

01-2014-CD  
GARY L. CAPISTRANT "vs" ERIN M. CAPISTRANT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GARY L. Capistrant

Plaintiff

vs.

ERIN M. Capistrant

Defendant

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\* NO. 01-2026-CO

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\* TYPE OF CASE: CUSTODY

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\* TYPE OF PLEADING: IN FORMA PAUPERIS

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\* FILED ON BEHALF OF:

**FILED**

DEC 19 2001

William A. Shaw  
Prothonotary

Name: GARY L. Capistrant

Address: R.D. #1 Box 20  
IRVONA PA. 16656

Telephone #: (814) 672-5308

Children:

Name(s)

Age

Date of Birth

Morgan H. Capistrant

3

07/10/1998

1

No Children to This Marriage  
No Children 18 years of Age or Under

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION--LAW

GARY L. Capistrant : No.  
Plaintiff :  
v. :  
Defendant :  
ERIN. M. Capistrant :

PETITION TO PROCEED IN FORMA PAUPERIS

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of GARY L. Capistrant respectfully

represents:

1. I am the (Plaintiff) (~~Defendant~~) in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.

2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.

3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) Name: GARY L. Capistrant

Address: R.D. #1 Box 20 IROVONa Pa. 16656

Soc. Sec. No.: 199-54-0954

(b) Employment--If you are presently employed, state

Employer: N/A None

Address:

Salary or wages per month:

Type of work:

--If you are presently unemployed, state

Date of last employment: NONE

Salary or wages per month:

Type of work:

(c) Other income within the past twelve months

Business or profession:

Other self-employment:

Interest:

Dividends:

Pension and annuities:

Social security benefits: \$ 901.00 month

Support payments:

Disability payments:

Workman's compensation:

Public assistance:

Other: NONE

(d) Other contributions to household support

Spouse's Name: NONE

If your spouse is employed, state

Employer:

Salary or wages per month:

Type of work:

Contributions from child(ren) ren:

Contributions from parents:

Other contributions:

(e) Property owned

Cash:

Checking account:

None

Savings account:

Certificates of deposit:

Real estate (including home):

Motor vehicle: Make: *FORD Explorer*; Year: 1994

Cost: \$4000.00; Amount owed: None

Stocks; bonds:

Other:

(f) Debts and obligations

Mortgage:

Rent: \$ 400.00

Loans: Capital one VISA + master Card  
\$50.00 each per month

Other: Cable \$58.00 mth, Child Support \$60.00 mth, z Hardware \$65.00 +  
\$25.00 mth

CAR INSURANCE \$50.00 mth, Gas \$30.00 mth, Phone \$100.00 mth Groceries \$200.00

(g) Persons dependent upon you for support

Garbage \$42.00 3 mth

Spouse's Name:

Child(ren), if any:

Name(s) and age(s):

Morgan H. Capistrant  
3 yrs. of age

Other persons: Name:

Relationship:

4. I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: 11-9-2001

  
Mary L. Capers  
Plaintiff

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, GARY L. Capistrant, having filed with the Court an Affidavit requesting In Forma Pauperis standing, hereby consent to the release of any information which may be requested by the Judges of the Court of Common Pleas of Clearfield County, or by any employee of the Court Administrator's office acting on the behalf and at the direction of any said Judge, relating to any unemployment compensation, Worker's Compensation, Social Security, Department of Public Welfare or Black Lung benefits which I may receive from any county, state or federal agency which administers or handles processing of any of the above described benefits. This consent shall also authorize the release to the said Court or designee of any information as to any compensation I am receiving, or have received in the past twelve (12) months, from any full or part-time employment of any type whatsoever.

This consent shall remain in effect for a period of twelve (12) months herefrom. A copy or FAX of this release shall have the same legal effect as the original.

Social Security No. 199 - 54 - 0954

Board of Assistance number (Food Stamps, ect): 84858

DATE: 11/9/2001

Gary L Capistrant

**FILED**

DEC 19 2001

01/10/30/11cc P/K. G. Capotrotti

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION--LAW

GARY L. CAPISTRANT  
Plaintiff

v.

ERIN M. CAPISTRANT  
Defendant

: No. 01-2026-CJ

:

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ORDER

AND NOW, this 3<sup>rd</sup> day of JAN., <sup>2002</sup> ~~2001~~, upon

consideration of the Petition of Plaintiff to Proceed In Forma  
Pauperis, it is hereby granted.

ORDERED and DECREED that the Plaintiff may file the  
complaint in forma pauperis.

Jud Cummins  
Judge

FILED

JAN 07 2002  
8/9511/CC pf. J. Capistrant  
William A. Shaw  
Prothonotary  
GAS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

(X)

GARY L. Capistrant

Plaintiff

vs.

Erin M. Capistrant

Defendant

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\* NO. 012026-CO

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\* TYPE OF CASE: CUSTODY

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\* TYPE OF PLEADING: CUSTODY COMPLAINT

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\*  
\* FILED ON BEHALF OF:

Name: GARY L. Capistrant

Address: R.D. # 1 Box 20  
IRVONA PA. 16656

Telephone #: (814) 672-5308

William A. Shaw  
Prothonotary

Children:

Name(s)

Age

Date of Birth

MORGAN H. Capistrant

3

07/10/1998

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1

No Children to This Marriage  
No Children 18 years of Age or Under

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GARY L. Capistrant

Plaintiff

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CIVIL ACTION

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NO.

C.D.

vs.

ERIN M. Capistrant

Defendant

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COMPLAINT FOR CUSTODY

1. The Plaintiff is GARY L. Capistrant, residing at  
Berwindale Road St. Rte. 3005 R.D. #1 Box 20 Irvona PA. 16656.

2. The Defendant is ERIN M. Capistrant, residing at  
Rte. 879 Grampian Highway R.D. # 1 Box 21 Grampian PA. 16838.

3. Plaintiff seeks (custody) (partial custody) (visitation) of the following  
child(ren):

CHILD'S NAME

PRESENT ADDRESS

AGE

Morgan Harley Capistrant

R.D. #1 Box 20 Irvona PA. 16656

3

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

The child(ren) was/was not born out of wedlock.

The child(ren) is presently in the custody of  
GARY L. Capistrant, residing at  
R.D. #1 Box 20 IRVONA PA. 16656.

During the past five (5) years, the child(ren) has resided with the following persons and at the following addresses:

PERSON'S NAME	ADDRESS	DATE
<u>GARY L. Capistrant</u>	<u>R.D. #1 Box 20 IRVONA PA. 16656</u>	<u>6/2001 - Present</u>
<u>GARY L. Capistrant</u>	<u>R.D. #1 Box 21 Grampian PA. 16838</u>	<u>12/1999 - 6/2001</u>

The mother of the child(ren) is Erin M. Capistrant currently residing at R.D. #1 Box 21 Grampian PA. 16838.

She is (single) (married) (divorced).

The father of the child(ren) is GARY L. Capistrant currently residing at R.D. #1 Box 20 IRVONA PA. 16656.

He is (single) (married) (divorced).

4. The relationship of Plaintiff to the child(ren) is  
FATHER. The Plaintiff currently resides with:

PERSON'S NAME	PRESENT ADDRESS
<u>Morgan H. Capistrant</u>	<u>R.D. #1 Box 20 IRVONA PA. 16656</u>

5. The relationship of Defendant to the child(ren) is  
MOTHER. The Defendant currently resides with:

PERSON'S NAME	PRESENT ADDRESS
<u>Brittany C. Kavelak</u>	<u>R.D. #1 Box 21 Grampian Pa. 16838</u>

6. Plaintiff (~~has~~) (has not) participated as a party or witness, or in another capacity, in other litigation concerning the custody of this minor child(ren) in this or another court. The court, term and number, and its relationship to this action is: \_\_\_\_\_.

Plaintiff (~~has~~) (has no) information of a custody proceeding concerning the child(ren) pending in a court of this Commonwealth. the court, term and number, and its relationship to this action is: \_\_\_\_\_.

Plaintiff (~~knows~~) (does not know) of a person not a party to the proceedings who has physical custody of the child(ren) or claims to have custody or visitation rights with respect to the child(ren). The name and address of such person is: \_\_\_\_\_.

7. The best interest and permanent welfare of the child(ren) will be served by granting the relief requested because: I Am and Have Been The Primary Caretaker and Provider. I Also Provide a Clean and Safe Environment for My Daughter Morgan.

8. Each parent whose parental rights to the child(ren) have not been terminated and the person who has physical custody of the child(ren) have been named as parties to this action. All other persons, named below, who are known to have or claim a right to custody or visitation of the child(ren) will be given notice of the pendency of this action and the right to intervene:

PERSON'S NAME

ADDRESS

BASIS OF CLAIM

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, Plaintiff requests this court to grant  
(custody) (temporary custody) (visitation) of the child(ren) to the  
Plaintiff.

Respectively Submitted,

Mary Lee Capish

Plaintiff

11-9-2001

Date

#### VERIFICATION

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to Unsworn Falsification to Authorities.

Mary Lee Capish

Plaintiff

11-9-2001

Date

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GARY L. Capistrant

Plaintiff

vs.

ERIN M. Capistrant

Defendant

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\*  
\* CIVIL ACTION  
\*  
\* NO. 01-2026 C.D.  
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ORDER OF COURT

You, ERIN M. Capistrant, the Defendant, have been sued in court to obtain custody, partial custody or visitation of the child(ren):  
Morgan H. Capistrant 7-10-1998.

You are ordered to appear in person the 28<sup>th</sup> day of January, 2002 at 9:00 A.M. for a Custody Conference. Please report to the Court Administrator's Office, Second Floor, Clearfield County Courthouse, Clearfield, Pennsylvania. You will be directed as to where the Conference will be held.

If you fail to appear as provided by this Order, an Order for custody, partial custody or visitation may be entered against you or the court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator  
Clearfield County Courthouse  
230 East Market Street, Suite 228  
Clearfield, Pennsylvania 16830  
(814) 765-2641, extension 1300

**FILED**

JAN 07 2002

011104/2cc/plf.

William A. Shaw  
Prothonotary W. Capistrant

By the Court,

Judge

FILED

JAN 07 2002

O/11/04/2002

William A. Shaw  
Prothonotary  
cc phy. & J. Capotrot  
EJ  
tex

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GARY CAPISTRANT : :

Plaintiff : :

-vs- : No. 01-202-CD

**FILED**

ERIN CAPISTRANT : :

**JAN 28 2002**

Defendant : :

TEMPORARY ORDER

**William A. Shaw  
Prothonotary**

NOW, this 28th day of January, 2002, this being the date set for custody conference into the above-captioned matter among the parties, who have appeared pro se, it is the TEMPORARY ORDER of this Court as follows:

1. The parties shall share legal custody of the minor child, Morgan Harley Capistrant (D.O.B. 7/10/98).

2. Father shall enjoy primary physical custody of the parties' minor child subject to periods of visitation/partial custody to the mother as follows:

A. Each week mother shall have visitation from Sunday at 12:00 p.m. through Wednesday at 11:00 a.m. beginning Sunday, February 3rd, 2002.

B. Holiday visitation shall be arranged as follows:

i. Father's Day - The child shall spend Father's Day in its entirety with father. However, father shall take

the child to the mother on Monday morning thereafter at 10:00 a.m.

ii. Thanksgiving - The Thanksgiving holiday visitation period shall begin at 10:00 a.m. and end at 4:00 p.m. on Thanksgiving Day.

iii. Christmas - The Christmas visitation period shall begin at 8:00 p.m. on December 24th and shall continue through 12:00 p.m. on December 25th.

3. Father shall provide all transportation for visitation. However, mother will pay to father the sum of Five (\$5.00) Dollars each week representing fuel costs. Such Five (\$5.00) Dollars shall be payable at the beginning of the visitation period unless otherwise agreed by the parties.

4. Should father be delayed in either bringing or picking up the child, he shall call ahead to make sure that mother knows he will be late.

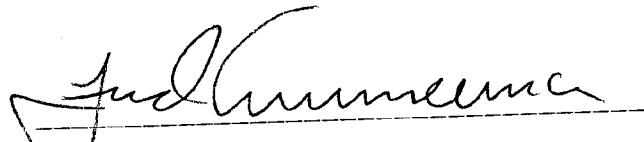
5. Father has scheduled certain medical and school-related appointments for the month of February 2002. Mother agrees to abide by such appointments should they fall during her visitation periods. Following February 28th, 2002, father agrees to use best efforts to schedule such appointments during his period of physical custody. In the event that such appointments cannot be so scheduled, father agrees to so notify mother and make arrangements such that child can keep such appointments.

6. Should it be necessary for either party to cancel or modify the custody as set out in this Order or as previously arranged, the party seeking cancellation or modification shall notify the other party as soon as he or she knows of the necessity which impels the cancellation or modification. Said modifications or cancellations shall not be proposed except for good reasons. Should a cancellation or modification be necessary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements.

7. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are strongly encouraged to do so if that would be proper or convenient. Said arrangements shall be by mutual consent only, in the absence of which this Order shall govern.

8. Either party may, at any time, request the Court to order the mediation process or to schedule a custody trial.

BY THE COURT,



Judge

We, the undersigned, hereby consent to the entry  
of the foregoing Order.

  
\_\_\_\_\_  
GARY CAPISTRANT  
Plaintiff

  
\_\_\_\_\_  
ERIN CAPISTRANT  
Defendant

FILED

JAN 28 2002

012311cc D. L. Caperton  
William A. Shaw  
Prothonotary

cc

cc D. L. Caperton