

## PETITION TO MODIFY CUSTODY

### INSTRUCTION SHEET

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

**These instructions are meant to give you  
general information and not legal advice.**

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 is \$42.68. 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 public assistance or SSI, bring your public assistance photo ID or proof that you receive SSI.
4. File the completed Petition to Modify, Information Sheet, and Criminal Record/Abuse History Verification with the filing fee by mailing or hand-delivering them in person to:  
  

Clerk of Court  
1501 Arch Street – 11<sup>th</sup> Floor  
Philadelphia, PA. 19102
5. **If you file in person, you may pay the filing fee by money order, or credit card. If you file by mail, you may pay by money order ONLY.** Make the money order payable to “**OFFICE OF JUDICIAL RECORDS.**” **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** two (2) copies. A copy machine is available at the Clerk’s 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:**

### **§ 5322. 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** - An unemancipated individual under 18 years of age.

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

**Sole physical custody** - The right of one individual to exclusive physical custody of the child.

**Primary physical custody** - The right to assume physical custody of the child for the majority of time.

**Shared physical custody** - The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.

**Partial physical custody** - The right to assume physical custody of the child for less than a majority of the time.

**Supervised physical custody** - Custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.

**Legal custody** - The right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions.

**Sole legal custody** - The right of one individual to exclusive legal custody of the child.

**Shared legal custody** - The right of more than one individual to legal custody of the child.

Note: Pennsylvania's custody law does not use the word visitation. Partial physical custody, shared physical custody and supervised physical custody may be what you understand visitation to be.

§ 5328. Factors to consider when awarding custody.

(a) Factors.--In ordering any form of custody, the court shall determine the best interest of the child by considering all relevant factors, giving weighted consideration to those factors which affect the safety of the child, including the following:

- (1) Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.
- (2) The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the child or an abused party and which party can better provide adequate physical safeguards and supervision of the child.
- (3) The parental duties performed by each party on behalf of the child.
- (4) The need for stability and continuity in the child's education, family life and community life.
- (5) The availability of extended family.
- (6) The child's sibling relationships.
- (7) The well-reasoned preference of the child, based on the child's maturity and judgment.
- (8) The attempts of a parent to turn the child against the other parent, except in cases of domestic violence where reasonable safety measures are necessary to protect the child from harm.
- (9) Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.
- (10) Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.
- (11) The proximity of the residences of the parties.
- (12) Each party's availability to care for the child or ability to make appropriate child-care arrangements.
- (13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.
- (14) The history of drug or alcohol abuse of a party or member of a party's household.
- (15) The mental and physical condition of a party or member of a party's household.
- (16) Any other relevant factor.

The custody statute also lists specific criminal convictions and criminal charges for consideration in a custody decision and procedures to be followed for such consideration.

See § 5329 Consideration of criminal conviction, available on the internet at <http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/23/00.053.029.000..HTM>

See § 5330. Consideration of criminal charge, available on the internet at <http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/23/00.053.030.000..HTM>

#### **TERMS THAT ARE USED IN THE PETITION:**

PLAINTIFF	Person who filed the custody complaint
DEFENDANT	Person against whom the custody complaint was filed
PETITIONER	Person who filed the petition to modify the custody order
RESPONDENT	Person against whom the petition to modify the custody order was filed

#### **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 docket number 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.

##### **LINE 2**

The person against whom the petition is filed is the respondent. Fill in the name and address of the respondent.

##### **LINE 3**

Provide the date and terms of your last custody order and attach a copy of the order.

**LINE 4**

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

**LINE 5**

Attach the Criminal Record/Abuse History Verification form.

**DATE AND SIGN THE PETITION.**

**DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE.**



I 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 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

---

Date

Petitioner

**DOMESTIC RELATIONS INFORMATION SHEET**

Date

Case ID No

**INFORMATION ON PARENT #1 AND/OR SPOUSE #1**

First Name	Middle Initial	Last Name	Alias (if any)		
Mailing Address			Residential Address	Email Address	
Date of Birth		Social Security No.		DPW No.	
Height	Weight	Race	Hair	Eyes	Distinguishing Features
Place of Employment			Medical Insurance Carrier Name, Address		
Home Phone No.	Work Phone No.	Mobile No.	Policy No.	Children Covered? Yes          No	
Occupation			Attorney' s Name and Address		
Salary \$ _____ per _____			Attorney ID No.	Attorney Phone No.	

**INFORMATION ON PARENT #2 AND/OR SPOUSE #2**

First Name	Middle Initial	Last Name	Alias (if any)		
Mailing Address			Residential Address	Email Address	
Date of Birth		Social Security No.		DPW No.	
Height	Weight	Race	Hair	Eyes	Distinguishing Features
Place of Employment			Medical Insurance Carrier Name, Address		
Home Phone No.	Work Phone No.	Mobile No.	Policy No.	Children Covered? Yes          No	
Occupation			Attorney' s Name and Address		
Salary \$ _____ per _____			Attorney ID No.	Attorney Phone No.	

**INFORMATION IF THERE IS A CLAIM FOR SUPPORT**

Receiving Assistance? Yes    No	DPW No.	District Receiving From	Semi-monthly Grant Amount	Total No of People in Household	
Parties Ever Married? Yes    No	Marriage Date	Place	Separation Date	Divorce Date	Place
Maternal Grandmother' s Maiden Name			Maternal Grandfather' s Name		

**INFORMATION ON CARETAKER OF CHILD(REN) OTHER THAN PARENTS (IF ANY)**

First Name	Middle Initial	Last Name	Alias (if any)		
Mailing Address			Residential Address	Email Address	
Attorney Name/Address/Phone No.					
Home Phone No.	Work Phone No.	Mobile No.	Date of Birth	Relationship to children	

**INFORMATION ON CHILD(REN)**

First Name	Middle Initial	Last Name	Gender	Date of Birth
Social Security No.	Place of Birth (City, State)		Active on Cash Assistance? Yes No	
Father Listed on Birth Certificate? Yes No	Born Out of Wedlock? Yes No	Was Paternity Established? Yes No	Date of Paternity Establishment	
First Name	Middle Initial	Last Name	Gender	Date of Birth
Social Security No.	Place of Birth (City, State)		Active on Cash Assistance? Yes No	
Father Listed on Birth Certificate? Yes No	Born Out of Wedlock? Yes No	Was Paternity Established? Yes No	Date of Paternity Establishment	
First Name	Middle Initial	Last Name	Gender	Date of Birth
Social Security No.	Place of Birth (City, State)		Active on Cash Assistance? Yes No	
Father Listed on Birth Certificate? Yes No	Born Out of Wedlock? Yes No	Was Paternity Established? Yes No	Date of Paternity Establishment	
First Name	Middle Initial	Last Name	Sex	Date of Birth
Social Security No.	Place of Birth (City, State)		Active on Cash Assistance? Yes No	
Father Listed on Birth Certificate? Yes No	Born Out of Wedlock? Yes No	Was Paternity Established? Yes No	Date of Paternity Establishment	

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

	PLAINTIFF	:	
VS.		:	FAMILY COURT DIVISION
		:	
		:	DOCKET NO. _____
		:	
	DEFENDANT	:	

**CRIMINAL RECORD / ABUSE HISTORY VERIFICATION**

1. **Participants.** Please list ALL members in your/the participant’s household and attach sheets if necessary:

Name	Date of Birth	Address	Relationship to Child(ren)

\_\_\_\_\_ Party requests their residence remain confidential as they are protected by the Protection from Abuse Act, 23 Pa.C.S. § 6112, or the Domestic and Sexual Violence Victim Address Confidentiality Act, 23 Pa.C.S. §§ 6701-6713, or the Child Custody Act, 23 Pa.C.S. § 5336(b), or they are in the process of seeking protection under the same.

Please list ALL members in the opposing party’s household and attach sheets if necessary:

Name	Date of Birth	Address	Relationship to Child(ren)

\_\_\_\_\_ Party requests their residence remain confidential as they are protected by the Protection from Abuse Act, 23 Pa.C.S. § 6112, or the Domestic and Sexual Violence Victim Address Confidentiality Act, 23 Pa.C.S. §§ 6701-6713, or the Child Custody Act, 23 Pa.C.S. § 5336(b), or they are in the process of seeking protection under the same.

**SUBJECT CHILD(REN) – Attach additional sheets if necessary:**

Name	Date of Birth

**2. Criminal Offenses.** As to the following listed Pennsylvania crimes or offenses, or another jurisdiction’s substantially equivalent crimes or offenses, check the box next to any applicable crime or offense in which you or a household member:

- A. has pleaded guilty or no contest;
- B. has been convicted;
- C. has charges pending; or
- D. has been adjudicated delinquent under the Juvenile Act, 42 Pa.C.S. §§ 6301 - 6375, and the record is publicly available as set forth in 42 Pa.C.S. § 6307.

You should also check the box next to a listed criminal offense even if the offense has been resolved by Accelerated Rehabilitative Disposition (ARD) or another diversionary program, unless it has been expunged pursuant to 18 Pa.C.S. § 9122, or a court has entered an order for limited access, e.g., Clean Slate, pursuant to 18 Pa.C.S. §§ 9122.1 or 9122.2.

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea, or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2701 (relating to simple assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

- |                          |   |                          |                          |       |       |
|--------------------------|---|--------------------------|--------------------------|-------|-------|
| <input type="checkbox"/> | 18 Pa.C.S. § 2702<br>(relating to aggravated assault)                               | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 2705<br>(relating to recklessly endangering another person)            | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 2706<br>(relating to terroristic threats)                              | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 2709.1<br>(relating to stalking)                                       | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 2718<br>(relating to strangulation)                                    | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 2901<br>(relating to kidnapping)                                       | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 2902<br>(relating to unlawful restraint)                               | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 2903<br>(relating to false imprisonment)                               | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 2904<br>(relating to interference with custody of children)            | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 2910<br>(relating to luring a child into a motor vehicle or structure) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. Ch. 30<br>(relating to human trafficking)                                | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

- |                          |   |                          |                          |       |       |
|--------------------------|---|--------------------------|--------------------------|-------|-------|
| <input type="checkbox"/> | 18 Pa.C.S. § 3121<br>(relating to rape)                                   | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 3122.1<br>(relating to statutory sexual assault)             | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 3123<br>(relating to involuntary deviate sexual intercourse) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 3124.1<br>(relating to sexual assault)                       | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 3125<br>(relating to aggravated indecent assault)            | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 3126<br>(relating to indecent assault)                       | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 3127<br>(relating to indecent exposure)                      | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 3129<br>(relating to sexual intercourse with animal)         | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 3130<br>(relating to conduct relating to sex offenders)      | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 3301<br>(relating to arson and related offenses)             | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 4302<br>(relating to incest)                                 | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

- |                          |   |                          |                          |       |       |
|--------------------------|---|--------------------------|--------------------------|-------|-------|
| <input type="checkbox"/> | 18 Pa.C.S. § 4303<br>(relating to concealing<br>death of child)   | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 4304<br>(relating to endangering<br>welfare of children)                                     | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 4305<br>(relating to dealing in<br>infant children)  | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 5533<br>(relating to cruelty to<br>animal)   | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 5534<br>(relating to aggravated<br>cruelty to animal)  | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 5543<br>(relating to animal<br>fighting)   | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 5544<br>(relating to possession of<br>animal fighting<br>paraphernalia)                      | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 5902(b) or<br>(b.1) (relating to<br>prostitution and related<br>offenses)                    | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 5903(c) or<br>(a) (relating to obscene<br>and other sexual<br>materials and<br>performances) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 6301<br>(relating to corruption of<br>minors)  | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

- |                          |   |                          |                          |       |       |
|--------------------------|---|--------------------------|--------------------------|-------|-------|
| <input type="checkbox"/> | 18 Pa.C.S. § 6312<br>(relating to sexual abuse<br>of children)  | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 6318<br>(relating to unlawful<br>contact with minor)   | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. § 6320<br>(relating to sexual<br>exploitation of children)   | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | Finding of contempt of a<br>Protection from Abuse<br>order or agreement<br>under 23 Pa.C.S. § 6114  | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | Finding of contempt of a<br>Protection of Victims of<br>Sexual Violence and<br>Intimidation order or<br>agreement under 42<br>Pa.C.S. § 62A14 | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | Driving under the<br>influence of drugs or<br>alcohol   | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | Manufacture, sale,<br>delivery, holding, offering<br>for sale or possession of<br>any controlled substance<br>or other drug or device         | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

**3. Abuse or Agency Involvement.** Check the box next to any statement that applies to you, a household member, or your child.

<b>Check all that apply</b>	<b>Self</b>	<b>Household member</b>	<b>Child</b>
<input type="checkbox"/> Involvement with a children and youth social service agency in Pennsylvania or a similar agency in another jurisdiction.  What jurisdiction?: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> A determination or finding of abuse ( <i>i.e.</i> , indicated or founded report) by a children and youth social service agency or court in Pennsylvania or a similar agency or court in another jurisdiction.  What jurisdiction?: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> An adjudication of dependency involving this child or any other child under Pennsylvania’s Juvenile Act, or a similar law in another jurisdiction.  What jurisdiction?: _____ Is the case active?: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> A history of perpetrating “abuse” as that term is defined in the Protection from Abuse Act, 23 Pa.C.S. § 6102.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> A history of perpetrating “sexual violence” or “intimidation” as those terms are defined in 42 Pa.C.S. § 62A03 (relating to protection of victims of sexual violence and intimidation).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. If you checked a box in (2) or (3), list any evaluation, counseling, or other treatment received as a result:
  
5. If you checked a box in (2) or (3) that applies to your household member, who is not a party, state that person's name, date of birth, and relationship to the child.
  
6. If you are aware that the other party or the other party's household member has a criminal record or abuse history, please explain:

**ONLY A PARTY CAN SIGN THIS FORM. IF A PARTY IS REPRESENTED BY AN ATTORNEY, THE ATTORNEY CANNOT SIGN THIS FORM ON BEHALF OF THE PARTY.**

I verify that the information above is true and correct to the best of my knowledge, information, or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Plaintiff/Defendant Signature

\_\_\_\_\_  
Printed Name

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Signature of Filer

\_\_\_\_\_  
Printed Name