

## 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 \$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 for Expedited Relief and Information Sheet with the filing fee by hand-delivering them in person to:

Clerk of Court  
1501 Arch Street – 11<sup>th</sup> Floor  
Philadelphia, PA 19102

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.

#### 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 indicates 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.

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 Expedited Relief
RESPONDENT	Person against whom the Petition for Expedited Relief 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 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 is 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 is 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 a custody complaint already pending or file a custody complaint 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	:	
vs.	:	FAMILY COURT DIVISION
DEFENDANT	:	CIVIL ACTION
	:	D.R. NO.
	:	

**PETITION FOR EXPEDITED RELIEF -- CUSTODY**

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 DATES OF BIRTH(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 hearing 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