

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

**INSTRUCTIONS FOR FILING, SERVING , and PROVING SERVICE  
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 papers at Clerk of Judicial Records (1<sup>st</sup> floor room 122)**
  - a. Hand all copies to clerk and pay filing fee by cash, money order or credit/debit card. **No personal checks** will be accepted. A service fee will be added for debit/credit cards.
  - b. The clerk will return three time-stamped copies to you, one for your records and two to serve on Defendant.
- 2. Serve the Defendant by Mail**
  - 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. Send two separate envelopes to Defendant, each containing a copy of the Complaint with attachments.
  - c. Mail 1<sup>st</sup> envelope by certified mail, return receipt requested, restricted delivery (requiring Defendant's signature).
  - d. Mail 2<sup>nd</sup> envelope by first class mail at the same time.
  - e. Save everything returned to you for your proof of service (see below).
  - f. If the certified mail envelope is returned "unclaimed," you will need to select another means of service, for instance by sheriff.
- 3. Complete Affidavit of Service (attached)**
  - a. Fill in name of Plaintiff and Defendant, and the case number.
  - b. Fill in your name and the date you sent the envelopes.
  - c. Complete statements 1 and 2.
  - d. Sign and date.
- 4. Complete Exhibit A to Affidavit of Service**
  - a. Fill in the name of the Plaintiff and Defendant and the file number.
  - b. Attach (by staple or tape) the original Domestic Return Receipt (green card showing Defendant's signature) or the envelope returned by the post office.
- 5. Photocopy**

Make one (1) copy of Affidavit of Service and Exhibit A. Attach Exhibit A to Affidavit.
- 6. File completed Affidavit of Service** at Clerk of Judicial Records, Room 122, and bring a copy to the conference.

## **SERVICE BY SHERIFF**

For a fee, the Lehigh County Sheriff 's Office will personally serve your Custody Complaint, and will file Proof of Service with the Clerk of Judicial Records. 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.