

CLIENT INFORMATION PACKET

Modification and/ or Enforcement of Permanent Legal Custodianship Order

Dependency or Related Services

Fifth Judicial District of Pennsylvania, Dependency and Related Services
Family Law Center
440 Ross Street, Suite 309
Pittsburgh, PA 15219

Petition for Modification and/ or Enforcement of Permanent Legal Custodianship Order

Included in this packet:

1. Petition for Modification and/ or Enforcement of Permanent Legal Custodianship Order
Instruction Sheet
2. Petition for Modification and/ or Enforcement of Permanent Legal Custodianship Order
3. Petition for Modification and/ or Enforcement of Permanent Legal Custodianship Order
Certificate of Service
4. Notice of Language Rights

Please see enclosed instructions and fill out the Petition for Modification and/ or Enforcement of Permanent Legal Custodianship Order.

If you have any questions, please email childprotection@alleghenycourts.us or call 412-350-7638.

The Petition for Modification and/ or Enforcement of Permanent Legal Custodianship Order can also be found on the Allegheny County Courts website:

<https://www.alleghenycourts.us/family/departments/dependency-and-related-services/filing-private-dependency-petitions-plc-modifications/>

Petition for Modification and/or Enforcement of Permanent Legal Custodianship Order Instruction Sheet

A **petition** is the legal paper that asks the Court to take action. The Allegheny County Court of Common Pleas, Family Division, provides a form that you may use to ask the Court to modify and/or enforce the provisions of a Permanent Legal Custodianship (PLC) Order that was previously issued at the close of a juvenile court dependency case. This form is called a Petition for Modification and/or Enforcement of Permanent Legal Custodianship Order. **Before filing this form, you should know the following:**

- Children who are the subject of a PLC petition are appointed a **guardian *ad litem*** and/or an **attorney** by the Court. The guardian *ad litem*'s job is to tell the Court what is in the child's best interests. The attorney's job is to tell the Court what the child thinks is in his or her best legal interests. The guardian *ad litem* and attorney will thoroughly investigate all areas of the child's life, including the child's home, school and medical condition. You might not agree with the position taken by the guardian *ad litem* and/or attorney.
- When the Allegheny County Office of Children, Youth and Families (OCYF) is asked by the Court to investigate a PLC petition, a caseworker will examine all areas of the child's life, including the child's home, school and medical condition.
- It is up to the Court to decide whether the Petition for Modification and/or Enforcement of Permanent Legal Custodianship Order will proceed as a juvenile court matter or as an adult family court matter.
- There is no filing fee if the case proceeds in juvenile court.
- There is a \$250 filing fee if the case proceeds in adult family court. You may file a pleading asking the Court to waive the fee if you meet certain low income guidelines. This pleading is called a request for *in forma pauperis* status and will be explained to you at the hearing where the Court decides whether the petition will proceed in juvenile court or in adult family court.

Instructions:

1. You must complete all sections of the Petition for Modification and/or Enforcement of Permanent Legal Custodianship Order form and submit it to Dependency and Related Services Department. This can be done in one of the following ways:

- in person (address below),
- email at childprotection@alleghenycourts.us
- mail to the address below

**Family Law Center
Dependency and Related Services
Suite 309
440 Ross Street
Pittsburgh, PA 15219**

2. Court Administration will file the Petition and send you a copy of the filed Petition. This copy will contain the hearing date.
4. You must give a copy of the completed Petition for Modification and/or Enforcement of Permanent Legal Custodianship Order, with the hearing date, to child's mother, child's father, and child's legal custodian or guardian (if applicable). These people are called **parties** to the case. Court Administration will notify OCYF and the child's guardian *ad litem* and/or attorney of the hearing date.
5. You must complete a **certificate of service** for each party. This packet contains a Certificate of Service form that you may use to show how a party was given the Petition for Modification and/or Enforcement of Permanent Legal Custodianship Order along with the hearing date. **The Court can deny your petition if all parties are not properly served so you should be prepared to explain to the Court why you could not serve a party.**
6. **If you do not participate in the scheduled hearing, the Court can deny your petition and dismiss your case.** Requests to change the date or time of a hearing are not usually granted. To make such a request, you must file a written document called a **motion** with the Court. Information about how to file a motion can be found on the Allegheny County Courts Website <https://www.alleghenycourts.us/family/frequently-asked-questions/>

If your motion to change the date or time of a hearing is granted, you must give a copy of the Order that reschedules the hearing to all parties and complete a new Certificate of Service for each party.

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PA
FAMILY DIVISION – JUVENILE SECTION**

**PETITION FOR MODIFICATION AND/OR ENFORCEMENT
OF PERMANENT LEGAL CUSTODIANSHIP ORDER**

In the Interest of: _____, a minor	Juvenile Docket No. _____ F.D. Docket No. _____ KIDS ID No. _____
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Petitioner's Information
Name: _____ DOB: _____
Address: _____
Phone Number(s): _____
Relationship to Child: _____

AND NOW, this _____ day of _____, 20_____ comes the
Petitioner, who moves this Honorable Court to modify and/or enforce the current Permanent Legal
Custodianship Order issued in the above-captioned matter for the following reason(s):

PETITIONER understands that this pleading is being accepted without a filing fee for the Court to determine if this case should proceed as a juvenile court matter or an adult family court matter. Petitioner understands that he/she is responsible for a \$250 filing fee if this matter is scheduled for further proceedings in adult family court. **If the Petitioner is not a parent in this matter, the Petitioner understands and agrees that he/she will give notice of the hearing to the parents. Failure to give the parents notice may result in the hearing being postponed.**

WHEREFORE, Petitioner asks this Honorable Court to set a hearing date for this matter and to make whatever orders deemed appropriate.

VERIFICATION

Petitioner verifies that the facts set forth above are true and correct to the Petitioner's personal knowledge, information, or belief, and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

DATE: _____

Petitioner

For Official Use Only

HEARING NOTICE

PLEASE TAKE NOTICE that a hearing on the above Petition for Modification and/or Enforcement of Permanent Legal Custodianship Order has been scheduled as follows:

DATE: _____ **TIME:** _____

LOCATION: This hearing will take place in the Family Law Center, 440 Ross Street Pittsburgh, PA 15219.

JUDGE: _____

At this hearing, the Court will determine whether this matter shall proceed as a juvenile court matter or as an adult family court matter.

Requests to change the date, time or place of a hearing are not usually granted. To make such a request, the requestor must file a written document called a **motion** with the Court. Information about how to file a motion can be found on the Allegheny County Courts Website (<https://www.alleghenycourts.us/family/frequently-asked-questions/>). If a motion to change the date, time or place of a hearing is granted, the requestor must give a copy of the Order that reschedules the hearing to all parties. Requestor must also complete a Certificate of Service for each party, which must be given to the Court at the time of the rescheduled hearing.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PA
FAMILY DIVISION – JUVENILE SECTION

In the Interest of:

_____,
a minor

Juvenile Docket No. _____

F.D. Docket No. _____

KIDS ID No. _____

CERTIFICATE OF SERVICE
PETITION FOR MODIFICATION AND/OR ENFORCEMENT
OF PERMANENT LEGAL CUSTODIANSHIP ORDER

I certify that _____, the _____
(Name of party served) (Relationship to Child)

of the minor child _____, was served a true and correct copy of the Petition for
(Name of Child)

Modification and/or Enforcement of Permanent Legal Custodianship Order pleading in the above-captioned case by the
following method:

1. ☐ CERTIFIED MAIL: Party was served by pre-paid, certified mail through the U.S. Postal Service on the _____ day
of _____, 20_____. The party or the party's authorized agent signed the green certified
mail receipt, which has been returned to me by the postal authorities and is attached as proof of service.

2. ☐ REGULAR MAIL: Party was served by First Class postage pre-paid through the U.S. Postal Service on the _____
day of _____, 20_____.

3. ☐ PERSONAL SERVICE: A competent adult named _____, who is over eighteen (18)
(Name of person serving the pleading)

years old and **not** the applicant/petitioner in this case, served the party by handing him/her a copy of the pleading. The pleading
was served on _____, who is the party **or** the party's authorized agent, at the following address
(Name of person receiving the pleading)

_____, _____, _____ on the _____ day of
(Street name and number) (City) (State)

_____ at approximately _____ ☐ a.m. ☐ p.m.

4. ☐ SERVICE ON ATTORNEY OF RECORD: Party's attorney of record was served the pleading by ☐ personal service
☐ regular mail ☐ facsimile on the _____ day of _____, 20_____.

I verify that the statements made in this Certificate of Service are true and correct. I understand that any false statements made
are subject to the penalties of 18 Pa.C.S. § 4909 relating to unsworn falsification to authorities.

DATE: _____

Signature of person who made service

