

******INSTRUCTIONS FOR SELF-REPRESENTED PETITIONERS******

**Petition to Revoke or Modify Appointment
of Guardian(s) of the Person and / or Estate of a Minor)**

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY. IF YOU DO NOT PROVIDE THE REQUIRED INFORMATION, YOUR PETITION MAY BE DENIED OR YOUR HEARING MAY BE DELAYED.

COMPLETING THE PETITION:

- A Sample Petition to Revoke or Modify Appointment of Guardian of Minor with Attachments and Certificate of Service (“Sample Petition”) is available on our website at: www.eriecountypa.gov/departments/clerk-of-records/clerk-of-orphans-court. You may print or download the Sample Petition and complete it manually. **YOU MUST COMPLETE THE FORM AND ALL ATTACHMENTS / EXHIBITS IN THEIR ENTIRETY.** If you create your own form, it must be substantially similar to the online Sample Petition. Petitions containing incomplete information may be rejected. If you have legal questions pertaining to completing your petition, you must consult an attorney. Paper copies of online forms are available at the Clerk of Orphans’ Court / Register of Wills office.
- If you are unable to fill out the Petition or have any legal questions, you will need to consult an attorney.

OBTAINING A HEARING DATE

- Once your petition and all attachments are fully completed and signed, take the original petition and attachments to the Office of Court Administration on the second floor of the courthouse (Room #205) to obtain a hearing date. Court Administration will make copies for you to serve on all interested parties, including the minor’s biological and/or adoptive parents, any current guardian(s) of the minor, and any other person who has or shares physical or legal custody of the minor.
- Once you have obtained a hearing date from Court Administration, bring the original and copies of your fully completed petition, including the signed and completed Scheduling Order and Notice of Hearing, to the Clerk of Orphans’ Court / Register of Wills office on the first floor of the courthouse (Room #122) for filing. You must pay the following filing fees for EACH petition:

\$50.00	Clerk of Orphans’ Court Filing Fee
\$40.25	Judicial Computer Processing (JCP) Fee (IF NOT PREVIOUSLY PAID)
<u>\$ 5.00</u>	Automation Fee (IF NOT PREVIOUSLY PAID)
\$95.25	TOTAL FEES

****PLEASE NOTE: YOUR PETITION WILL NOT MOVE FORWARD UNLESS IT IS FILED AT THE CLERK OF ORPHANS’ COURT / REGISTER OF WILLS OFFICE AFTER YOU OBTAIN A SCHEDULING ORDER AND NOTICE OF HEARING FROM COURT ADMINISTRATION****

SERVICE OF YOUR PETITION & SCHEDULING ORDER AND NOTICE OF HEARING:

- After you obtain your hearing date and you have filed your petition and the Scheduling Order and Notice of Hearing with the Clerk of Orphans' Court / Register of Wills office, you must serve copies of both on all interested parties, including the minor's biological and/or adoptive parents, any current guardian(s) of the minor, and any other person who has or shares physical or legal custody of the minor. **THIS MUST BE DONE AT LEAST 20 DAYS PRIOR TO THE HEARING DATE.**

- You may choose one of the following options to satisfy the service requirement:

1. Send one copy to each interested party by certified mail, return receipt requested and and restricted delivery, and send a second copy to each interested party by regular mail. When the Post Office sends you the return receipt signed by the person you intended to serve, you must attach it to a completed Certificate of Service using the form attached hereto and also included with the Sample Petition, or a substantially similar form, and file it with the Clerk of Orphans' Court / Register of Wills office. Also keep a copy of the Certificate of Service with attached return receipt to bring to the hearing so you can prove that you gave proper notice. If the regular mail is returned to you by the Post Office, you must also bring that to the hearing;

or

2. In the alternative, you may have an adult, who is not the petitioner or proposed guardian, hand a copy of your petition and the Scheduling Order and Notice of Hearing to the interested party(ies). If you choose to complete service in this manner, you must have the person who provided personal service complete and sign the Certificate of Service form attached hereto and also included with the Sample Petition, or a substantially similar form, and file it with the Clerk of Orphans' Court / Register of Wills office. The Certificate of Service form must be in the form of an affidavit, or contain a statement that it was signed subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities. It must also state the date, time, place, manner of service, identity of the person served, and any other facts the court may need to determine if service was properly made. You should keep a copy of the completed Certificate of Service to bring to the hearing so you can prove you gave proper notice of the petition and hearing.

*****PLEASE NOTE: TO PREVENT DELAY OF YOUR HEARING YOU SHOULD FILE YOUR CERTIFICATE OF SERVICE WITHIN TEN (10) DAYS OF COMPLETION OF SERVICE. IF YOU DO NOT FILE YOUR CERTIFICATE OF SERVICE PRIOR TO YOUR HEARING DATE, YOU MUST BRING THE ORIGINAL TO THE HEARING OR YOUR HEARING MAY BE POSTPONED.*****

GUARDIANSHIP MODIFICATION / REVOCATION HEARING

- Please arrive on time for your scheduled hearing.
- If the minor is 14 years of age or older, they must be present at the hearing.
- If the guardianship is granted, certified copies of that order (\$1.25 each) or a Guardianship Certificate (\$5.00 each) confirming that you are the guardian of the minor are available through the Clerk of Orphans' Court / Register of Wills office.

IN RE: _____ : IN THE COURT OF COMMON PLEAS
 _____ : OF ERIE COUNTY, PENNSYLVANIA
 a Minor _____ : ORPHANS' COURT DIVISION
 _____ : NO.

CERTIFICATE OF SERVICE

Petitioner(s) hereby certify that a copy of the Petition to Revoke or Modify Appointment of Guardian(s) of the Person and/or Estate of a Minor **AND** the Scheduling Order and Notice of Hearing were served on the following persons:

Name of Person Served:	Address where Served:	Date of Service:

Manner of Service (ex. personal service or certified mail): _____		

Name of Person Served:	Address where Served:	Date of Service:

Manner of Service (ex. personal service or certified mail): _____		

Name of Person Served:	Address where Served:	Date of Service:

Manner of Service (ex. personal service or certified mail): _____		

All Proofs of Service (ex. certified mail receipts, constable affidavit, statement of adult who provided personal service) are attached to this Certificate of Service.

I hereby verify that the facts stated herein are true and correct to the best of my knowledge, information and belief. I understand that any false statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Date: _____

(signature - Petitioner 1)

Date: _____

(signature - Petitioner 2)

Date: _____

(signature of adult who completed personal service, if personal service used instead of mail)