

PETITION FOR EXPEDITED RELIEF - CUSTODY

INSTRUCTION SHEET

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

A Petition for Expedited Relief can be filed in situations that are not emergencies but when you are in need of immediate review by the court. Expedited Relief provides a quick decision on a small part of the case. You may want to file for Expedited Relief if: you are being denied access to the child(ren), there is a time sensitive situation such as medical or educational needs, or the other party has changed the custody arrangement and you are not in agreement.

1. Complete the Domestic Relations Information Sheet with as much information as you have.
2. Complete, date and sign the Petition for Expedited Relief. (detailed instructions included)
3. The filing fee for a Petition for Expedited Relief is \$38.80. 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 for Expedited Relief and Information Sheet with the filing fee by hand-delivering them in person to:

Clerk of Court
1133 Chestnut Street
Philadelphia, PA 19107

NOTE: These petitions can only be filed on a Monday unless Monday is a court holiday then they can be filed on Tuesday. The case will be listed two Fridays later.

To file a Petition for Expedited Relief you must already have one of the following petitions pending: Complaint for Custody, Petition to Modify or a Petition for Contempt. If you do not have one of these petitions pending you must file one of them at the same time that you file the Petition for Expedited Relief. There may be additional fees for these filings.

5. **You may pay the filing fee by money order, cash, or credit card.** Make the money order payable to **“PROTHONOTARY CLERK OF FAMILY COURT.”** **Personal checks will not be accepted.**

6. When you file the petition in person at 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. You will receive a completed Rule to Show Cause which will indicate the day and time of your hearing. You must personally serve a copy of the Rule and petition on the other party before the hearing date.

8. 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 parent's 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 for expedited relief, 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.

Circle A if there is no current custody order related to this/these child(ren).
Circle B if there is a current custody order, enter the date the last order was issued and then describe the order.

LINE 6.

Circle A if you are filing another complaint or petition along with this petition.

Circle B if you have already filed another petition or there is a petition already pending. Fill in the date the petition was filed and when it is next listed.

You must have an underlying petition already pending or file an underlying petition at the same time you file a Petition for Expedited Relief.

LINE 7.

Explain why you are filing a Petition for Expedited Relief.

WHEREFORE SECTION

Tell the court what you want the court to do.

DATE AND SIGN THE PETITION.

DATE AND SIGN 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.
	:	

PETITION FOR EXPEDITED RELIEF -- CUSTODY

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

2. Respondent is (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. CIRCLE ONE:

A. No custody order exists concerning these children.

B. A custody order was entered on _____ (date) that states the following:

6. CIRCLE ONE:

A. A complaint/petition is being filed with this petition.

B. A complaint/petition was filed on _____ (date) and a hearing has been scheduled on _____(date).

7. Petitioner believes that a situation exists that requires an expedited listing because:

a. _____

b. _____

c. _____

WHEREFORE, petitioner respectfully requests that this honorable court grant the following relief

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