

**LEHIGH COUNTY COURT OF COMMON PLEAS  
FAMILY COURT DIVISION**

**INSTRUCTIONS FOR FILING, SERVING, and  
PROVING SERVICE OF COMPLAINT FOR CUSTODY**

Pa Rules of Civil Procedure direct Plaintiff to serve Defendant when a Complaint for Custody is filed. This obligation is mandatory and service must be proved before the scheduled conference.

**1. File documents at the Clerk of Judicial Records (“COJR”) (1<sup>st</sup> floor room 122)**

- a. A kiosk is located in COJR where you will e-file your documents through Odyssey File & Serve (OFS) or proceed to the front window and staff will e-file your documents for an additional fee.
- b. You can create an account on OFS or file anonymously.
- c. When filing through OFS, you must pay by credit/debit card. When filing anonymously, cash and money order can be accepted. **No personal checks** will be accepted. A service fee will be added for debit/credit cards.
- d. You will receive an email from OFS if your filing gets Accepted and a link to view the documents.
- e. Once accepted, you will need to make additional copies for you to serve on the Defendant or any additional parties on the case.

**2. Serve the Defendant**

- a. If Defendant lives in Pennsylvania service must be completed within 30 days; if Defendant lives outside Pennsylvania service must be completed within 90 days.
- b. Manners of Service:
  - a. Unites States Postal Service (“USPS”) first class regular mail AND certified mail to defendant’s last known address.
    - i. Send two separate envelopes to Defendant each containing a copy of the Complaint with attachments.
    - ii. Mail 1<sup>st</sup> envelope by *certified mail, return receipt requested, deliver to addressee only*.
    - iii. Mail 2<sup>nd</sup> envelope by *first class regular mail* at the same time.
  - b. Commercial Carrier AND USPS first class regular mail to the defendant’s last known address.
    - i. Send two separate envelopes to Defendant each containing a copy of the Complaint with attachments.
    - ii. Mail 1<sup>st</sup> envelope by Commercial Carrier (to restrict delivery by the commercial carrier to the Defendant’s address only, with a request that the carrier provide a return receipt detailing the date and time of delivery, delivery address, and the name of the person to whom the documents were delivered).
    - iii. Mail 2<sup>nd</sup> envelope by *first class regular mail* at the same time.

- c. Personal Service by a Sheriff or competent adult.
  - i. Sheriff - For a fee, the Lehigh County Sheriff 's Office will personally serve your Custody Complaint and will file Proof of Service with the COJR. The fee for service depends on the distance from the courthouse to the defendant's location. Fees in Lehigh County range from \$40.00 for service within Allentown to \$55.00 for service to Kempton.
  - ii. Competent Adult – an individual 18 years or older, who is not a party to the within case, nor an employee or a relative of a party.
- c. Save everything returned to you for your proof of service (see below).

**3. Complete the appropriate Affidavit of Service**

- a. Affidavits of Service can be found on the court's website at:  
<https://www.lccpa.org/forms/family/custody.nex>
- b. Complete the Affidavit by completing all required fields.
- c. For service by Certified Mail, attach a second page to the Affidavit and attach the USPS return receipt or the returned envelope.
- d. For service by Commercial Carrier, attach a second page to the Affidavit and attach the commercial carrier's return receipt or the returned documents.

**4. E-file the completed Affidavit of Service** at COJR, Room 122, and bring a copy to the conference.