

GUIDE TO BLAIR COUNTY CUSTODY FILINGS (eff 2/6/18)

All Custody Filings are directed to either the Blair County Prothonotary Office or the Blair County Custody Office as follows:

Filings to be submitted to the Blair County Prothonotary Office

Custody Complaint with Custody Scheduling Order	(Fee \$149.00)
Custody Petition for Modification with Custody Scheduling Order	(\$44.00)
Notice for Relocation	(No Fee)
Petition for Contempt of Custody Order with Rule	(No Fee)
Divorce Complaint with Custody Count	(Fee \$200.00)
- With Custody Scheduling Order	
- With Statement that No Custody Proceeding is needed at this Time	
Preliminary Objections to Custody Action	(No Fee)
Petition to File In Forma Pauperis (IFP Form)	(No Fee)
Request for Custody Evidentiary Hearings	(No Fee)
Custody Prehearing Narratives (copy delivered to the Custody Office)	(No Fee)
In Forma Pauperis Form requesting waiver of the Filing Fee	(No Fee)

Filings to be submitted to the Blair County Custody Office

- Continuances on All Custody Proceedings
- Custody Special Relief with Rule
- Proposed Ex parte Orders must be separate from the Rule if applicable
 - Can only be filed on an active case or after the filing of a Custody Complaint or Modification
- Custody Agreement with Order
- As initial filing, must be accompanied by check or money order for filing fee of \$142.00
 - No fee if filed to an existing case

Special Notes

**No custody filings are to be taken directly to any Judges Chambers or presented during Motions Court*

**The filing party/attorney is responsible for notifying all parties of the date, time and place of any custody proceeding*

**Inclusion of attorney name and phone number are required on custody agreements if notification is desired as to when the order has been signed. Copies of signed agreements can be obtained at the Prothonotary Office.*

COMMON QUESTIONS IN CUSTODY

Do I bring witnesses to a Special Relief proceeding?

No, Petitions for Special Relief are scheduled one time per week in front of a judge, usually after motions court, and are presented by **Oral Argument** only. A Judge may determine at the time of oral argument that a hearing with testimony is needed on the Petition and subsequently direct the same be scheduled along with a prehearing conference if appropriate.

What if my client fails to attend the Children First Program?

A Rule to Show Cause is issued against any client who fails to register or complete the Mandatory Custody Education Program. The Rule is sent directly to the client and is scheduled during the weekly Custody Special Relief time. The client must appear and explain to the Judge the reasons why he or she has not complied. Attorneys are not notified or required to attend the proceeding.

What if my client cannot afford the Children First Education Program?

Forms for requesting a waiver or lowering of the Children First Program fee are available from the Custody Office and are forwarded to a judge for approval.

Does a Custody case have to go through the Custody Process on a Petition for Relocation?

Yes and No. Exceptions to the two-step conciliation process may be made on a Petition for Relocation involving the modification of an existing custody order. An intake conference is scheduled to provide the opportunity for the parties to discuss the issue of relocating the children. If no agreement is reached, a Request for Evidentiary Hearing may be filed.

What if an Attorney does not file a prehearing narrative before a prehearing conference as required by Local Rule?

A Rule to Show Cause is issued against an attorney who does not file a timely prehearing narrative. The Rule is scheduled at the time of Special Relief proceedings. The Attorney may file a Response to the Rule in the Custody Office or appear at the hearing. Any Response will be forwarded to the hearing judge immediately and may cancel the hearing if determined satisfactory to the Rule.

Why would a Rule be attached to a Custody Agreement?

All custody agreements filed outside of a court proceeding are subject to review by the Court. This includes inquire by the Custody Office to Children and Youth Services regarding the parties and the appropriateness of the agreement. Prior to approval the Court may hold a hearing scheduled by a Rule to address any questions or concerns.

