

MOTION FOR A PROTRACTED CUSTODY HEARING

INSTRUCTION SHEET

These instructions are meant to give you general information and not legal advice.

A Motion for a Protracted Hearing must be filed if you think you will need more than 2 hours for your case. You should file this motion as soon as possible after you know your case is going to be heard by a judge. If a motion is not filed, the time you have for your case will be limited.

HOW DO I KNOW IF THE HEARING BEFORE THE JUDGE WILL TAKE MORE THAN 2 HOURS?

Consider how many witnesses you have and estimate how much time each will need to testify. If you are not sure, allow 20 minutes for each person's testimony. Your case may have complex issues that require more time. Examples of complex issues include:

- a. allegations of domestic violence, physical or sexual abuse or neglect
- b. the child(ren) at issue has/have medical, mental health or educational problems
- c. parent/caretaker has mental health problems, substance abuse problems or a criminal history
- d. agencies such as the Department of Human Services (DHS) have been or are involved
- e. one party wants to move away from Philadelphia

HOW TO REQUEST A PROTRACTED CUSTODY HEARING?

A Protracted Custody Hearing may only be requested by filing a written motion with the Court.

1. Fill in the Domestic Relations Information Sheet with as much information as you have.
2. Complete, date and sign the Motion for a Protracted Custody Hearing. (detailed instructions included)
3. The filing fee for a Motion for a Protracted Custody Hearing 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 Motion for a Protracted Custody Hearing and the Information Sheet with the filing fee by mailing or hand-delivering them in person to:

Clerk of Court
1501 Arch Street – 11th Floor
Philadelphia PA 19102

5. If you file in person, you may pay the filing fee by money order, cash or credit card. If you file by mail, you may pay by money order ONLY. Make the money order payable to “PROTHONOTARY CLERK OF FAMILY COURT.” Personal checks will not be accepted.

6. Whether you file the motion by mail or hand-deliver it to 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. Once the motion is filed, you will receive in the mail a completed “Rule to Show Cause” stating the date on which the Motion for Protracted Hearing has been scheduled before a Judge. You must send this “Rule to Show Cause” and a copy of all the other papers you filed to the other party in the case or their attorney if they are represented. You will need to have a Certificate of Service to show the Judge that you provided notice of the hearing to the other side.

WHAT HAPPENS AT THE MOTION HEARING?

You must show up at court on the hearing date. Bring the completed Certificate of Service with you to Court. **DO NOT BRING YOUR WITNESSES TO COURT ON THIS DATE.** Be prepared to tell the judge:

- a. why you need additional time
- b. the names and relationship to the child(ren) of the witnesses you wish to have testify
- c. your reason for calling each witness to testify
- d. how much additional time you will need
- e. why you believe there are complex issues, if there are any, in your matter.

The judge will decide how much time your case will get.

TERMS THAT ARE USED IN THE PETITION:

PLAINTIFF	Person who filed the custody complaint
DEFENDANT	Person against whom the custody complaint is filed
PETITIONER	Person who is filing the Motion for Protracted Custody Hearing
RESPONDENT	Person against whom the Motion for Protracted Custody Hearing is filed

HOW TO FILL IN THE MOTION:

HEADING (CAPTION).

Fill in the names of the plaintiff and defendant in the heading of the motion exactly as they appear in the initial 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 Motion for a Protracted Hearing, 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.

Stays the same.

LINE 6.

Fill in the name/names of the witnesses you intend to call, their relationship to the child(ren), you, or the case and the time they need to testify.

LINE 7.

Stays the same.

LINE 8.

Check all that apply.

SIGN AND DATE THE MOTION FOR PROTRACTED CUSTODY HEARING.

SIGN AND DATE 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.
	:	

MOTION FOR PROTRACTED CUSTODY HEARING

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 DOB(S) OF CHILD(REN).

4. Respondent's relationship to the child(ren) is _____

5. Petitioner believes that a PROTRACTED custody hearing is necessary to properly determine the best interests and custody of the child(ren).

6. Petitioner expects to present the following witnesses:

NAME	RELATIONSHIP TO CHILD	TIME NEEDED TO TESTIFY
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a.

b.

c.

7. Petitioner anticipates that Respondent will also testify and present witnesses.

8. Other factors which may increase the time needed for a hearing are as follows:(CHECK ALL THAT APPLY):

Petitioner, Respondent and/or the child(ren) require an interpreter for _____
(Fill in language, sign language or other)

The child(ren) need to be interviewed.

The Court has ordered a home investigation which will need to be reviewed.

The Court has ordered psychological evaluations which will need to be reviewed.

There are allegations of domestic violence, physical abuse or sexual assault

The child(ren) at issue has/have medical, mental health or educational problems.

There are complex issues to be determined, which include the following:

Other as follows: _____

WHEREFORE, Petitioner for all the above reasons, requests that this matter be marked as PROTRACTED and scheduled accordingly.

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