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Special Relief in Custody Cases

Pa. R. C. P. Rule 1915.13. Special Relief

At any time after commencement of the action, the court may on application or its own motion grant appropriate interim or special relief. The relief may include, but is not limited to, the award of temporary legal or physical custody; the issuance of appropriate process directing that a child or a party or person having physical custody of a child be brought before the court; and a direction that a person post security to appear with the child when directed by the court or to comply with any order of the court.

Note: This rule supplies relief formerly available by habeas corpus for production of the child.

Credits: Adopted Dec. 10, 1981, effective July 1, 1982; effective date extended to Jan. 1, 1983 by order of June 25, 1982. Readopted Nov. 8, 1982, effective Jan. 1, 1983. Amended Aug. 1, 2013, effective Sept. 3, 2013.

Editors' Notes EXPLANATORY COMMENT--1981

Rule 1915.13 contains a broad provision empowering the court to provide special relief where appropriate. In a custody proceeding, such special relief might include relief in the nature of a writ of ne exeat, directing the parties not to leave the jurisdiction and not to remove the child from the jurisdiction.

The rule catalogs several types of relief which might be granted, including the entry of a temporary order of custody, partial custody or visitation. The rule specifically provides that the power of the court to grant special relief shall not be limited to the types of relief cataloged.

- **Pennsylvania Rules of Civil Procedure address Special Relief in Custody cases in Rule 1915.13.**
- The full text of the Pennsylvania Rules of Court can be found at www.pacodeandbulletin.gov.

- **The Local Lehigh County Rule is Lehigh County Family Court Rule of Court No. 1915.13 Special Relief.**
- The full text of the Lehigh County Family Court Rules can be found at www.lccpa.org.

Rule 1915.13 Special Relief.

(a) A petition for special relief requires the simultaneous filing of either 1) a complaint for custody when the petition seeks to establish custody or 2) a petition for modification when the petition seeks to change an existing custody order. The complaint or petition for modification shall be scheduled in the normal course of operations.

(b) A party seeking special relief may present a petition to Family Court Administration for scheduling or present a petition pursuant to Lehigh County Rules of Civil Procedure.

(c) The party seeking relief shall serve the filed petition and file proof of service prior to the hearing in accordance with Pennsylvania Rules of Civil Procedure.

(d) Relief granted without notice of hearing to the opposing party or parties shall be an interim order. The court shall direct the scheduling of a hearing after notice is provided to the opposing party.

Examples of Petitions for Special Relief filed in Pennsylvania are too lengthy to be shown here. Two Petitions for Special Relief filed in the Court of Common Pleas of Pennsylvania can be located on Westlaw at the following citations:

- Blom v. Tyler, 2000 WL 34491544 (Pa.Com.Pl.)
- Benner v. Stiver, 1999 WL 33927565 (Pa.Com.Pl.)