

### **TEMPORARY CUSTODY AND SPECIAL RELIEF**

Before a party can request temporary custody or special relief, a Complaint for Custody must have been filed **OR** a Court Order must be in effect.

A party seeking temporary custody or special relief shall present a Special Relief Petition **and** a proposed Order of Court to the Family Motion Court Judge. Such requests shall normally only be decided following a hearing in Motion Court with **all** parties present. Therefore, a copy of that petition and the proposed Order of Court, as noted above, may be served either by personal service or by mail. If the petition and the proposed Order of Court are served through "personal" service, it must give the opposing party two (2) full business days' notice. If service is completed by mail, it must give the opposing party five (5) full business days' notice from the date that it was deposited in the U.S. mail. For example, if a party wishes to present a petition and the proposed Order of Court on Thursday at 9:00 a.m., the notice, petition and proposed Order of Court must either: (1) be personally delivered to the opposing party before 9:00 a.m. on the preceding Tuesday; or (2) be postmarked no later than the Wednesday of the preceding week. Again, you must give written notice to the opposing party of the date and time you plan to appear in Motion Court. The Judge presides in Motion Court Monday through Thursday at 9:00 a.m. If you are pursuing this option, you should consult an attorney and/or research custody procedure.

**If your petition for Special Relief/proposed Order of Court is granted, the original Order of Court signed by a Judge and the petition for Special Relief must be filed in the Prothonotary (Room 120) and fee paid. A copy of the Order of Court and the petition for Special Relief shall be sent all parties and the Custody Office.**

\_\_\_\_\_ : **IN THE COURT OF COMMON PLEAS**  
*Plaintiff* :  
**VS.** : **OF ERIE COUNTY, PENNSYLVANIA**  
 \_\_\_\_\_ :  
*Defendant* : **NO.**

**NOTICE OF INTENT TO PRESENT A  
 CUSTODY SPECIAL RELIEF PETITION**

You, \_\_\_\_\_, are hereby notified that the attached Special Relief petition  
 (Responding party/(ies))  
 will be presented by \_\_\_\_\_ on \_\_\_\_\_ at  
 (Petitioning party) (Date)  
**9:00 a.m.** (it is recommended you arrive 10 minutes prior) in **Family Motion Court** on the 2<sup>nd</sup>  
 floor of the Erie County Courthouse 140 West 6<sup>th</sup> Street Erie, Pennsylvania.

**CERTIFICATE OF NOTICE**

I certify that on \_\_\_\_\_ (Date of Notice) I gave notice to all counsel of record and  
 unrepresented parties of my intention to present the within Petition/Motion to the Court on  
 \_\_\_\_\_ (Date of Presentation) by<sup>1</sup>:

(a) First class mail (list name of each person with address where service was sent)

\_\_\_\_\_  
 \_\_\_\_\_

(b) Hand delivery (address) \_\_\_\_\_

(c) Other (explain) \_\_\_\_\_

\_\_\_\_\_

I verify that the statements made above are true and correct. I understand that any false  
 statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to  
 unsworn falsification to authorities. Sign and print your name below

Name: \_\_\_\_\_ Date: \_\_\_\_\_

<sup>1</sup> Pursuant to Erie County Rule of Civil Procedure 440, opposing counsel and unrepresented parties must be given two (2) full business days' notice by personal delivery to each party or their counsel's office, or five (5) full business days' notice if by mail. For example, if a motion is to be presented on Thursday at 9:00 a.m., the notice of intent to present the motion must be delivered before 9:00 a.m. on the preceding Tuesday. If notice is given by mail, it must be postmarked no later than the Wednesday of the preceding week.

\_\_\_\_\_ : **IN THE COURT OF COMMON PLEAS**  
*Plaintiff* :  
**VS.** : **OF ERIE COUNTY, PENNSYLVANIA**  
 \_\_\_\_\_ :  
*Defendant* : **NO.**

**PETITION FOR SPECIAL RELIEF**

1. The Petitioner(s) is/are \_\_\_\_\_ residing at \_\_\_\_\_  
(entire street address, city, state & zip code)  
 Telephone Number \_\_\_\_\_

2. The Respondent(s) (*list all other parties to the custody action*) is/are \_\_\_\_\_ residing at \_\_\_\_\_  
 \_\_\_\_\_  
(entire street address, city state & zip code)  
 Telephone Number \_\_\_\_\_

3. The Petitioner seeks special relief regarding the following child/ren:

<u>Name (of Child/ren)</u>	<u>Present Address (of Child/ren)</u>	<u>Birth Date (of Child/ren)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. The child/ren is/are presently in the custody of \_\_\_\_\_ who has custody as the result of (*you must set forth facts regarding the current custody arrangement and whether or not an agreement and/or a court order exists governing custody of the children. If an order governs custody of the children you must attach a copy of the order to this Petition*)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



10. (a) If the Petitioner is a grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody pursuant to 23 Pa.C.S. § 5323, you must plead facts establishing standing pursuant to 23 Pa.C.S. § 5324(3).

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(b) If the Petitioner is a grandparent or great-grandparent who is seeking partial physical custody or supervised physical custody pursuant to 23 Pa.C.S. § 5325, you must plead facts establishing standing pursuant to § 5325.

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(c) If the Petitioner is a person seeking physical and/or legal custody pursuant to 23 Pa.C.S. § 5324(2) as a person who stands in loco parentis to the child, you must plead facts establishing standing.

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11. I have attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. 1915.3-2.

Wherefore, the Petitioner requests the Court to grant special relief regarding the child/ren.

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.

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Date

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Signature

