

County of Adams

Courts' Self-Help Center – Packets

ESTABLISHING PATERNITY

This packet should be used when a putative (alleged) father wishes to establish the paternity of a child and seeks genetic testing in cases where there is no Custody Order or Child Support Order in effect. If you already have a Custody Order or Child Support Order in effect, then you cannot use this packet to establish paternity and to request genetic testing.

DISCLAIMER

Court staff is not able to give you legal advice or help you fill out/complete these forms. The information in this packet is not a substitute for professional legal advice. The Court, the Adams County Bar Association and the Family Law Committee assume no responsibility and accept no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, please call the Pennsylvania Lawyer Referral Service at 1-800-692-7375. A list of Attorneys Practicing in Adams County Available for Consultation On Filling Out Self-Help Custody and Divorce Forms can be obtained by inquiring with the Prothonotary, Law Library, Adams County Children and Youth Services, Adams County Domestic Relations Office, or the Office of the Court Administrator.

TABLE OF CONTENTS

- I. General Information
 - A. Introduction
 - B. Confidential Information
 - C. Rules of Civil Procedure
 - D. Basic Procedure
 - E. Service
- II. Instructions
 - A. Completing the CONFIDENTIAL INFORMATION FORM
 - B. Completing the ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY FORM
 - C. Completing the NOTICE OF HEARING AND ORDER
 - D. Completing the COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING
- III. Checklist for Establishing Paternity
- IV. Forms
 - A. CONFIDENTIAL INFORMATION FORM
 - B. ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY
 - C. NOTICE OF HEARING AND ORDER
 - D. COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING
 - E. AFFIDAVIT OF SERVICE (CERTIFIED MAIL)
 - F. AFFIDAVIT OF SERVICE (BY THIRD PARTY)
 - G. ACCEPTANCE OF SERVICE

GENERAL INFORMATION

A. Introduction

- A. These materials are intended to assist individuals involved in a paternity action by providing general information and legal forms. **IT IS HIGHLY RECOMMENDED THAT YOU HIRE AN ATTORNEY TO REPRESENT YOU IN ANY PATERNITY ACTION.** The information provided herein is not legal advice and is not to be used as a substitute for professional legal advice.

B. Confidential Information

- A. The first form in this packet is the Confidential Information Form. There is certain information that is deemed confidential by law. The Confidential Information Form is designed to protect this information and to prevent the public from accessing this information. Any confidential information should NOT be placed on any documents filed with the Court, and should only be included in the Confidential Information Form.

What is considered confidential information?

- i. Confidential Information that pertains to custody actions:
 - Children's Names and Dates of Birth
 - Abuse Victim's Address and Other Contact Information in family court actions (Including: employer's name, address, and work schedule).
 - a. An Abuse Victim is anyone who has been granted a protective order pursuant to the Protection from Abuse Act or the Protection for Victims of Sexual Violence or Intimidation Act.
- ii. How to fill out the Complaint to Establish Paternity, and for Genetic Testing:
 - Fill out the Complaint, listing the initials and year of birth for each child. You should place your child's full name and full date of birth on the Confidential Information Form, which you will file with the Complaint. This information is considered confidential and the public should not be able to access your child's full name and full date of birth.
- iii. If you are an Abuse Victim and have a protective order:
 - You should place "AV Contact Information" anywhere your address, phone number, employer's name, employer's address, or any other contact information is requested. This will indicate to the Court that this information is confidential and that it can be found only on the Confidential Information Form.

C. Rules of Civil Procedure

A copy of the Pennsylvania Rules of Civil Procedure and Adams County Local Rules can be obtained from the law library located on the Third Floor of the Adams County Courthouse. The applicable rule of court is Rule 1930.6 of the Pennsylvania Rules of Civil Procedure and 23 Pa.C.S.A. §4343. The Adams County Local Court Rules can be accessed online at the Courts' Self-Help webpage at www.adamscounty.us.

D. Basic Procedure

This packet contains forms and instructions on how a putative (alleged) father can establish paternity for one or more children who are born out of wedlock. This packet is not for establishing custody or child support, or for establishing paternity during a custody or child support action. You cannot file a Complaint to Establish Paternity if an order has already been issued in this or any other jurisdiction regarding paternity, custody, or support of the child(ren), or if you are a party to a support or custody case that is currently pending in front of this or any other Court. If you want to verify paternity in such a case, you can file a motion to request genetic testing while the case is pending.

E. Service of your documents

STOP!! READ THE FOLLOWING PARAGRAPH CAREFULLY!

The Pennsylvania Rules of Civil Procedure REQUIRE that all documents (including Petitions, Complaints and Orders) that you file with the Court must be served by you on the other party, or their attorney of record, if any. This includes any Orders you receive scheduling an appearance before the Judge as a result of your filing. Although the Prothonotary's Office may send a copy of a Scheduling Order to the parties, **THIS IS NOT PROPER SERVICE. IF YOU DO NOT PROPERLY SERVE ALL OTHER PARTIES, YOUR CASE MAY BE DELAYED, OR EVEN DISMISSED. THIS PACKET INCLUDES INFORMATION ON HOW TO PROPERLY SERVE THE OTHER PARTY.**

INSTRUCTIONS

If you have not already done so, prior to beginning this Section, please detach the forms at the end of this packet. Please note that these forms at the end of the packet are in the same order as these instructions.

A checklist is provided for you to chart your progress. The checklist is arranged in chronological order. Please refer to the checklist as you complete the materials in this packet.

A. **Instructions** for completing the CONFIDENTIAL INFORMATION FORM

1. **CAPTION**

- i. You are the Plaintiff. The other parent is the Defendant.

2. **BOX 1**

- i. Print the initials and the full name of the first minor child where the form states "This information pertains to a minor with the initials of ____ and the full name of _____."

3. If you are an abuse victim, then please complete the Abuse Victim Addendum in step 4.

4. If you are not an abuse victim, then you should sign and date the second page of the Confidential Information Page. You will also need to include your printed name, address, telephone, and email address.

***The Certificate of Compliance form should be completed and filed with EVERY document that you file with the Prothonotary.

5. **ABUSE VICTIM ADDENDUM**

- i. If you have been granted a protective order pursuant to the Protection from Abuse Act or the Protection for victims of Sexual Violence or Intimidation Act, then you should include this form with the Confidential Information Form.
- ii. First, you should check which type of family court action this applies to. In this case, you will check "Paternity."
- iii. In the first block on the first line you should print your full name. On the second line you should print the case number of the Protection Order you received. This is not the Child Custody docket number. This is a separate docket number that will appear in the caption of the Protection Order you received. On the third line you should print the Court or County in which you received the Protection Order.
- iv. In the second block you should print your address, your Employer's Name and Address, your Work Schedule, and any Other Contact Information.
- v. There is also an additional Abuse Victim Addendum page, if you have additional information that will not fit on the first Abuse Victim Addendum page.
- vi. Once you have completed the Confidential Information Form and the Abuse Victim Addendum, then you should sign and date the second page

of the Confidential Information Page. You must also include your printed name, address, telephone, and email address, so the Court can reach you.

B. Instructions for completing the ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY.

1. CAPTION

- i. This should appear exactly as the caption looks on the Paternity Complaint.
- ii. Print the name of the Plaintiff(s), the Defendant(s). The Prothonotary will fill in the case number.

2. PARAGRAPH 1

- i. Check the box indicating whether you are the Plaintiff or Defendant.

3. PARAGRAPH 2

- i. Check the box indicating that this is a paternity case.

4. PARAGRAPH 3

- i. Check the box next to “a” to indicate that you are representing yourself in this paternity case.

5. PARAGRAPH 4

- i. State your name, address, and telephone numbers in the spaces provided, or an alternate address and phone number where you may be served by mail and contacted by telephone.

6. PARAGRAPH 5

- i. Sign and date the ENTRY OF APPEARANCE.

7. CERTIFICATE OF COMPLIANCE: Fill in the caption of the Certificate of Compliance. Then sign and date the Certificate of Compliance. This document is filed at the same time with the Entry of Appearance.

8. The ENTRY OF APPEARANCE must be filed in the Prothonotary’s Office and you must file a new form every time your address or telephone number changes. This is the information that the Court will use to communicate with you. It is your responsibility to furnish correct and updated information to the Prothonotary. Otherwise, you risk not being notified of proceedings.

C. Instructions for completing the NOTICE OF HEARING AND ORDER. The NOTICE OF HEARING AND ORDER has blank spaces and boxes for you to fill in the appropriate information or select an option. Below is a step by step guide for completing the NOTICE OF HEARING AND ORDER.

1. CAPTION

- i. This should appear exactly as the caption looks on the Complaint.
- ii. Print the name of the Plaintiff(s), the Defendant(s), and the case number of the existing Order.

DO NOT FILL IN ANYTHING FURTHER.

THE COURT WILL FILL IN THE DATE, TIME AND PLACE FOR THE HEARING.

CHILDREN SHOULD NOT BE BROUGHT TO HEARING.

AFTER THE COURT FILLS IN THE DATE, TIME AND PLACE FOR THE HEARING, THE “NOTICE OF HEARING AND ORDER” WILL BE RETURNED TO THE PROTHONOTARY.

ONCE THE PROTHONOTARY RECEIVES THE COURT ORDER, YOU MUST PICK UP COPIES OF THE ORDER AND SERVE THE “NOTICE OF HEARING AND ORDER,” YOUR “ENTRY OF APPEARANCE,” YOUR “COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING,” ON ALL OTHER PARTIES. NEITHER THE COURT NOR THE PROTHONOTARY WILL SERVE THESE DOCUMENTS FOR YOU. ALTHOUGH THE PROTHONOTARY MAY MAIL A COPY OF THE ORDER TO THE PARTIES, THIS IS NOT PROPER SERVICE AS REQUIRED BY THE PENNSYLVANIA RULES OF CIVIL PROCEDURE.

PLEASE FOLLOW THE INSTRUCTIONS REGARDING SERVICE IN THIS SECTION.

IF YOU DO NOT SERVE THESE DOCUMENTS CORRECTLY THEN YOUR CASE MAY BE DELAYED OR EVEN DISMISSED.

D. Instructions for completing the COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING. The COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING has blank spaces and boxes for you to fill in the appropriate information or select an option. Below is a step-by-step guide for completing the COMPLAINT.

1. CAPTION

- i. Print the names of the Plaintiff(s) the Defendant(s). You are the Plaintiff and the opposing party is the Defendant. Leave the Case Number blank as the Prothonotary will assign a case number once you file your documents.
- ii. After the title of the document, write your name in the first blank.

2. PARAGRAPH 1 and 2: YOUR NAME and ADDRESS

- i. Print your name and your current address (unless your address is confidential). If you have a separate mailing address, include that information as well.

ii. Print the Defendant's name and address in the next blank.

3. PARAGRAPH 3: INFORMATION REGARDING THE CHILD(REN)

i. Print the initials of the child(ren) whom you are seeking genetic testing for, and their year(s) of birth.

4. PARAGRAPH 4: ADDRESS OF THE CHILDREN

i. Under the heading "Address" list the current address of the children.

ii. Under the heading "Person(s) Living With Child" list all individuals who are currently residing with the child.

iii. Under the heading "Relationship to Child" list what the relationship of each individual who is living with the child.

5. PARAGRAPH 5: MARRIAGE AT TIME OF BIRTH

i. Check whether the Defendant was or was not married at the time the child(ren) was/were born.

6. PARAGRAPH 6: CURRENT MARRIAGE

i. Check whether the Defendant is or is not currently married. If you check that the Defendant is married, then write the name of the Defendant's spouse in the space provided.

7. PARAGRAPH 7: OTHER ACTIONS INVOLVING PATERNITY

i. Check whether there is or is not currently a custody, support, or other action involving the paternity of the child(ren) listed in your Complaint.

ii. If you check that there is a custody, support, or other action involving the child(ren) identified in your Complaint, then write the name of the action, the state and county where the action is located, the parties' names, and docket number in the space provided.

8. PARAGRAPH 8: DETERMINATION REGARDING PATERNITY

i. Check whether there has or has not been a determination by any court regarding the paternity of the child(ren) listed in your Complaint.

ii. If you check that there has been a prior determination, then you must list the state, county, parties' names, and docket number of the determination in the space provided.

9. PARAGRAPH 9: COSTS

i. Check the box as to whether you agree to pay the costs associated with the genetic testing or whether you will be filing a Petition to Proceed In Forma Pauperis. Please note that there is a separate packet regarding filing a Petition to Proceed In Forma Pauperis that is available online at: <https://adamscountypa.gov/courts/courtadministration/selfhelpcenter>

ii. Sign the document in the space provided.

10. VERIFICATION

- i. Read carefully, and then date and sign the form. It is a crime to submit false information to the Court.

CERTIFICATE OF COMPLIANCE: Fill in the caption of the Certificate of Compliance. Then sign and date the Certificate of Compliance. This document is filed at the same time with the Complaint to Establish Paternity and for Genetic Testing.

Instructions for making copies, creating envelopes and filing with the Prothonotary.

1. **After completing the CONFIDENTIAL INFORMATION FORM, ENTRY OF APPEARANCE, NOTICE OF HEARING AND ORDER, and the COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING, copies must be made:**
 - i. CONFIDENTIAL INFORMATION FORM: Do not make any copies.
 - ii. ENTRY OF APPEARANCE: make one copy of the ENTRY OF APPEARANCE for each party in the case. If you are the Plaintiff and there is only one other party in the case, for example, make two copies.
 - iii. NOTICE OF HEARING AND ORDER: make one copy of the NOTICE OF HEARING AND ORDER for each party in the case.
 - iv. COMPLAINT: make one copy of the COMPLAINT for each party in the case.
2. **You must also make a SELF ADDRESSED STAMPED ENVELOPE for yourself and one for each other party in the case at their respective addresses in order for the Prothonotary to mail to you and the other party(ies) the NOTICE OF HEARING AND ORDER after the Judge signs it.**
 - i. For each party in the case, make up one envelope. Put a first class stamp on each envelope and the mailing address of the party. Do NOT seal the envelopes. The Prothonotary will use these envelopes to mail the NOTICE OF HEARING AND ORDER to you and the other party(ies).
3. **File the CONFIDENTIAL INFORMATION FORM, ENTRY OF APPEARANCE, the NOTICE OF HEARING AND ORDER, the COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING, and the ENVELOPES with the Prothonotary. Pay the proper FILING FEE.**
 - i. Call the Prothonotary at 717-337-9834 or consult the Adams County website at <https://adamscountypa.gov/departments/prothonotary> for the proper FILING FEE.
 - ii. File the Original CONFIDENTIAL INFORMATION FORM.
 - iii. File the Original and ALL Copies of the ENTRY OF APPEARANCE. The Prothonotary will keep the Original and give you back all of the Copies at this time.

- iv. File the Original and ALL Copies of the NOTICE OF HEARING AND ORDER.
 - v. File the Original and ALL Copies of the COMPLAINT. The Prothonotary will keep the Originals and give you back all of the Copies at this time.
 - vi. File the self-addressed, stamped ENVELOPES that you made.
4. **After you have filed your documents with the Prothonotary, you must pick them up after the Judge schedules and signs the Notice of Hearing and Order.**
- i. Pick up the signed copies of the NOTICE OF HEARING AND ORDER in the Prothonotary's Office after the Judge signs the Order and it is sent back to the Prothonotary.
 - ii. You may call the Prothonotary at 717-337-9834 to find out if the Prothonotary has received the Order back from the Judge.
5. **A copy of the ENTRY OF APPEARANCE, the COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING, and a copy of the signed NOTICE OF HEARING AND ORDER must then be served on each other party. Instructions on serving these documents are below. FAILURE TO SERVE THESE DOCUMENTS PROPERLY MAY RESULT IN DELAY OR DISMISSAL OF YOUR CASE.**

Instructions for serving the ENTRY OF APPEARANCE, NOTICE OF HEARING AND ORDER, and COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING

- a. **How do you SERVE documents (i.e. give them to the other parties)?**
- i. You will need to have all parties served with a copy of ALL papers that you filed with the Prothonotary's Office, including the ENTRY OF APPEARANCE, NOTICE OF HEARING AND ORDER, and COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING. **You must prove the other person received these papers.** You may use any method in this packet, but you must be able to provide the Court with the correct documentation regarding the method you used.
 - ii. **ATTENTION: YOU MUST SERVE ALL THE DOCUMENTS IN THIS CASE EXCEPT FOR THE CONFIDENTIAL INFORMATION FORM.** Neither the Court nor the Prothonotary's Office will serve any documents for you. Although the Prothonotary may mail a copy of the Order to the parties, this is not proper service!
 - iii. If you come to court and cannot prove to the Judge that you properly served all documents in your case, then the Judge may continue your proceeding until you can prove that you have served the other party. This is because the other party in this case has a right to know that you have filed a Complaint to Establish Paternity and for Genetic Testing.

b. What Methods of Service are available?

- i. Certified Mail, restricted delivery, return receipt requested.
- ii. Personal Service, by Sheriff, Constable, or other person over the age of 18 years (THIS OTHER PERSON OVER THE AGE OF 18 YEARS CANNOT BE YOU).
- iii. Personal Service, by you handing the party(ies) a copy of ALL papers: HOWEVER, this is only considered proper and valid service if the other party or parties cooperate by signing an ACCEPTANCE OF SERVICE (Form #7) as set forth below. If they will not cooperate and will not sign the ACCEPTANCE OF SERVICE, then you must use one of the other two methods of service set forth above.

c. What type of Documentation should be completed?

- i. If you serve the other party(ies) by Certified Mail, restricted delivery, return receipt requested, then complete the AFFIDAVIT OF SERVICE (CERTIFIED MAIL) for each party and attach the Certified Mail Receipt (which is green in color) and file this form with the Prothonotary's Office. The Green card must have been signed by the other party.
- ii. If a Sheriff, Constable or other person over the age of 18 (OTHER THAN YOU) hands the papers to the other party(ies), then complete the AFFIDAVIT OF SERVICE (BY THIRD PARTY) for each party and file this form with the Prothonotary's Office. This form requires the signature of the third party.
- iii. If you hand the papers to the other party(ies), then complete the top part of the ACCEPTANCE OF SERVICE and have the other party(ies) sign and date the form. File this form with the Prothonotary's Office. This form requires the signature of the other party(ies). If the other party(ies) refuses to sign, then you must use another method of service such as Certified Mail or Service by a third party.
- iv. **CERTIFICATE OF COMPLIANCE:** Fill in the caption of the Certificate of Compliance. Then sign and date the Certificate of Compliance. This document is filed at the same time with whichever form of service is filed. (ex: Affidavit of Service Certified Mail, Affidavit of Service (By third party), or Acceptance of Service).