

PETITION FOR RECONSIDERATION OF CUSTODY ORDER

INSTRUCTION SHEET

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

A Petition for Reconsideration may be filed within 30 days of the date of a custody order if you believe that an error was made or that something very important was not considered. In filing a Petition for Reconsideration you are asking the same judge who heard the case to review his/her decision. Your petition must state the reasons why you believe the Court should make a different decision.

1. Fill in the Domestic Relations Information Sheet and the Motion Cover Sheet with as much information as you have.
2. Fill in the caption only on the Rule to Show Cause and Order.
3. Complete, date and sign the Petition for Reconsideration. (detailed instructions included)
4. There is no filing fee for a Petition for Reconsideration.
5. File the completed Petition for Reconsideration and Information Sheets by mailing or hand-delivering them in person to:

Clerk of Court
1133 Chestnut Street
Philadelphia, PA 19107

The Petition for Reconsideration **MUST** be filed in the Clerk's Office within 30 days of the date of the Court Order you wish to have reconsidered.

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 Clerk's office at a cost of \$.25 per page.
7. Once the petition is filed, you will receive in the mail a completed "Rule to Show Cause" stating the date on which the Petition for Reconsideration has been scheduled before a Judge. You must give a copy of this "Rule to Show Cause" and all the other papers you filed to the other party in the case or their attorney if they are represented. This is called "service." Service may be done by mail or by having an adult deliver a copy of the papers in person. After the packet is served on the other party, you should complete the Certificate of Service form; it must be signed by the person who made service if it was not you yourself. You will take this

Certificate of Service to the hearing to show the Judge that you provided notice of the hearing to the other side.

If the Judge does not grant a hearing for Reconsideration, you may want to consult an attorney regarding your options for further action.

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 is filing the Petition for Reconsideration of Custody Order
RESPONDENT	Person against whom the Petition for Reconsideration of Custody Order is 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 initial 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 for Reconsideration, 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.

Fill in your relationship to the child(ren). List the name and date of birth (DOB) of each child involved in this petition.

LINE 4.

Fill in the other party's relationship to the child(ren).

LINE 5.

Fill in the information regarding the date the Order that you are asking the Court to reconsider was entered and the basic terms of the Order. You will need to attach a copy of the Order to the Petition.

LINE 6.

Explain in detail the reason(s) you are asking the judge to reconsider his/her decision. Include all the facts and circumstances that support your request. Attach additional pages if necessary.

Possible reasons a judge might reconsider are listed below. Some, or none, of these reasons might apply to your case.

- a) You were not served with notice of the custody hearing. Had you known of the date and time you would have appeared and presented testimony and evidence to support your position;
- b) You were not able to appear at the hearing on time. If granted another hearing you will appear to present testimony and evidence to support your position;
- c) The Court does not have the jurisdiction (authority or power) to determine the custody of the child(ren);
- d) Respondent did not have a legal right to seek custody of the child(ren);
- e) You were unable to fully present your case due to the lack of an interpreter, an impairment or disability, or being denied the right to present certain testimony or evidence;
- f) The Court did not consider all of the testimony and evidence you presented regarding your case;

- g) The Court changed custody of the child(ren) when only a petition for contempt was pending before the Court.

LINE 7.

Explain in detail what you would like the Court to do if he/she grants your petition to reconsider.

SIGN AND DATE THE PETITION FOR RECONSIDERATION OF CUSTODY ORDER.

SIGN AND DATE 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.
	:	

RULE TO SHOW CAUSE

AND NOW, this ____ day of _____, 20____, a RULE is hereby granted upon Respondent, _____, to show cause why Petitioner’s Petition for
(Insert Respondent’s name)

Reconsideration of the Order of Custody issued by this Honorable Court should not be expressly granted.

Rule returnable the ____ day of _____, 20____, at Family Court Building, 34 S. 11th Street, Philadelphia, PA, Courtroom number ____, at ____ a.m./p.m.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PLAINTIFF

vs.

DEFENDANT

:
:
: FAMILY COURT DIVISION
:
: CIVIL ACTION
:
:
: D.R. NO.
:
:

ORDER

AND NOW, this _____ day of _____, 20____, it is ORDERED, ADJUDGED, and DECREED, that Petitioner's Petition is EXPRESSLY GRANTED. The Order dated _____ is vacated. The following additional relief is also granted:

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____,
PLAINTIFF
vs.
_____,
DEFENDANT

:
:
: FAMILY COURT DIVISION
:
: CIVIL ACTION
:
:
: D.R. NO.
:
:

PETITION FOR RECONSIDERATION OF CUSTODY ORDER

1. Petitioner (name) _____
is **plaintiff or defendant** (circle one) in the custody complaint,
and resides at (street, city, state, zip) _____

2. Respondent (name) _____
is **plaintiff or defendant** (circle one) in the custody complaint,
and resides at (street, city, state, zip) _____

3. Petitioner's relationship to the following minor child(ren) is _____
LIST FULL NAME(S) AND DOB(S) OF CHILD(REN).

4. Respondent's relationship to the child(ren) is _____

5. On _____ (date), this Court entered an Order providing for the following
custody arrangement:

A true and correct copy of the Order is attached.

6. Petitioner requests reconsideration of the Order for the following reasons:

a. _____

b. _____

c. _____

d. _____

7. Petitioner respectfully suggests that this Court reconsider its Order and take the following action:

a. _____

b. _____

c. _____

WHEREFORE, Petitioner requests that the Court grant reconsideration and list the matter for a hearing.

Date: _____

Petitioner

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 PA.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Petitioner

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

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

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Rule to Show Cause, Order, and Petition for Reconsideration filed by Petitioner and scheduling a hearing for the _____ day of _____, 20 ____ in Courtroom _____ at 34 South 11th Street, Philadelphia was served upon Respondent in the above case by:

Check all that apply:

___ First class mail, postage prepaid, and certified mail, return receipt requested at the following address:

AND/OR

___ In person by an adult other than Petitioner at the following address:

The person who made the service was:

Name: _____

Address: _____

Signature of person who made service: _____

I certify that this service was made on the _____ day of _____, 20 ____.

Petitioner