to *attach a copy* of your most recent custody order to the Motion before you file it. If you do not have one with you, a copy of your most recent custody order can be obtained *from the Prothonotary's office* on the first floor of the courthouse. They will charge you for photocopies.
3. Fill in the caption correctly. The *caption* is the part of the form at the top of the first page where the names of the parties and the docket number are listed. When you fill out the form, fill out the caption *exactly* as it appears on your most recent custody order. *Do not* switch the names, regardless of whether you were the Plaintiff or the Defendant before. The caption stays the same. The caption is simply used to keep the court schedule straight. You are the *moving party* now. Whether you are the Plaintiff or Defendant does not make you look better or worse to the court.
4. Complete the form. *Your part* of the form to complete is the first page, and the caption on the second page. Leave the rest of the second page blank for the court staff to fill in. When you complete *your part* of the form, give it to the court staff in *the Custody Office* to get a hearing scheduled. Your hearing will be scheduled as soon as possible, depending on how many other hearings are on the court calendar at the time. If you have special scheduling needs, tell the staff at the Custody Office.
5. File the Motion. After the Custody Office schedules a conference, you will be given the original Motion, the Order scheduling a conference, and some photocopies of those documents. Take them all to the Prothonotary's office to file them. *There is a filing fee of \$74.00* that must be paid to the Prothonotary in the form of cash or a money order. Do not take a check.
6. Serve notice. It is your responsibility to give a copy of the Complaint and the Order to everyone else involved in the case. This is called service of notice. All parties must be served with notice of the purpose and time of the hearing. This will give them the opportunity to be there and respond. Normally, the parents and their lawyers, if there are any, are the people who must be served. If your case involves grandparents or other people as parties, they must be served as well. *You do not* have to serve everybody who knows about the case, just those people who have the children or rights to the children.
7. If you can, serve notice by certified mail. If you have a good mailing address for everyone else in the case, serve them by *certified mail, return receipt requested, restricted delivery*. The Post Office will help you do this. If you think the other side will refuse to accept certified mail, serve them with two copies of everything, using certified mail for one copy and regular mail for the other copy. If you have a good address, the regular mail will get through to them even if they refuse the certified mail. You must bring the return receipt, which is a *green card* from the Post Office, to the hearing to prove that you mailed the notice and it was either received or refused by the other side.

8. **If you have to, you can serve notice through the Sheriff.** If you do not know where the other party lives, you can ask the Sheriff to find them and serve them with notice of your hearing. The Sheriff charges at least \$150.00 to perform this service. It is always your responsibility to make sure the other party is served with notice of the hearing.
9. **Go to the Conference.** Your conference will be scheduled in front of a Domestic Relations Hearing Officer. You should check in at the Custody Office at least fifteen minutes before the time set for your hearing to let the court staff know you are ready to proceed. If you do not check in, nobody knows you are in the courthouse. The hearing is the time for explaining all of your concerns to the court. If information does not get presented to the court *during your conference*, it will *not* be considered in the court's decision.
10. **Conferences can be continued.** A postponement of a hearing to another time is called a continuance. If you or the other party need more time to prepare for a hearing, more time to hire a lawyer, or have an emergency schedule conflict, it may be appropriate to ask for a continuance. There is a form available in the Custody Office that you can fill out to request a continuance. Hearings are sometimes postponed by the court on its own.
11. **Conference can be cancelled.** If you decide that you no longer want to have the court hold a hearing, you may file a Praecipe to Withdraw the Petition, which is a legal paper telling the court you want to withdraw your Complaint and cancel the hearing. You do *not* get a refund of the filing fee or any service fees if you withdraw your Complaint.
12. **Keep in touch.** If an *emergency* arises that prevents you from appearing in court, you should let the staff at the Custody Office know immediately by calling (570) 988-4172. If you obtain a continuance of the hearing, you must let the other party know by serving them with notice of the continuance. If you file a Praecipe to Withdraw the Petition, you must serve the other party with a copy to let them know the hearing is cancelled.
13. **If you have legal questions, call a lawyer.** It would be improper for court staff to provide legal advice about what you should do in your particular family's situation. The Custody Office is an extension of the court, and it is only for processing papers and holding hearings. Lawyers maintain listings in the telephone book and on the Internet.
14. If you have *general* questions about custody litigation, you may contact:

Child Custody and Protection from Abuse Office
Northumberland County Courthouse
201 Market Street
Sunbury, Pennsylvania 17801-3406
(570) 988-4172

Pa.R.C.P. No. 1930.4-Purdon's Pennsylvania Statutes and Consolidated Statutes

(a) Persons Who May Serve: Original process in all domestic relations matters may be served by the sheriff or a competent adult (competent adult is defined as an individual eighteen (18) years of age or older who is neither a party to the action nor an employee or a relative of a party):

(1) by handing a copy to the defendant; or

(2) by handing a copy;

(i) at the residence of the defendant to an adult member of the family with whom the defendant resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which the defendant resides; or

(iii) at any office or usual place of business of the defendant to the defendant's agent or to the person for the time being in charge thereof.

(3) or pursuant to special order of court.

(c) Service by Mail. Except in Protection from Abuse matters unless authorized by special order of court pursuant to subdivision (b) above, original process may also be served by mailing the complaint and order to appear, if required, to the defendant's last known address by both regular and certified mail. Delivery of the certified mail must be restricted to addressee only, and a return receipt must be requested.

(1) If the certified mail is refused by defendant, but the regular mail is not returned within fifteen (15) days, service may be deemed complete.

(2) If the mail is returned with notation by the postal authorities that it was unclaimed, service shall be made by another means pursuant to these rules.

(d) Acceptance of Service. In lieu of service pursuant to this rule, the defendant or the defendant's authorized agent may accept service of original process by filing with the prothonotary a separate document which shall be substantially in the following form:

(e) Time for Service: Original process shall be served within thirty days of the filing of the petition or complaint.

(h) Proof of Service. Proof of service shall be made as follows:

(1) The person making service of original process shall make a return of service forthwith. If service has not been made within the time allowed, a return of no service shall be made upon the expiration of the period allowed for service.

(2) Proof of service shall set forth the date, time, place and manner of service, the identity of the person served and any other facts necessary for the court to determine whether proper service has been made.

(3) Proof of service by a person other than the sheriff shall be by affidavit. If a person other than the sheriff makes a return of no service, the affidavit shall set forth with particularity the efforts made to effect service.

(4) Proof of service by mail shall include a return receipt signed by the defendant or, if the defendant has refused to accept mail service, the returned letter with the notation that the defendant refused to accept delivery, and an affidavit that the regular mail was not returned within fifteen days after mailing.

Frequently Asked Questions

- **May I keep the other parent from seeing my child(ren) because that parent does not pay child support?**

No. The non-payment of child support does not allow a parent to disobey a court order for custody. The court believes that it is in the child's best interest to have a relationship with both parents. Instead, child support issues should be pursued through the Northumberland County Office of Domestic Relations Office (570-988-4227).

- **Can custody ever affect support?**

Yes. If the noncustodial parent can show that he or she regularly has the child in excess of a threshold amount of time over the course of the year, the support amount may be adjusted. The threshold amount of time is established by the State Support Guidelines.

- **My child is 12 years old. May she decided where she wants to live?**

Yes, if the parents agree to accept her choice without further litigation. But if the parents go to a hearing despite knowing the child's preference, there is no magic age in Pennsylvania when the child gets to make the decision as to where she will live. The court looks at all of the factors involving the best interest of the child and the child's preference can be a factor. The weight of that preference will depend upon the age, maturity, intelligence and reasoning of the child.

- **When it is time for my child to visit the other parent, he does not want to go. Do I have to send him?**

If there is a court order scheduling your child to visit with the other parent at a certain time, the schedule should be followed or you can be held in contempt of the court order.

You should be encouraging your child to spend time with the other parent unless there is a reasonable fear for the child's physical safety. However, you may have to justify your refusal at a later contempt proceeding or you may need to file a pleading to modify the custody order if your concerns continue.

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

Plaintiff : NO. CV- _____
vs. : CIVIL ACTION-LAW

Defendant

PETITION FOR MODIFICATION

1. The moving party **is** _____ whose address
is _____
Phone number _____. Party's Date of Birth _____

2. The other party **is** _____ whose address
is _____
Phone number _____. Party's Date of Birth _____

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

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

WHEREFORE, the moving party respectfully requests this Honorable Court to hold a hearing and to grant the relief requested above. The statements made above are true upon the signer's personal knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

cc: Opposing Party by certified mail

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

Plaintiff

vs.

Defendant

No. CV- _____

CIVIL ACTION-LAW

CUSTODY

NOTICE AND ORDER TO APPEAR

You, _____ have been sued in court to obtain or modify an order for custody, partial custody, or visitation of a minor child or children.

You are ordered to appear in person at courtroom _____ of the Northumberland County Courthouse, 201 Market Street, Sunbury, Pennsylvania, on the _____ day of _____ 20__ at _____ o'clock for:

- D a conciliation or mediation conference.
- D a pretrial conference.
- D a hearing before the court.

Both parties shall follow the Relocation Requirements as attached in the Notification and Obligations prior to Relocation and in Section 5337 of Pennsylvania's Domestic Relations Code.

IF YOU FAIL TO APPEAR AS PROVIDED BY THIS ORDER, AN ORDER FOR CUSTODY, PARTIAL CUSTODY, OR VISITATION MAY BE ENTERED AGAINST YOU, OR THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

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 Court Administrator
201 Market Street Sunbury,
Pennsylvania 17801 (570)
988-4167

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Northumberland 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.

BY THE COURT:

Date: _____

P.J.

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

Plaintiff
VS.

Defendant

CIVIL DIVISION
CV-

AFFIDAVIT PURSUANT TO Pa.C.S.A. § 5328 and 23 Pa.C.S.A. § 5329

I, _____ hereby swear or affirm that:
1. Please state whether or not you and/or another adult living in your household and/or the other party and/or their household members have been convicted of, pled guilty or no contest to the following crimes in Pennsylvania or any other jurisdiction, as follows:

No	Yes	Me	Adult in my Household	Other Party	Adult in the other party's household	Date of Conviction
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Contempt for violation of a Protection from Abuse order or agreement;		Name:		Name:	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Driving under the influence of alcohol or a controlled substance or drugs;		Name:		Name:	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Possession, sale, delivery, manufacturing or offering for sale any controlled substance or other drug or device;		Name:		Name:	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Criminal homicide: Murder		Name:		Name:	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Aggravated Assault;		Name:		Name:	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Terroristic Threats;		Name:		Name:	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Stalking;		Name:		Name:	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Kidnapping;		Name:		Name:	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Unlawful restraint;		Name:		Name:	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	False Imprisonment;		Name:		Name:	
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	Luring a child into a motor vehicle or structure;		Name:		Name:	

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<input type="checkbox"/>	Involvement with a Children & Youth Agency or similar agency in Pennsylvania or another jurisdiction, current or past. Where? _____ When? _____ Caseworker's name if known: _____	<input type="checkbox"/>	Name: _____	<input type="checkbox"/>	Name: _____	
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Name: _____	<input type="checkbox"/>	Name: _____	

Please list any evaluation, counseling or other treatment received following conviction:

If any conviction above applies to a household member, not a party, state that person's relationship to the child:

If you are aware that the other party of members of the other party's household has or have a criminal/abuse history, please explain:

**I verify that the statements made in this affidavit are true and correct. I understand that any false statements herein are subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Signature

Printed Name

Pennsylvania criminal charge information for individuals involved in child custody cases can be found by accessing the following web pages:
<http://ujsportal.pacourts.us/DocketSheets/CP.aspx> and <http://ujsportal.pacourts.us/DocketSheets/MDJ.aspx>

PLAINTIFF

IN THE COURT OF COMMON PLEAS
COUNTY, PENNSYLVANIA

vs.

NO. -----

DEFENDANT

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

- 1. I am the Plaintiff Defendant in the above-captioned case.
- 2. I intend to represent myself in the custody, divorce, support, protection from abuse, paternity case.

Check only one box in Question 3

- 3. This is a new case and I am representing myself. I have decided not to hire an attorney to represent me.
OR
- This is not a new case and I am representing myself. I have decided not to hire an attorney to represent me.
OR
- This is not a new case. ----- previously
(Name of Attorney)
represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case.
I have provided a copy of this form to that attorney listed above at the following address:

That attorney has acknowledged his/her withdrawal from this case by signing this form.

----- Esq.
(Attorney signature)

- 4. I am entering my appearance as a self-represented party -----
(Your Signature)
- 5. I understand that I need to provide a street address or P.O. Box for the purpose of receiving all future pleadings and other legal notices. I further understand that this does not need to be my home address. My address for the purpose of receiving all future pleadings and other legal notices is:

I understand that this address will be the only address to which notices and pleadings in this case will be sent and that I am responsible to check the mail at this address so I do not miss important deadlines or proceedings.

I am not providing my address because I reside at a confidential location protected by the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Address Confidentiality Program, 23 Pa. C.S. § 6701-6713, and/or the Child Custody Act, 23 Pa. C.S. § 5336(b).

- 6. My telephone number where I can be reached is _____
- I am not providing my telephone number because it is confidential pursuant to the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Child Custody Act, 23 Pa. C.S. § 5336(c).

7. I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.

- 8. I understand that I must ensure that a copy of this form is served on all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name _____ Address _____

Name _____ Address _____

- 9. I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that could result in a fine and/or prison term.

Date _____

(Your Signature)

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

NOTIFICATION OF OBLIGATIONS PRIOR TO RELOCATION

Relocation is a change in the child's physical residence, which significantly impairs the ability of a non-relocating party to exercise custody of the child. **Relocation of the child shall not occur unless either:**

- (1) every individual with custody rights consents to the relocation; or
- (2) the court approves the relocation.

- For a full understanding of your rights and obligations regarding relocation, you must refer to Section 5337 of Pennsylvania's Domestic Relations Code. Nevertheless, as a general course of action, the following applies:

Any party proposing relocation must:

- At least 60 days prior to relocation, **send notice** of the proposed relocation, **via certified mail, return receipt requested, restricted delivery** to every individual with custody rights to the child.
- The notice shall include the address of the new residence, new mailing address, names and ages of individuals who will live in the new residence, home telephone number of the new residence (if available), name of the new school district and school, date of the proposed relocation, the reasons for the proposed relocation, a proposed custody schedule, and a warning that failure to file an objection to the relocation within 30 days after receipt of the notice will foreclose the non-relocating party from objecting to the relocation.
- If, subsequent to serving the notice of relocation, you become aware of information regarding the relocation that you did not previously have, you must promptly inform every individual who received notice of the relocation.
- With the notice of relocation, you must **provide a counter-affidavit**. A form counter-affidavit is provided in the Domestic Relations Code (23 Pa.C.S. 5337).
- **If a timely objection to relocation is not filed, you must, prior to relocation, file:**
 - (1) an affidavit of notice;
 - (2) proof of service (the return receipt with the addressee's signature);
 - (3) a copy of the full notice sent;
 - (4) a petition to confirm the relocation and modify any existing custody order; and
 - (5) a proposed order.
- **If the non-relocating party objects** to the relocation or modification of custody, the Relocating Party must file a Motion to Modify Custody & Permission to Relocate prior to relocation requesting an Expedited Hearing.

Any party objecting to relocation must, within 30 days of receipt of the notice of relocation:

- (1) complete and file with the court a verified counter-affidavit; and
 - (2) serve a copy of the counter-affidavit on the other party by certified mail, return receipt requested.
 - (3) file a Certificate of Service with the court.
- Failure to file a timely counter-affidavit to the relocation will preclude you from objecting to the relocation.

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

Plaintiff

vs.

CIVIL DIVISION
CUSTODY/NISITATION
CV-

Defendant

ACCEPTANCE OF SERVICE

I accept service of the _____ *(Name of Document)*. I
certify that I am authorized to accept service on behalf of defendant.

Date

Defendant or Authorized Agent

Mailing Address

Note: If defendant accepts service personally, the second sentence should be deleted.

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

Plaintiff

vs.

CIVIL DIVISION
CUSTODY/NISITATION
CV-

Defendant

AFFIDAVIT OF SIGNATURE

I, _____(Plaintiff), being duly affirmed according to Jaw, deposes and says that he/she has examined the signature on the Return Receipt of the Post Office Department signed by _____(Defendant), and that he/she is familiar with the signature of the said Defendant, and that the signature on that card is the signature of the said Defendant.

Plaintiff

Note: This form should be filed at the same time as Form A or the Certified Mail Receipt.

Form B

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

Plaintiff

vs.

CIVIL DIVISION
CUSTODY/NISITATION
CV-

Defendant

AFFIDAVIT OF SERVICE

I, _____ (Plaintiff), being duly affirmed according to law,
depose and says that:

1. On _____ (date), a copy of _____ in
the above-captioned matter was mailed to the Defendant by Certified Mail,
Return Receipt Requested, Deliver to Addressee Only, at the Defendant's last
known address, as indicated on the attached mailing receipt.

2. That on _____ (date), the Defendant received the
aforesaid documnet and the mailing receipt and return receipt card evidencing
the same are attached hereto and made a part hereof.

Plaintiff

Attach Green Card Here.

Forme
Also attach Form B

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY
COMMONWEALTH OF PENNSYLVANIA

Plaintiff

vs.

CIVIL DIVISION
CUSTODY/NISITATION
CV-

Defendant

AFFIDAVIT OF SERVICE

I, _____, hereby depose and say that on this date, I am an adult who is not related to either party, and I personally served the above-captioned Defendant, with _____, by personally handing the same to him/her at the following: Location/Address:

Date: _____

Time: _ _ _ _ _

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. CS. §4904 relating to unsworn falsification to authorities.

Date

Signature