

V

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

PAUL E. HADUCK and
TAMMY S. HADUCK, his wife,
Owners

vs.

PIER HEATING & COOLING,
Contractor

: No.: 2007- **845-CD**
:
: Type of Case: Civil
: Type of Pleading:
: Mechanic's Lien Waiver
: Filed on Behalf of:
: Owners
: Counsel of Record for
: This Party:
: Girard Kasubick, Esq.
: Supreme Court No. 30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651
: (814) 378-7840

FILED *pa \$20.00 AM*
98:45cm NO CL.
JUN 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

PAUL E. HADUCK and :
TAMMY S. HADUCK, his wife, :
Owners :
 : No.: 2007-
vs. :
 :
PIER HEATING & COOLING, :
Contractor :

WHEREAS, PAUL E. HADUCK and TAMMY S. HADUCK, his wife, of 160 Crimson Oak Road, Somerset, PA 15501, are about to execute contemporaneously herewith, a contract with PIER HEATING & COOLING, Contractor, of 196 Reade Street, Blandburg, PA 16619, for the purpose of completing the HVAC System for a modular home to be placed upon a lot of land situate in Beccaria Township, Clearfield County, Pennsylvania, conveyed to Owners by Deed recorded in Clearfield County Instrument No. 200703895, and further being known by Tax Map No. 101-J17-178.

NOW, this 27th day of May, 2007, at the time of or immediately before or subsequent to the execution of the principal contract, and before any authority has been given by the said Paul E. Haduck and Tammy S. Haduck to Pier Heating & Cooling to commence work on the said HVAC System, or purchase materials for the same in consideration of the making of the said contract with Pier Heating & Cooling, and the further

consideration of the sum of One and 00/100 (\$1.00) Dollar, to them paid by Paul E. Haduck and Tammy S. Haduck, it is agreed that no lien shall be filed against the building or real property by the Contractor, or any other person for any labor, or materials purchased, or extra labor or materials purchased for the HVAC System, the right to file such liens being expressly waived.

This Mechanic's Lien Waiver is intended to be filed with the Clearfield County Prothonotary within ten (10) days after date.

WITNESS our hands and seals the day and year aforesaid.

WITNESS:

David Kamulich

David Kamulich

OWNERS:

Paul E. Haduck

Paul E. Haduck

Tammy S. Haduck

Tammy S. Haduck

CONTRACTOR:

Cindy A. Miller

Andy Pier

Andy Pier, President, of
PIER HEATING & COOLING

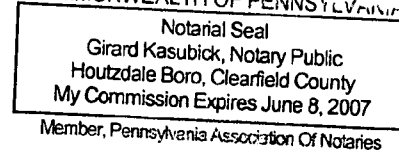
COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF Clearfield : S:

On this, the 1ST day of JUNE, 2007, before me, the undersigned officer, personally appeared **PAUL E. HADUCK and TAMMY S. HADUCK, his wife**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Girard Kasubick
Notary Public

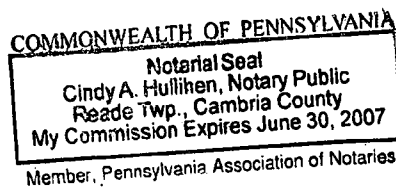


COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF Cambria : S:

On this, the 27 day of May, 2007, before me, the undersigned officer, personally appeared **ANDY PIER, President of PIER HEATING & COOLING**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Cindy A. Hulihan
Notary Public

07-846-CD
Brenda Leiberton vs Cynthia Kirkwood

Brenda Havlicek vs Cynthia Kirkwood
2007-846-CD

Brenda J. Havlichek vs. Cynthia KIRKWOOD

* Rule to Show Cause
Missing. Not on
On Base
- NS

Date	Custody	Judge
6/1/2007	New Case Filed. Filing: Petition for Emergency Custody Paid by: Leiberton, Brenda J. ✓ (plaintiff) Receipt number: 1919208 Dated: 6/1/2007 Amount: \$85.00 (Cash) 2CC plff. Rule to Show Cause, NOW, this 1st day of June, 2007, in consideration of ✓ the Petition for Emergency Custody, a rule is granted upon the Defendant. Rule returnable on the 12th day of June, 2007, for hearing at 10:30 a.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 2CC Plff	No Judge No Judge Paul E. Cherry
6/12/2007	Temporary Order, this 12th day of June, 2007, following hearing on Petition for Emergency Custody, it is the Temporary Order that Petitioner ✓ Brenda J. Leiberton is awarded primary physical custody. By The Court, /s/ Paul E. Cherry, Judge. 1CC Plff. 117 W. Weber Ave., DuBois, PA 15801; 1CC Def. Jefferson Co. Jail, 578 Service Center Road, Brookville, PA 15825	Paul E. Cherry
8/1/2007	✓ Petition, filed by s/ Cynthia Kirkwood, Def. 2CC Def.	Paul E. Cherry
9/4/2007	✓ Petition For Special Relief, filed by s/ Evangeline Wright, Esquire. 2CC [Atty. Wright] NOT missing	Paul E. Cherry
9/5/2007	✓ [Rule To Show Cause: A Rule is issued upon Plaintiff. Rule Returnable the 4th day of Oct., 2007, at 2:30 p.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. Wright.] missing not on On Base.	Paul E. Cherry
9/25/2007	✓ Proof of Service, filed. That on Sept. 13, 2007 served a true and correct copy of the Complaint for Custody upon defendant, filed by s/ Evangeline Wright Esq. 1CC Atty Wright.	Paul E. Cherry
10/5/2007	✓ Order, this 4th day of Oct., 2007, following hearing on Petition for Special Relief, it is Ordered: (see original for custody details). This matter shall be scheduled for mediation conference. It is Noted that Cynthia Kirkwood's address is P.O. Box 183, DuBois, PA 15801 By The Court, /s/ Paul E. Cherry, Judge. 2CC Plff. 117 W. Weber Ave., DuBois, PA 15801; 2CC Atty. Wright	Paul E. Cherry
10/10/2007	✓ Order for Mediation Conference and Payment of Costs, NOW, this Ordered that a Custody Mediation Conference be held. Further Ordered that the parties complete a Child Custody Mediation Questionnaire. Ordered that cost be borne equally by Plaintiff and Defendant, made payable to the Clearfield County Treasurer and mailed to J. Shirey, Judge's Chambers. BY THE COURT:	Paul E. Cherry
10/23/2007	✓ Petition to Proceed In Forma Pauperis, filed by s/ Evangeline Wright, Esquire. 1CC Atty. Wright	Paul E. Cherry
	Order, this 23rd day of Oct., 2007, Petition to Proceed In Forma Pauperis ✓ is Denied. Household income not completed properly. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Wright	Paul E. Cherry
10/31/2007	✓ Amended Petition to Proceed In Forma Pauperis, Re: Mediation Conference, filed by s/Evangeline Wright, Esq. One CC Attorney Wright	Paul E. Cherry
11/2/2007	✓ Order, this 2nd day of Nov., 2007, Petition to proceed In Forma Pauperis is Granted. Mediation Conference fee is Waived. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Wright	Paul E. Cherry

Brenda J. Havlichekvs.Cynthia KIRKWOOD

Custody

Date		Judge
11/16/2007	Order, this 15th day of Nov., 2007, Custody Mediation Conference to be held on Feb. 13, 2008, at 9:00 a.m. By The court, /s/ Paul E. cherry, Judge. 2CC to Plaintiff, Pro-Se@, 117 West Weber Ave. DuBois, PA 15801; 2CC to Evangeline Wright, Esquire	Paul E. Cherry
1/29/2008	Petition to Postpone Mediation, filed by s/Evangeline Wright, Esq. Three CC Attorney Wright	Paul E. Cherry
1/31/2008	Proposed Order, NOW, this 30th day of Jan., 2008, it is Ordered that the Custody Mediation Conference scheduled for Feb. 13, 2008 at 9:00 a.m. is postponed indefinitely. by The court, /s/ Paul E. Cherry, Judge. 3CC Atty. Wright	Paul E. Cherry
	Order, this 30th day of Jan., 2008, mediation fee paid by Plaintiff shall be refunded to her, in the amount of \$175.00. by The Court, /s/ Paul E. Cherry, Judge. 1CC Plff - 117 W. Weber Ave., DuBois, PA 15801; 2CC Atty. Wright	Paul E. Cherry
7/5/2012	Petition to Modify a Partial Custody Order, filed by s/Cynthia Kirkwood, Defendant. 2CC Def.	Paul E. Cherry
	Change of address, filed. New Address: Cynthia Kirkwood 40 Helen Lane Rockton, Pa 15856 Filed by s/ Cybnthia Kirkwood, Defendant.	Paul E. Cherry
7/6/2012	Order, July 6, 2012, Custody Conference is scheduled on the 14th of Aug., 2012 at 10:00 a.m. in Hearing Room 3. By The Court, /s/ Paul E. Cherry, Judge. 2CC Def.	Paul E. Cherry
7/23/2012	Certificate of Service, filed. Served the foregoing Petition for Custody Modification via first class mail, certified mail to Brenda Havlichck on 7/14/12, filed by s/Cynthia Kirkwood. No CC.	Paul E. Cherry
8/15/2012	Order for Mediation Conference and Payment of Costs, NOW, this 14th day of August 2012, it is Ordered that a Custody Mediation Conference be held. Further Ordered that the parties complete a Child Custody Mediation Questionnaire. Ordered that cost be borne equally by Plaintiff and Defendant, made payable to the Clearfield County Treasurer and mailed to J. Shirey, Judge's Chambers. BY THE COURT: /s/ Paul E. Cherry, Judge. 1CC & questionnaire to Atty Wright, Plff @ 117 W. Weber Ave., DuBois PA 15801 deft @ 40 Helen Lane, Rockton PA 15856	Paul E. Cherry
8/22/2012	Affidavit in Support of Petition to Proceed in Forma Pauperis, filed by s/ Cynthia Kirkwood, Defendant. 2CC Def.	Paul E. Cherry
8/23/2012	Stipulation to Withdraw, NOW, this 22nd of Aug., 2012, upon Stipulation of Cynthia Kirkwood, and her counsel MidPenn Legal Services, it is agreed that MidPenn Legal Services is permitted to withdraw as counsel for Cynthia Kirkwood. Filed by s/ Jaime S. Bumbarger, Esq. 3CC Atty. Bumbarger	Paul E. Cherry

Brenda J. Havlichek vs. Cynthia KIRKWOOD

Custody

Date		Judge
8/23/2012	Praeipce to Withdraw, on behalf of Cynthia Kirkwood, withdraw appearance of MidPenn Legal Services. Filed by s/ Jaime S. Bumbarger, Esq. 3CC Atty. Bumbarger ✓	Paul E. Cherry
8/24/2012	Order, this 22nd of Aug., 2012, Petition to Proceed in Forma Pauperis is GRANTED. Mediation Conference fee is WAIVED. By The Court, /s/ Paul E. Cherry, Judge. 2CC Def. ✓	Paul E. Cherry
8/27/2012	Return mail addressed to Brenda Leiberton returned with Order for Mediation Conf. and Payment of Costs enclosed. ✓	Paul E. Cherry
9/20/2012	Order, this 19th of Sept., 2012, unless Plaintiff pays the Custody Mediation Fee, a hearing is scheduled for the 22nd of Oct., 2012, at 9:00 a.m. in Courtroom 2 at which time Plff. must be present or BW may be issued. By The Court, /s/ Paul E. Cherry, Judge. ✓ 1CC Plff 1CC Def.	Paul E. Cherry
9/24/2012	✓ Regarding Plaintiff correct address and Name. Now Brenda Havlichek	Paul E. Cherry
9/26/2012	Order, this 25th of Sept., 2012, Plaintiff having paid the Custody Mediation Fee, it is Ordered that Contempt Hearing scheduled for Oct. 22, 2012 is Cancelled. by The Court, /s/ Paul E. Cherry, Judge. ✓ 1CC B. Havlichek 1CC C. Kirkwood	Paul E. Cherry
9/27/2012	Order, this 26th of Sept., 2012, Custody Mediation Conference is scheduled on Oct. 18, 2012 at 1:00 p.m. By The Court, /s/ Paul E. Cherry, Judge. ✓ 2CC Plff. - 416 Treasure Lake, DuBois, PA 15801 2CC Def. - 40 Helen Lane, Rockton, PA 15856	Paul E. Cherry
10/18/2012	Order, filed 4 Cert. to Dr. Ryan ✓ NOW, this 18th day of Oct., 2012, RE: Agreement at Med. Conf. See Original	Paul E. Cherry
1/24/2013	✓ Petition to Modification of Custody Order, filed by Deft. 2 Cert. to Defendant.	Paul E. Cherry
1/29/2013	Order, Jan. 25, 2013, Custody Modification Hearing is scheduled on the 19th of Feb., 2013 at 10:00 a.m. in Courtroom 2. By The Court, //s Paul E. Cherry, Judge. 2CC Def. ✓	Paul E. Cherry
2/11/2013	Certificate of Service, filed ✓ Served Emergency Peitition Scheduling Order on Plaintiff.	Paul E. Cherry
2/21/2013	Order, this 19th day of February 2013, following hearing on the Petition for Modification of Custody Order, it is the ORDER of this Court that said Petition for Modification of a Custody Order shall be hereby DISMISSED. see original for custody details. BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC plff and 2CC deft. ✓	Paul E. Cherry
2/22/2013	Order for Mediation Conference and Payment of Costs, NOW, this 20th of Feb., 2013, it is Ordered that a Custody Mediation Conference be held. Further Ordered that the parties complete a Child Custody Mediation Questionnaire. Ordered that cost be borne equally by Plaintiff and Defendant, made payable to the Clearfield County Treasurer and mailed to J. Shirey, Judge's Chambers. BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC Plff. and Def. ✓	Paul E. Cherry

Brenda J. Havlichek vs. Cynthia KIRKWOOD

Custody

Date		Judge
3/11/2013	✓ Petition for IFP for Custody Med. Conf. Fee, filed by Deft. no cert. copies. Certificate of Service, filed by C. Kirkwood ✓ Served copy of Emergency Custody Complaint and Order on Plaintiff on 3-5-13.	Paul E. Cherry
3/13/2013	Order, filed Cert. to Deft. ✓ NOW, this 12th day of March, 2013 RE: IFP for Custody Med. Conf. DENIED.	Paul E. Cherry
3/21/2013	Order, this 20th of March, 2013, Custody Mediation Conference is scheduled on April 17, 2013 at 1:00 p.m. By The Court, /s/ Paul E. Cherry, Judge. 2CC Def. & Plff. ✓	Paul E. Cherry
4/17/2013	Order, this 17th of April, 2013, following mediation conference of an agreement between the parties, it is Ordered: (See original for terms of custody). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Plff., 1CC Def., 1CC CYS-Jay ✓	Paul E. Cherry
5/29/2014	✓ Petition for Modification of a Custody Order filed by s/Cynthia Kirkwood, Deft. 2CC Deft. ✓ Criminal Record/Abuse History Verification, filed re: Cynthia Kirkwood, Deft. 2CC Deft.	Paul E. Cherry
6/2/2014	Order, May 30, 2014, a custody conference is scheduled on the 26th of June, 2014, at 9:00 a.m. in the Annex Courtroom. By The Court, /s/ Paul E. Cherry, Judge. 2CC Def. ✓	Paul E. Cherry
6/17/2014	✓ Affidavit in Support of Petition to Proceed 'In Forma Pauperis', filed by Cynthia Kirkwood. Nocc. Certificate of Service, Cynthia Kirkwood served Custody Complaint a blank Criminal Record/Abuse History Verification by Depositing a copy of the same via United States mail, first class, postage prepaid, Certified Mail, Return Receipt Requested addressed to Brenda Havlichek 6/6/14. Nocc. ✓	Paul E. Cherry
6/26/2014	Order, this 26th of June, 2014, this being the date for custody conference, and Defendant having failed to appear, the Petition for Modification of a Custody Order is Dismissed. By the court, /s/ Paul E. Cherry, Judge. 1CC Plff. and Def. ✓	Paul E. Cherry
8/7/2014	✓ Petition for Modification of Custody Order filed s/Cynthia Kirkwood, Deft. 2CC Deft. Criminal Record/Abuse History Verification, filed re: Cynthia Kirkwood, Deft. NoCC. ✓	Paul E. Cherry
8/8/2014	Order of Court filed. Now, this August 7th, 2014, You, Brenda Havilicher, have been sued in Court to Modify Custody and are ordered to appear in person on August 28th, 2014 at 11:00AM for a Conference in the Annex Courtroom. By the Court, /s/Paul E. Cherry, Judge. 2CC Deft. ✓	Paul E. Cherry
8/28/2014	✓ Change of Address Notice filed by s/Cynthia Kirkwood, Deft. New Address: 114 West Weber Ave, DuBois, PA 15801. NoCC.	Paul E. Cherry

Brenda J. Havlichek vs. Cynthia KIRKWOOD

Custody

Date		Judge
9/5/2014	Order for Mediation Conference and Payment of Costs, NOW, this 4th day of September it is Ordered that a Custody Mediation Conference be held. Further Ordered that the parties complete a Child Custody Mediation Questionnaire. Ordered that cost be borne equally by Plaintiff and Defendant, made payable to the Clearfield County Treasurer and mailed to J. Shirey, Judge's Chambers. BY THE COURT: PAUL E. CHERRY, JUDGE. 2cc and CHILD CUSTODY QUESTIONNAIRE pltf, deft.	Paul E. Cherry
9/18/2014	✓ Criminal Record/Abuse History Verification, filed re: Brenda Havlichick. Nocc.	Paul E. Cherry
	✓ Affidavit in Support of Petition to Proceed in Forma Pauperis, filed by s/ Cynthia Kirkwood-def. 2CC Deft.	Paul E. Cherry
	✓ Order this 18th day of September 2014, upon consideration of the IFP, it is the ORDER of that said Petition is granted and mediation conference fee is waived. BY THE COURT: /s/ Paul E Cherry, Judge. 2CC deft.	Paul E. Cherry
9/24/2014	✓ Order, this 23rd of Sept., 2014, custody Mediation Conference is scheduled for Oct. 15, 2014, at 9:00 a.m. By The Court, /s/ Paul E. Cherry, Judge. 2CC Plff, 2CC Def.	Paul E. Cherry
10/31/2014	✓ Request for custody hearing. Filed by s/ Brenda Havlichek. No CC	Paul E. Cherry
	✓ Order, this 29th of Oct., 2014, Custody Hearing is scheduled for Feb. 6, 2015, at 9:00 a.m. in Courtroom 2. The Custody Pre-Trial Conference is scheduled for Jan. 5, 2015 at 1:30 p.m. in Judge's Chambers. By The Court, /s/ Paul E. Cherry, Judge. 1CC & Pre-Trial Memo to Plff. and Def.	Paul E. Cherry
11/21/2014	✓ Praecipe for Entry of Appearance, on behalf of Plaintiff, enter appearance of Jeffrey S. DuBois, Esq. 2CC Atty. DuBois	Paul E. Cherry
	✓ Motion For Continuance, filed by s/ Jeffrey S. DuBois, Esq. 3CC Atty. DuBois	Paul E. Cherry
11/26/2014	✓ Order, this 24th of Nov., 2014, custody hearing is rescheduled to the 12th of Feb., 2015, at 9:00 a.m. Courtroom 2. /s/ Paul E. Cherry, Judge. 3CC Atty. DuBois	Paul E. Cherry
2/11/2015	✓ Praecipe to Cancel Custody Hearing. Filed by J. DuBois, 3cc retruned.	Paul E. Cherry
2/12/2015	✓ Petition to Modify Custody Order filed by s/Cynthia Kirkwood, Deft. 2CC Deft.	Paul E. Cherry
	✓ Criminal Record/Abuse History Verification, filed re: Cynthia Kirkwood, Deft. NoCC.	Paul E. Cherry
2/18/2015	✓ Order, Brenda Havlichek ordered to appear 24 March, 2015 at 10am conference hearing room 3. s/ PEC, J 2cc Deft.	Paul E. Cherry
3/24/2015	✓ Change of Address filed by s/Cynthia Kirkwood, Deft. New Address: 640 1/2 West Weber Ave, DuBois, PA 15801. Ph. No. 814-661-6193.	Paul E. Cherry
	✓ Order, this 24th of March, 2015, Custody Conference is rescheduled to the 15th of April, 2015, at 10:00 a.m. in the Law Library. /s/PEC, J. 1CC Atty. DuBois, 2CC Def. at 2 separate addresses.	Paul E. Cherry
4/8/2015	✓ Return mail svc, Order 24 March 2015 addressed to Cynthia Kirkwood, Pro-se def., verified address in fullcourt. Filed.	Paul E. Cherry
4/15/2015	✓ Order, this 15th of April, 2015, this matter shall be scheduled for mediation conference. /s/PEC, J. 2CC Atty. DuBois, 1CC Def.	Paul E. Cherry

Date: 5/9/2017

Clearfield County Court of Common Pleas

User: NSTAHLMAN

Time: 03:33 PM

ROA Report

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Case: 2007-00846-CD

Current Judge: Paul E. Cherry

Brenda J. Havlichek vs. Cynthia KIRKWOOD

Custody

Date		Judge
4/16/2015	Order for Mediation Conference and Payment of Costs, NOW, this 16th of April, 2015, Ordered that a Custody Mediation Conference be held. Further Ordered that the parties complete a Child Custody Mediation Questionnaire. Ordered that cost be borne equally by Plaintiff and Defendant, made payable to the Clearfield County Treasurer and mailed to J. Shirey, Judge's Chambers. BY THE COURT: /s/PEC, J. 2CC & 1 Questionnaire Atty. DuBois & Def.	Paul E. Cherry
4/27/2015	Affidavit in Support of Petition to Proceed in forma pauperis filed by s/Cynthia Kirkwood, Deft. 2CC Deft.	Paul E. Cherry
4/28/2015	Order, NOW, this 28th of April, 2015 re: Affidavit in Support of Petition to Proceed 'in Forma pauperis', it is the ORDER that said Petition is GRANTED. Mediation Conference Fee is hereby WAIVED. By the court /s/PEC, J. 2cc Deft.	Paul E. Cherry
5/4/2015	Change of Address, filed by s/ Cynthia Kirkwood. No CC NEW ADDRESS: 640 1/2 W. Long Ave. DuBois, PA 15801 814-661-6193	Paul E. Cherry
5/5/2015	Affidavit in Support of Petition to Proceed in Forma Pauperis filed by s/Brenda Havilchek, Plff. 1CC Plff.	Paul E. Cherry
5/6/2015	Order, this 6th of May, 2015, Custody Mediation Conf., is scheduled on July 1, 2015, at 9:00 a.m. /s/PEC, J. 2CC Atty. DuBois, 2CC Def.	Paul E. Cherry
	Order, May 5, 2015, IFP is granted. Mediation Conf. fee is Waived. /s/PEC, J. 1CC Plff.	Paul E. Cherry
7/1/2015	Change of Address, filed by s/ Cynthia Kirkwood, Def. No CC NEW ADDRESS: Cynthia Kirkwood 11950 Bennetts Valley Highway Penfield, PA 15849 814-661-6193	Paul E. Cherry
	Order, NOW, this 1st of July, 2015, following mediation conference and upon agreement of the parties, it is hereby ORDERED as follows: (see original for terms of custody). By the court /s/PEC, J. 4cc Dr. Ryen	Paul E. Cherry
4/11/2016	Emergency Petition for Custody filed by s/Jeffrey DuBois. 3cc ATy DuBois	Paul E. Cherry
4/12/2016	Order, NOW 11th of April, 2016, in consideration of the Emergency Petition for custody, HEREBY ORDERED AND DECREED that (see original for terms of custody). FURHTER HEREBY ORDERED AND DECREED that Hearing be 2nd of June, 2016 at 9am in Courtroom 2. By the court /s/PEC, J. 6cc Atty DuBois	Paul E. Cherry
4/13/2016	Criminal Record/Abuse History Verification, filed re: Brenda J. Havilchek, plff. NoCC.	Paul E. Cherry
5/2/2016	Complaint for Emergency Custody filed by s/Cynthia Kirkwood, Deft. 2CC Deft.	Paul E. Cherry
	Petition to Modify Custody filed by s/Cynthia Kirkwood. 2CC Deft	Paul E. Cherry

Brenda J. Havlichekvs.Cynthia KIRKWOOD

Custody

Date		Judge
5/2/2016	✓ Petition for Civil Contempt for disobedience of a Custody Order filed by s/Cynthia Kirkwood, Deft. 2CC Deft.	Paul E. Cherry
	✓ Criminal Record/Abuse History Verification, filed re: Cynthia Kirkwood, Deft. *No signature page.	Paul E. Cherry
5/3/2016	✓ Order of Court, May 3, 2016, Hearing on the 2nd of June, 2016 at 9am in Courtroom 2. by the court /s/PEC, J. 2cc Def	Paul E. Cherry
5/13/2016	✓ Certificate of Service, Served Petition for Emergency Custody, blank Criminal Record/Abuse history verification and/or scheduling order via mail to Brenda Havlichek on 5/2/16 s/Cynthia Kirkwood. Nocc	Paul E. Cherry
6/14/2016	✓ Notice of Proposed Relocation and Counter Affidavit regarding Relocation filed by s/Jeffrey S. DuBois, Esq. 3CC Atty DuBois.	Paul E. Cherry
	✓ Criminal Record/Abuse History Verification, filed re: Brenda J. Havilchek, Plff. 1CC Atty DuBois.	Paul E. Cherry
6/15/2016	✓ Order, this 10th of June, 2016, following hearing on Emergency Petition for Custody filed on behalf of Plaintiff, and on the Emergency Petition for Custody filed by Defendant, it is Ordered that Plaintiff's Emergency Petition is Granted and Defendants's Emergency Petition is Dismissed. (See original for terms of custody). /s/PEC, J. 2CC Atty. DuBois, 2CC Def.	Paul E. Cherry
6/16/2016	✓ Order for Mediation Conference and Payment of Costs, NOW, this 15th of June, 2016, it is Ordered that a Custody Mediation Conference be held. Further Ordered that the parties complete a Child Custody Mediation Questionnaire. Ordered that cost be borne equally by Plaintiff and Defendant, made payable to the Clearfield County Treasurer and mailed to J. Shirey, Judge's Chambers. BY THE COURT: /s/PEC, J. 2CC & 1 Questionnaire to Atty. DuBois, Def.	Paul E. Cherry
6/23/2016	✓ Counter Affidavit Regarding Relocation, filed by s/ Cynthia Kirkwood, Def. 2CC C. Kirkwood	Paul E. Cherry
6/24/2016	✓ Order, this 24th of June, 2016, argument on Plaintiff's Notice of Proposed Relocation and Defendant's Counter Affidavit Regarding Relocation is scheduled for July 12 2016, at 2:30 p.m. in Courtroom 2. /s/PEC, J. 2CC Atty. DuBois; 1CC Def.	Paul E. Cherry
6/30/2016	✓ Affidavit in Support of Petition to Proceed In Forma Pauperis filed by s/Cynthia Kirkwood, Deft. NoCC.	Paul E. Cherry
	✓ Order, this 29th of June, 2016, IFP is granted. Mediation Conf. fee is waived. /s/PEC, J. 1CC Def. (no envelope, sent to address on full court)	Paul E. Cherry
7/15/2016	✓ Order, this 14th of July, 2016, it is Ordered that Custody Mediation Conference is scheduled on Sept. 22, 2016 at 1:00 p.m. /s/Paul E. Cherry, Judge. 2CC Atty. DuBois, 2CC Def.	Paul E. Cherry
8/24/2016	✓ Opinion and Order filed. And now, this August 24th, 2016, it is the ORDER of this Court as follows: Plff's Petition for Relocation is hereby DENIED. (See original for details). By the Court, /s/PEC, Judge. 1CC Atty DuBois, Deft, Atty Mikesell, and Law Library.	Paul E. Cherry
9/7/2016	✓ Petition for Modification of a Custody Order filed by s/Cynthia Kirkwood, Deft. 2CC Deft.	Paul E. Cherry
9/8/2016	✓ Order, Sept. 8, 2016, a hearing is scheduled on the 11th of Oct., 2016, at 3:00 p.m. in Courtroom 2. /s/PEC, J. 2CC Def.	Paul E. Cherry

Date: 5/9/2017

Clearfield County Court of Common Pleas

User: NSTAHLMAN

Time: 03:33 PM

ROA Report

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Case: 2007-00846-CD

Current Judge: Paul E. Cherry

Brenda J. Havlichek vs. Cynthia KIRKWOOD

Custody

Date		Judge
9/22/2016	Order, this 22nd of Sept., 2016, this being the date set for mediation conference, and upon agreement of the parties, it is Ordered: (see original ✓ for terms of custody). Mother's Petition for Modification is Dismissed as being moot. /s/PEC, J. 7CC Dr. Ryen	Paul E. Cherry
4/11/2017	✓ Emergency Petition for Custody filed by s/Jeffrey S. DuBois, Esq. 4CC Atty DuBois.	Paul E. Cherry
4/13/2017	✓ Order, 13 April 2017 considering Emergency Petition for Custody, a hearing be scheduled for 17 May 2017 at 1:30 pm. s/ PEC,J. 4CC ATY. DuBois.	Paul E. Cherry

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

Plaintiff, BREND A J LEIBERTON
v.

Defendant, CYNTHIA KIRKWOOD

CASE NO. 07-846-CD

TYPE OF CASE: CUSTODY

TYPE OF PLEADING:
PETITION
FOR
EMERGENCY
CUSTODY

814372-2438- Cell 814 603-0858
Filed on Behalf of: Plaintiff

FILED 8500 P1R
9/9:20am 2cc P1R
JUN 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

Plaintiff,

BRENDA J LEIBERTON

:

07-846-CD No:

v.

Defendant,

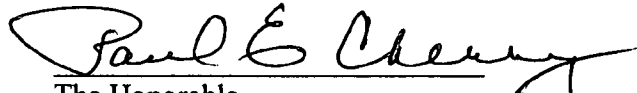
CYNTHIA KIRKWOOD:

RULE TO SHOW CAUSE

AND NOW, this 15th day of June, 2007, in
consideration of the foregoing Petition for Emergency Custody, a rule is granted upon the
Defendant, Cynthia Kirkwood, to show cause why such relief should not be granted.

Rule returnable on the 12th day of June, 2007, for
hearing at 10:30 o'clock A.m., in Courtroom No. 2 of the
Clearfield County Courthouse.

BY THE COURT:


The Honorable
Judge, Clearfield County Court of Common Pleas

FILED 2cc
013:5564 Piff.
JUN 01 2007 @

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/1/07

☒ You are responsible for serving all appropriate parties.

___ The Probationary's office has provided service to the following parties:

___ Plaintiff(s) ___ Plaintiff(s)/Attorney ___ Other

___ Defendant(s) ___ Defendant(s)/Attorney

___ Special Instructions:

FILED

JUN 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

Plaintiff, **BRENDA J LEIBERTON** **No.**

PETITION FOR EMERGENCY CUSTODY

1. Petitioner Brenda J Leiberton (hereinafter "Petitioner") resides at 117 W. Weber Avenue, DuBois, PA, Clearfield County, Commonwealth of Pennsylvania. Petitioner is the natural Aunt.

2. Respondent Cynthia Kirkwood (hereinafter "Respondent") Her current address is Jefferson County Jail, Brookville, PA; Jefferson County. The party is the natural mother of Jason P Kirkwood, born March 1, 2002.

3. The respondent is currently engaging in activities that endanger the welfare of the minor child.

- a. Respondent is currently facing two drug related charges in Jefferson County and Clearfield County in the past 10 months after being released from Clearfield County jail in December of 2005.
- b. Respondent was out on bond in Clearfield County on drug related charges when she was arrested on an outstanding warrant from Jefferson County, also for drug related charges.
- c. Respondent has drug related problems.
- d. Petitioner is concerned for the wellbeing of the minor child if left in Respondents custody.

- e. Respondent has previously been given notarized permission for temporary custody to Petitioner during previous incarceration in 2005.

4. Primary physical custody with the Petitioner provides the child with a stable environment and is in his best interests for the following reasons:

- a. Respondent is currently incarcerated in the Jefferson County jail.
- b. Respondent currently has drug related problems.
- c. Respondent can not provide a stable environment for the minor child with continuing legal issues that involve incarceration.
- d. Child needs continuing medical attention for under developmental issues.

WHEREFORE, the Petitioner moves this Honorable Court for an order granting emergency custody of the child to the Petitioner with NO visitation with Respondent.

Respectfully Submitted,

By: 
BRENDA J LEIBERTON, PETITIONER

VERIFICATION

Subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities, I, Brenda J Leiberton, verify that the averments of fact set forth in the foregoing are true and correct upon my personal knowledge or belief.

6-1-07

Date

Brenda J Leiberton

Petitioner Brenda J Leiberton

4.18.07

I Cynthia A. Kirkwood, give my Sister
Brenda Leiberton, temporary legal and
physical custody of my son, Jason Paul
Kirkwood, for the duration of my
incarceration.

Thank You.

Cynthia Kirkwood

Cynthia Kirkwood

4.20.07

Sworn to and subscribed before me

this 20 day of April, 2007

Notary Honey D. Dusch

NOTARIAL SEAL
Honey D Dusch, Notary Public
Brookville Boro., Jefferson County
My commission expires March 24, 2009

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

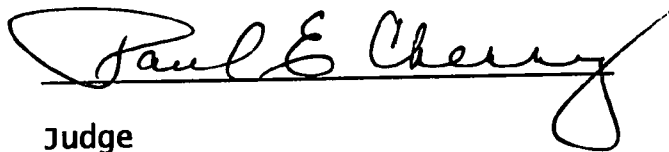
CIVIL DIVISION

BRENDA J. LEIBERTON :
-VS- : No. 07-846-CD
CYNTHIA KIRKWOOD :

TEMPORARY ORDER

AND NOW, this 12th day of June, 2007, following hearing on Petition for Emergency Custody; Petitioner, Brenda J. Leiberton, having appeared; Defendant, Cynthia Kirkwood, having failed to appear due to her incarceration at the Jefferson County Prison; upon presentation of the issues before the Court and upon consideration of same, it is the TEMPORARY ORDER of this Court that Petitioner, Brenda J. Leiberton, shall be and is hereby awarded primary physical custody of Jason P. Kirkwood (D.O.B. 03-01-02). Upon mother, Cynthia Kirkwood's release from incarceration, the Court shall entertain appropriate petition filed by mother to revisit this matter.

BY THE COURT,



Judge

FILED

JUN 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

117 W. Weber Ave.
DuBois, PA 15801

100 Def.

Jefferson Co. Jail
578 Service Center Road
Brookville, PA 15825

EP

FILED

JUN 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/12/07

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☒ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☒ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Brenda Leiberton
(Plaintiff)

CIVIL ACTION

117 WEST WEBER AVE
(Street Address)

No. 07-846-CD

DuBois PA 15801
(City, State ZIP)

Type of Case: CUSTODY

Type of Pleading: _____

VS.

Filed on Behalf of:

Cynthia Kirkwood
(Defendant)

Cynthia Kirkwood
(Plaintiff/Defendant)

173 Bay Road
(Street Address)
TREASURE LAKE
DuBois PA 15801
(City, State ZIP)

No order

Cynthia Kirkwood
(Filed by)

173 Bay Road
(Address)
TREASURE LAKE
DuBois PA 15801
(Phone) 814-371-3120

FILED 2cc
07/31/07 Def.
AUG 01 2007 GK

William A. Shaw
Prothonotary/Clerk of Courts

Cynthia Kirkwood
(Signature)

△
I Cynthia Kirkwood wish to ask this
honorable Court to return full
Custody of Jason Paul Kirkwood

- ① I have not seen or had any contact
with my son Jason Paul Kirkwood
in five months.
- ② I was released from incarceration
to deal with these circumstances
- ③ I have a home in Treasure Lake
DuBois, PA. Living with my boyfriend/
fiance Mike Markiewicz
- ④ Mike Markiewicz and I Both want
to take full responsibility for
the minor child
- ⑤ I have been clean of or from
Substance abuse since June of '06
- ⑥ I am on supervised probation
and must report once a week for
Drug testing in Jefferson Co.
- ⑦ I gave my sister Temporary notarized
Custody in good faith that I would
have him back.

⑧ I would be able to keep Jason in
our home and provide for his
under developmental issues

⑨ I need to do this legally
because I am afraid of any problems
Brenda Leiberton will further cause.
Where fore I ask this honorable Court
to re-instate Custody to me his
natural mother.

Thank You.

Sincerely Cynthia Kirkwood
J. Michael Kirkwood

Your Honor,

If you sense a hint of desperation within this note, it is because I can find no other way to deliver the context. I speak to you with pen and ink in my own hand on behalf of Cynthia Ann Kirkwood, who is being held in Jefferson County Jail.

Sir, my name is Joseph Michael Markievich III, I live and work for the city of DuBois. I am also a contributor of our community as a volunteer of the fire dept. and often Ritz theater. I am divorced w/ two daughters of my own.

Although warents for her arrest left me in shock, I am sure her "self destructive" mode then was due to my lack of interest in her wants and needs of a real family life style.

Cynthia has no family to speak of. Her drive to be heard or noticed has led her into this serious matter. Each week during my visit I am truly taken by the sorrow, Remorse and guilt that she harbors. Her state of mind is pure, and I am in love with her. My offer is the family and life that she has never had. Her son of five years has no concept of father or family. I say the spirit can be broken.

I understand you do not know me your honor, all I can do is pray that you will consider Rehabilitation over Jail. Children need parents, we need each other. I want to make this right. For what its worth, my words are true. Please dont take offence. I mean no disrespect.

yours truly,
J. Michael Markievich III

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division

Brenda J. Lieberton,
Plaintiff

vs.

Cynthia Kirkwood,
Defendant

*
* No.: 2007-846-CD
*
* TYPE OF CASE: Custody
*
*
* TYPE OF PLEADING: Petition for Special
* Relief
*
* FILED ON BEHALF OF: Cynthia Kirkwood
*
* COUNSEL OF RECORD FOR THIS PARTY:
* Evangeline Wright, Esquire
*
* SUPREME COURT NO.: 200054
*
* MidPenn Legal Services
* 205 Lakemont Park Blvd.
* Altoona, PA 16602
* (814) 943-8139
*
*

FILED ^{2cc}
06:53/61 Atty Wright
SEP 04 2007 (en)

William A. Shaw
Prothonotary/Clerk of Courts

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

Brenda J. Lieberton,	:	No. 2007 846 CD
Plaintiff/Respondent	:	
	:	
v.	:	
	:	
Cynthia Kirkwood,	:	
Defendant/Petitioner	:	

PETITION FOR SPECIAL RELIEF IN CUSTODY

Counsel for Defendant/Petitioner:
Evangeline Wright, Esq.
ID# 200054
MidPenn Legal Services
205 Lakemont Park Blvd.
Altoona, PA 16602
Ph. 814-943-8139
Fax 814-944-2640

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

Brenda J. Lieberton,
Plaintiff/Respondent

v.

Cynthia Kirkwood,
Defendant/Petitioner

: No. 2007 846 CD
:
:
:
:
:
:

RULE TO SHOW CAUSE

A Rule is hereby issued upon BRENDA J. LIEBERTON to show cause why the relief requested in the within Petition should not be granted.

Said Rule Returnable is hereby set for the 4th day of October, 2007, at 2:30 o'clock P.m. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

FILED

03:07
SEP 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

Paul E Cherry
J.
September 5, 2007
Date

FILED

SEP 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/5/07

☒ X

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other _____

Defendant(s) _____ Defendant(s) Attorney _____

Special Instructions: _____

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

Brenda J. Lieberton,	:	No. 2007-846-CD
Plaintiff/Respondent	:	
	:	
v.	:	
	:	
Cynthia Kirkwood,	:	
Defendant/Petitioner	:	

COMPLAINT FOR CUSTODY SPECIAL RELIEF

AND NOW, comes the Petitioner, CYNTHIA KIRKWOOD, by and through her attorneys, MidPenn Legal Services, and files this Petition for Special Relief in the form of custody, and in support thereof avers the following:

1. The Petitioner is Cynthia Kirkwood (hereinafter Mother), residing at 173 Bay Road, PO Box 183, Treasure Lake, Dubois, Pennsylvania.
2. The Respondent is Brenda Leiberton (hereinafter Aunt), residing at 117 West Weber Avenue, Dubois, Pennsylvania.
3. The parties are the mother and maternal aunt of Jason P. Kirkwood (hereinafter Child), born March 1, 2002.
4. The biological father of the Child is deceased.
5. On June 1, 2007, Aunt filed a Petition for Emergency Custody attached as Exhibit 1 and incorporated herein.
6. On June 12, 2007, this Court entered a Temporary Order granting Aunt primary

physical custody of the Child and stating that upon Mother's release from incarceration the Court shall entertain Mother's petition to revisit this matter, said Order attached as Exhibit 2 and incorporated herein.

7. Mother was released from incarceration in mid-July.

8. On August 1, 2007, Mother attempted to file a request for custody with the Court, but was informed that the matter would not be heard as she had not filed the appropriate pleading.

9. Since Mother's release from incarceration she has been denied all contact with the Child.

10. Mother appreciates the care Aunt has provided the Child, but believes that it is in Child's best interests to maintain an ongoing relationship with Mother.

WHEREFORE, Petitioner, CYNTHIA KIRKWOOD, requests this Honorable Court to:

1. Grant her partial physical custody of the child, JASON P. KIRKWOOD;
2. Any and all other relief deemed appropriate by this Court.


Evangeline Wright
Attorney for Plaintiff
MIDPENN LEGAL SERVICES, INC.
205 Lakemont Park Blvd.
Altoona, PA 16602
(814) 943-8139

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. Sec. 4904 relating to unsworn falsification to authorities.

Date: 8.31.07

Cynthia Kirkwood
Cynthia Kirkwood

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division

Brenda J. Lieberton,
Plaintiff

vs.

Cynthia Kirkwood,
Defendant

*
* No.: 2007-846-CD
*
* TYPE OF CASE: Custody
*
*
* TYPE OF PLEADING: Proof of Service
*
*
* FILED ON BEHALF OF: Cynthia Kirkwood
*
* COUNSEL OF RECORD FOR THIS PARTY:
* Evangeline Wright, Esquire
*
* SUPREME COURT NO.: 200054
*
* MidPenn Legal Services
* 205 Lakemont Park Blvd.
* Altoona, PA 16602
* (814) 943-8139
*
*

FILED *ice Atty
Wright*
0/11:45 am
SEP 25 2007 *(5)*

William A. Shaw
Prothonotary/Clerk of Courts

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

Brenda J. Lieberton,
Plaintiff/Respondent

v.

Cynthia Kirkwood,
Defendant/Petitioner

: No. 2007 846 CD

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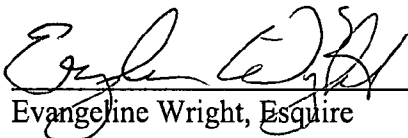
PROOF OF SERVICE

The undersigned hereby certifies that on Sept. 13, 2007 she served a true and correct copy of the Complaint for Custody, by mailing same to the Plaintiff by United States Postal Service, First Class mail, postage pre-paid, certified restricted delivery, return receipt requested. The return receipt signed by the Defendant is attached.

MIDPENN LEGAL SERVICES
Attorneys for Plaintiff

Sept. 18, 2007
Date

BY:


Evangeline Wright, Esquire

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

DU BOIS PA 15801

Postage	\$ 58.58	0601
Certified Fee	26.65	03 SEP 13 2007
Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)	410.10	
Total Postage & Fees	\$ 499.48	

Sent To: Brenda Lieberton
 Street, Apt. No., or PO Box No. 117 W. Weber Avenue
 City, State, ZIP+4 DuBois, PA 15801

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: ...
 Brenda Lieberton
 117 W. Weber Avenue
 DuBois PA 15801

2. Article Number (Transfer from service label) 7005 3110 0001 6999 6139

COMPLETE THIS SECTION ON DELIVERY

A. Signature Only
☒ Agent
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery
 9-15-07

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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

BRENDA J. LIEBERTON :
-VS- : No. 07-846-CD
CYNTHIA KIRKWOOD :

2cc
Plff e
FILED
9/23/07 LM
OCT 05 2007
Du Bois PA 15801
2cc Atty Wright (60)

William A. Shaw
Prothonotary/Clerk of Courts

O R D E R

AND NOW, this 4th day of October, 2007,
following hearing on Petition for Special Relief and upon
consideration of same, it is the ORDER of this Court that
primary physical custody of the minor child shall remain
with Plaintiff, Brenda J. Lieberton.

Defendant, Cynthia Kirkwood, shall have
supervised partial custody of the minor child on Saturdays,
beginning Saturday, October 6, 2007, from 1:00 p.m. until
5:00 p.m. Said period of partial custody shall be
supervised by Joan Becker at such location as Ms. Becker
deems appropriate.

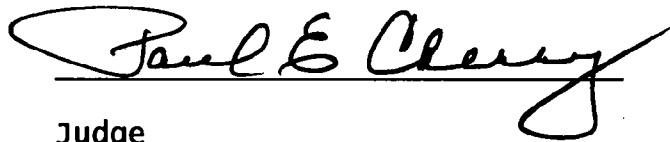
Plaintiff, Brenda J. Lieberton, shall ensure
that the minor child is at Joan Becker's residence for the
scheduled visitation.

This matter shall be scheduled for mediation
conference before Dr. Allen Ryen as soon as may be

convenient with his schedule.

The Court notes that Cynthia Kirkwood's address is P.O. Box 183, DuBois, PA 15801.

BY THE COURT,


Judge

DATE: 10-5-2007

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☒ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

FILED

OCT 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

FILED
07-13-4381
OCT 10 2007

BRENDA J. LIEBERTON

*

No. 07-846-CD

William A. Shaw
Prothonotary/Clerk of Courts

vs.

*

*

*

CYNTHIA KIRKWOOD

*

Copies-see
reverse pg. 2

ORDER FOR MEDIATION CONFERENCE and PAYMENT OF COSTS

NOW, this 9th day of October, 2007, it is ORDERED that a Custody Mediation Conference be held before Allen H. Ryen, Ph.D., Licensed Child Psychologist.

It is further ORDERED that **EACH PARTY** to this action shall forthwith complete a Child Custody Mediation Questionnaire and forward the same to Dr. Ryen (416 Knarr Street, DuBois, Pennsylvania 15801) within Ten (10) days of receipt of this ORDER.

It is also ORDERED that the cost of said Mediation Conference shall be borne equally by the Plaintiff(s) and Defendant(s).

Each party (or counsel for the parties) shall deposit One Hundred Seventy Five (\$175.00) Dollars (**money orders only**) made payable to the Clearfield County Treasurer and mailed to D. Peters, Judge's Chambers, 230 East Market Street, Clearfield, Pennsylvania 16830 within Twenty-Five (25) days of the date of this Order to proceed with the Mediation Conference "OR" submit a Custody Consent Order to the Court within Twenty-Five (25) days of the date of this Order foregoing the Mediation Conference.

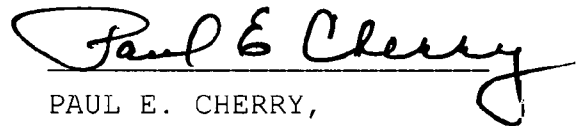
This Court shall issue a further ORDER scheduling

the Mediation Conference when the required deposit has been received from all parties participating in this action.

If a Custody Consent Order is received by the Court after the Twenty-Fifth day following this Order and no later than ***SEVEN (7)*** days before scheduled Mediation Conference, then each party or counsel for the parties shall include Twenty (\$20.00) Dollars (money order only) in order to defray administrative/processing expense. In this event the amount of One Hundred Seventy Five (\$175.00) Dollars previously deposited by each party shall be returned.

FAILURE OF A PARTY TO DEPOSIT THE REQUIRED FEE OF 'ONE HUNDRED SEVENTY FIVE (\$175.00) DOLLARS' SHALL RESULT IN THE OFFENDING PARTY BEING SUBJECT TO CONTEMPT PROCEEDINGS BEFORE THE COURT.

BY THE COURT,

A handwritten signature in cursive script, reading "Paul E. Cherry". The signature is written in dark ink and is positioned above the printed name and title of the judge.

PAUL E. CHERRY,
JUDGE

Attorney for the Plaintiff: Pro-Se

Attorney for the Defendant: Evangeline Wright, Esquire

2 Certified Copies & Questionnaire to Plaintiff, Pro-Se @

117 West Weber Avenue, DuBois, PA. 15801

2 Certified Copies & Questionnaire to Evangeline Wright, Esquire, Attorney for Defendant

1 Copy to Judge Cherry

1 Copy to Dr. Allen H. Ryen, Ph.D.

FILED

OCT 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/10/07

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☒ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division

BRENDA J. LIEBERTON
Plaintiff

vs.

CYNTHIA KIRKWOOD
Defendant

*
* No.: 2007 846 CD
*
* TYPE OF CASE: Custody
*
*
* TYPE OF PLEADING: Petition to Proceed In
* Forma Pauperis
*
*
* FILED ON BEHALF OF: Cynthia Kirkwood
*
* COUNSEL OF RECORD FOR THIS PARTY:
* Evangeline Wright, Esquire
*
* SUPREME COURT NO.: 200054
*
* MidPenn Legal Services
* 205 Lakemont Park Blvd.
* Altoona, PA 16602
* (814) 943-8139
*
*

FILED ^{1cc}
01/10:00/01 of 111y Wright
OCT 23 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

Brenda J. Lieberton,
Plaintiff

v.

Cynthia Kirkwood,
Defendant

: No. 2007 846 CD

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PRAECIPE TO PROCEED IN FORMA PAUPERIS

TO THE PROTHONOTARY:

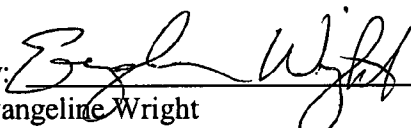
Kindly allow defendant, Cynthia Kirkwood, to proceed in forma pauperis and waive the mediation fees.

I, Evangeline Wright, attorney for the party proceeding in forma pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal service to the party.

The party's affidavit showing inability to pay the costs of litigation is attached hereto.

MIDPENN LEGAL SERVICES,

By:



Evangeline Wright
Attorney for Cynthia Kirkwood
205 Lakemont Park Blvd.
Altoona, PA 16602
(814) 943-8139

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

Brenda J. Lieberton,	:	No. 2007 846 CD
Plaintiff	:	
	:	
v.	:	
	:	
Cynthia Kirkwood,	:	
Defendant	:	

PETITION TO PROCEED IN FORMA PAUPERIS

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of Cynthia Kirkwood respectfully represents:

1. I am the 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: Cynthia Kirkwood

Address: PO Box 183, DuBois, PA 15801

Soc. Sec. No.: 182-54-8537

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

Employer: None

Address:

Salary or wages per month:

Type of work:

--If you are presently unemployed, state

Date of last employment: Fall 2004

Salary or wages per month: \$ 800/ month

Type of work: In home personal care aide

(c) Other income within the past twelve months

Business or profession: None

Other self-employment: None

Interest: None

Dividends: None

Pension and annuities: None

Social security benefits: None

Support payments: None

Disability payments: \$ 623/month

Unemployment compensation and supplemental benefits: None

Workman's compensation: None

Public assistance: None

Other:

(d) Other contributions to household support(please circle)

Name of Boyfriend: Mike Markovich

If employed, state

Employer: City of Dubois

Salary or wages per month: Unknown

Type of work: Maintenance for Water Dept.

Contributions from children: None

Contributions from parents, family members or
any other individuals: None

(e) Property owned

Cash: None

Checking account: None

Savings account: \$150

Certificates of deposit: None

Real estate (including home): None

Motor vehicle: Model, Make/Year: 1995 Cougar Mercury

Cost: \$1500

Stocks; bonds: None

Other: None

(f) Debts and obligations

Utilities: \$

\$

\$

\$

Groceries \$ 200/ month

Rent/Mortgage \$ 400/ month

Loans:

Auto expense: \$80/ mo for insurance

Child care:

Miscellaneous:

(g) Persons dependent upon you for support

Spouse's Name: N/A

Children, if any (names/ages):

Other persons: Name: None

Relationship: N/A

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. Sec. 4904, relating to unsworn falsification to authorities.

Date: 10-19-07

Cynthia Kirkwood
Cynthia Kirkwood

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

Brenda J. Lieberton,
Plaintiff

v.

Cynthia Kirkwood,
Defendant

: No. 2007 846 CD
:
:
:
:
:
:

ORDER

AND NOW, this 23rd day of October, 2007, upon consideration

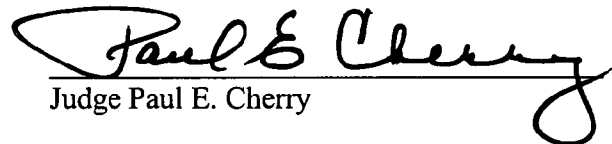
of the foregoing Affidavit in support of Petition to Proceed In Forma Pauperis, it is the ORDER

of this Court that said Petition is ~~GRANTED~~ DENIED.

Household income not completed properly

If the Petition is GRANTED, Mediation Conference fee is hereby WAIVED.

By the Court


Judge Paul E. Cherry

FILED ^{ICC}
01/4:00/01k Atty Wright
OCT 23 2007 

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division

BRENDA J. LIEBERTON
Plaintiff

vs.

CYNTHIA KIRKWOOD
Defendant

*
* No.: 2007 846 CD
*
* TYPE OF CASE: Custody
*
*
* TYPE OF PLEADING: Amended Petition to
* Proceed In Forma Pauperis
*
*
* FILED ON BEHALF OF: Cynthia Kirkwood
*
* COUNSEL OF RECORD FOR THIS PARTY:
* Evangeline Wright, Esquire
*
* SUPREME COURT NO.: 200054
*
* MidPenn Legal Services
* 205 Lakemont Park Blvd.
* Altoona, PA 16602
* (814) 943-8139
*
*

FILED

013:38/54
OCT 31 2007

[Signature]

William A. Shaw
Prothonotary/Clerk of Courts

icc
Atty Wright

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

Brenda J. Lieberton,
Plaintiff

v.

Cynthia Kirkwood,
Defendant

: No. 2007 846 CD

:
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PRAECIPE TO PROCEED IN FORMA PAUPERIS

TO THE PROTHONOTARY:

Kindly allow defendant, Cynthia Kirkwood, to proceed in forma pauperis and waive the mediation fees.

I, Evangeline Wright, attorney for the party proceeding in forma pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal service to the party.

The party's affidavit showing inability to pay the costs of litigation is attached hereto.

MIDPENN LEGAL SERVICES,

By:


Evangeline Wright

Attorney for Cynthia Kirkwood

205 Lakemont Park Blvd.

Altoona, PA 16602

(814) 943-8139

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

Brenda J. Lieberton,	:	No. 2007 846 CD
Plaintiff	:	
	:	
v.	:	
	:	
Cynthia Kirkwood,	:	
Defendant	:	

AMENDED PETITION TO PROCEED IN FORMA PAUPERIS

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of Cynthia Kirkwood respectfully represents:

1. I am the 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: Cynthia Kirkwood

Address: PO Box 183, DuBois, PA 15801

Soc. Sec. No.: 182-54-8537

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

Employer: None

Address:

Salary or wages per month:

Type of work:

--If you are presently unemployed, state

Date of last employment: Fall 2004

Salary or wages per month: \$ 800/ month

Type of work: In home personal care aide

(c) Other income within the past twelve months

Business or profession: None

Other self-employment: None

Interest: None

Dividends: None

Pension and annuities: None

Social security benefits: None

Support payments: None

Disability payments: \$ 623/month

Unemployment compensation and supplemental benefits: None

Workman's compensation: None

Public assistance: None

Other:

(d) Other contributions to household support(please circle)

Ms. Kirkwood is currently living in the home of her boyfriend, Mike Markovich. She contributes \$400 per month to his household to cover her share of the living expenses. The relationship between Ms. Kirkwood and Mr. Markovich is not such that she can request financial assistance from him. His information is included here for the sake of completeness, but Mr.

Markovich does not provide financial assistance to Ms. Kirkwood beyond allowing her to live in his home.

Name of Boyfriend: Mike Markovich

If employed, state

Employer: City of Dubois

Salary or wages per month: Unknown

Type of work: Maintenance for Water Dept.

Contributions from children: None

Contributions from parents, family members or
any other individuals: None

(e) Property owned

Cash: None

Checking account: None

Savings account: \$150

Certificates of deposit: None

Real estate (including home): None

Motor vehicle: Model, Make/Year: 1995 Cougar Mercury

Cost: \$1500

Stocks; bonds: None

Other: None

(f) Debts and obligations

Utilities: \$

\$

\$

\$
Groceries \$ 200/ month
Rent/Mortgage \$ 400/ month
Loans:
Auto expense: \$80/ mo for insurance
Child care:
Miscellaneous:

(g) Persons dependent upon you for support

Spouse's Name: N/A

Children, if any (names/ages):

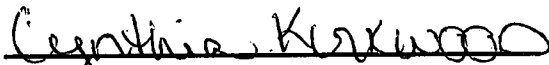
Other persons: Name: None

Relationship: N/A

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. Sec. 4904, relating to unsworn falsification to authorities.

Date: _____


Cynthia Kirkwood

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

Brenda J. Lieberton,
Plaintiff

v.

Cynthia Kirkwood,
Defendant

: No. 2007 846 CD

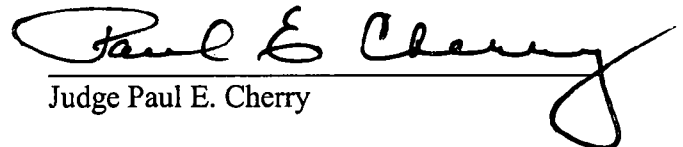
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ORDER

AND NOW, this 2nd day of November, 2007, upon consideration
of the foregoing Affidavit in support of Petition to Proceed In Forma Pauperis, it is the ORDER
of this Court that said Petition is GRANTED ~~DENIED~~.

If the Petition is GRANTED, Mediation Conference fee is hereby WAIVED.

By the Court


Judge Paul E. Cherry

FILED
014:0060
NOV 02 2007

ICC
Atty Wright
(GK)

William A. Shaw
Prothonotary/Clerk of Courts

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

BRENDA J. LIEBERTON

: NO. 07-846-CD
:
:
:
:
:

V.

CYNTHIA KIRKWOOD

O R D E R

NOW, this 15TH day of November, 2007, it is the ORDER of this Court that **Custody Mediation Conference** be held before Allen H. Ryen, Ph.D., Licensed Child Psychologist, on February 13, 2008, at 9:00 o'clock A.M. at the Clearfield County Courthouse.

Please report to the central lobby area on the second floor of the Courthouse. You will be instructed as to the location of the Custody Mediation Conference at that time. Both parents, their respective counsel and the child(ren) shall attend said conference. The present custodial parent shall provide someone to attend to the child(ren) while the parent is in private conference.

FAILURE OF A PARTY TO APPEAR FOR THE MEDIATION CONFERENCE WILL RESULT IN ASSESSMENT ON THAT OFFENDING PARTY OF ALL COSTS, UNLESS SAID PARTY HAS NOTIFIED THE CLEARFIELD COUNTY COURT ADMINISTRATOR (814) 765-2641, extension 5982 AT LEAST *** SEVEN (7) *** FULL BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEDIATION CONFERENCE AND THE COURT ADMINISTRATOR HAS AGREED TO A CONTINUANCE/RESCHEDULING.

BY THE COURT,


PAUL E. CHERRY
JUDGE

Attorney for Plaintiff: Pro-Se
Attorney for Defendant: Evangeline Wright, Esquire

FILED *Copies-*
0/10:08/51 see reverse
NOV 16 2007
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

2 Certified Copies to Plaintiff, Pro-Se @

117 West Weber Avenue, Dubois, PA. 15801

2 Certified Copies to Evangeline Wright, Esquire, Attorney for Defendant

1 Copy to Judge Cherry

1 Copy to Dr. Allen H. Ryen, Ph.D.

1 Copy to Ronda Wisor, Deputy Court Administrator

FILED

NOV 16 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/16/07

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☒ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division

BRENDA J. LIEBERTON
Plaintiff

vs.

CYNTHIA KIRKWOOD
Defendant

*
* No.: 2007 846 CD
*
* TYPE OF CASE: Custody
*
*
* TYPE OF PLEADING: Petition to Postpone
* Mediation
*
*
* FILED ON BEHALF OF: Cynthia Kirkwood
*
* COUNSEL OF RECORD FOR THIS PARTY:
* Evangeline Wright, Esquire
*
* SUPREME COURT NO.: 200054
*
* MidPenn Legal Services
* 205 Lakemont Park Blvd.
* Altoona, PA 16602
* (814) 943-8139
*
*

FILED 3cc
01/29/08
JAN 29 2008
Atty Wright
William A. Shaw
Prothonotary/Clerk of Courts

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

Brenda J. Lieberton,
Plaintiff

v.

Cynthia Kirkwood,
Defendant

: No. 2007 846 CD

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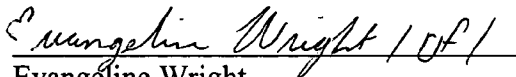
PETITION TO POSTPONE MEDIATION

AND NOW, comes the Petitioner, CYNTHIA KIRKWOOD, by and through her attorneys, MidPenn Legal Services, and files this Petition to Postpone Mediation, and in support thereof avers the following:

1. Parties are scheduled for a Custody Mediation Conference on February 13, 2008 at 9:00 a.m.
2. On January 7, 2008, Ms. Kirkwood was sentenced to be incarcerated at the State Correctional Institution for Women at Muncy for twelve months to four years.

WHEREFORE, Petitioner, CYNTHIA KIRKWOOD, requests this Honorable Court to:

1. Postpone the Custody Mediation Conference indefinitely;
2. Any and all other relief deemed appropriate by this Court.


Evangeline Wright
Attorney for Plaintiff
MIDPENN LEGAL SERVICES, INC.
205 Lakemont Park Blvd.
Altoona, PA 16602
(814) 943-8139

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

Brenda J. Lieberton,
Plaintiff/Respondent

v.

Cynthia Kirkwood,
Defendant/Petitioner

: No. 2007 846 CD

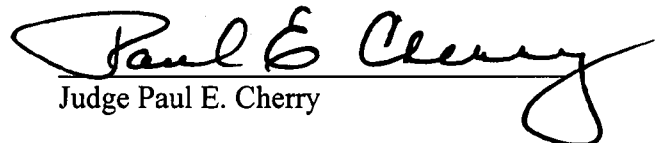
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PROPOSED ORDER

AND NOW, this 30th day of January 2008, upon review of the attached Petition to Postpone Mediation, it is hereby ORDERED, DIRECTED AND DECREED as follows:

1. The Custody Mediation Conference scheduled for February 13, 2008 at 9:00 a.m. is postponed indefinitely.

BY THE COURT:


Judge Paul E. Cherry

FILED 3cc
9/3:00 AM
JAN 31 2008
Atty Wright
(6)

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/31/08

☒ You are responsible for serving all appropriate parties.

____ The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

FILED

JAN 31 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

BRENDA J. LIEBERTON

NO. 07-846-CD

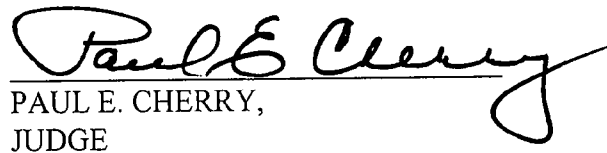
V.

CYNTHIA KIRKWOOD

ORDER

AND NOW, this 30th day of January, 2008, a Petition to Postpone Mediation having been filed on behalf of Defendant, it is the ORDER of this Court that the mediation fee paid by Plaintiff, Brenda J. Lieberton, shall be refunded to her, in the amount of One Hundred Seventy Five (\$175.00) Dollars.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED *repliff-*
0/25681 117 W. Weber Ave.
JAN 31 2008 DuBois, PA 15801

William A. Shaw *200 Atty Wright*
Prothonotary/Clerk of Courts

GP

FILED

JAN 31 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/31/08

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 X Plaintiff(s) Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

CA

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

Brenda J. Liberton (Harrison)
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

NO. 07 - 846 -CD

FILED ^{ace}
^{07/11/22/07} Def.
JUL 05 2012

William A. Shaw
Prothonotary/Clerk of Courts

PETITION FOR MODIFICATION OF A
(CUSTODY) (PARTIAL CUSTODY) ORDER

1. The petition of CYNTHIA KIRKWOOD respectfully represents that on 10.4.07,
2007 an Order of Court was entered for (CUSTODY) (PARTIAL CUSTODY), a true and
correct copy of which is attached as Exhibit "A".

2. This Order should be modified because: The Existing order is from 2007
circumstances have changed. Contact from
2010/2011 went well. Recently 6-25-12
I have been Denied visitations
or contact of any kind. Change is in
the best interest of child.

WHEREFORE, Petitioner requests that the Court modify the existing Order for (PARTIAL
CUSTODY) because it will be in the best interest of the child(ren).

Cynthia Kirkwood
(Attorney for Petitioner) (Petitioner)

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. § 4904 relating to unsworn
falsification to authorities.

7.5.12
Date

Cynthia Kirkwood
Petitioner

CA

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

BRENDA J. LIEBERTON :

-VS-

CYNTHIA KIRKWOOD :

: No. 07-846-CD

FILED
9/23/07
OCT 05 2007
William A. Shaw
Prothonotary/Clerk of Courts
Plff e
W. Weber
Du Bois PA 15801
2007
Wright
(62)

O R D E R

AND NOW, this 4th day of October, 2007,
following hearing on Petition for Special Relief and upon
consideration of same, it is the ORDER of this Court that
primary physical custody of the minor child shall remain
with Plaintiff, Brenda J. Lieberton.

Defendant, Cynthia Kirkwood, shall have
supervised partial custody of the minor child on Saturdays,
beginning Saturday, October 6, 2007, from 1:00 p.m. until
5:00 p.m. Said period of partial custody shall be
supervised by Joan Becker at such location as Ms. Becker
deems appropriate.

Plaintiff, Brenda J. Lieberton, shall ensure
that the minor child is at Joan Becker's residence for the
scheduled visitation.

This matter shall be scheduled for mediation
conference before Dr. Allen Ryen as soon as may be

convenient with his schedule.

The Court notes that Cynthia Kirkwood's address is P.O. Box 183, DuBois, PA 15801.

BY THE COURT,

PAUL E. CHERRY
Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUL 05 2012

Attest.

William L. Cherry
Prothonotary/
Clerk of Courts

07-846-CD

New address received
from Defendant.

Cynthia Kunkewald
40 Helen Lane
Rockton, PA
15856



FILED

07/13/12
JUL 05 2012

William A. Shaw
Prothonotary/Clerk of Courts

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

Brenda Lieberton (Haversan)
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

NO. 07-846-CD

FILED 2cc
010:5081 Def.
JUL 06 2012 6K

William A. Shaw
Prothonotary/Clerk of Courts

ORDER OF COURT

You, Brenda Lieberton (defendant) (respondent), have been sued in court to modify
custody or partial custody of the child(ren): Jason Paul Kirkwood
3.1.02

You are ordered to appear in person on the 14th day of August, 2012,
at 10:00 o'clock AM/PM. A conference/hearing will be held in room Hearing Room 3
2nd floor, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA, 16830.

Plaintiff has filed for a

X (CUSTODY) (MEDIATION) CONFERENCE
CUSTODY MODIFICATION HEARING

If you fail to appear as provided by this order, an order for custody or partial custody 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,
GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH
INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS
OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY
OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 EAST MARKET ST, SUITE 228
CLEARFIELD, PA 16830
814/765-2641

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with
Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to
disabled individuals having business before the court, please contact our office. All arrangements must be made at
least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or
hearing.

July 6, 2012
Date

Paul E. Cherry
Judge

FILED

JUL 06 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/6/12

☒ You are responsible for serving all appropriate parties.
The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other
____ Defendant(s) ____ Defendant(s) Attorney
____ Special Instructions:

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

Brenda Liberton (Havlichck)
Plaintiff(s)

vs.

Cynthia Kirkwood

NO. 07-846-CD

FILED NO
JUL 23 2012 CC

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE*

AND NOW, on the date stated below, I, Cynthia Kirkwood,

hereby certify that I this day served the foregoing 'Petition For Custody

Modification' by:

☐ Personally hand delivering to the (opposing party) (opposing attorney)

☒ Depositing a copy of the same via United States mail, first class, postage prepaid,
'Certified Mail, Return Receipt Requested'**, at DuBois Post Office
(name of post office),

addressed to the following:

Brenda Havlichck

416 Treasure Lake

DuBois, PA 15801

7.14.12
DATE

Cynthia Kirkwood
SIGNATURE

* Document must be signed, dated, and filed with the Prothonotary.

** Green 'Return Receipt' card, with recipient's signature, must be attached to this document.

7010 3090 0001 9776 0640

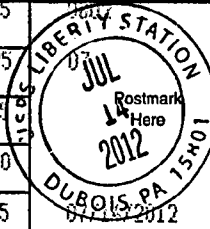
U.S. Postal Service TM
CERTIFIED MAIL TM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

DU 15015 PA 15401

OFFICIAL USE

Postage	\$	\$0.45
Certified Fee		\$2.95
Return Receipt Fee (Endorsement Required)		\$2.35
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.75



Sent To

Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2008

See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (*Reverse*) PSN 7530-02-000-9047

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brenda Hawlich
416 Treasure lake
DuBois, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
x/Brenda Hawlich ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
Brenda Hawlich 7-16-12

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from serv) 170103090 0001 97760640 11

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

UNITED STATES POSTAL SERVICE

45 JUL 2012 PM 14

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Cynthia Kirkwood
40 Helen Lane
Rockton, PA 15856

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

BRENDA LEIBERTON (HAVERSACK):

V.

NO. 07-846-CD

CYNTHIA KIRKWOOD

FILED

AUG 15 2012

William A. Shaw
Prothonotary/Clerk of Courts

1000
Questionnaire
117 W. 10th St.
DuBois, PA
15801

Any Wright

Def: 40 Helen Lane
Rockton, PA 15856

ORDER FOR MEDIATION CONFERENCE and PAYMENT OF COSTS

NOW, this 14th day of August, 2012, it is ORDERED that a Custody Mediation Conference be held before Allen H. Ryen, Ph.D., Licensed Child Psychologist.

It is further ORDERED that **EACH PARTY** to this action shall forthwith complete a Child Custody Mediation Questionnaire and forward the same to Dr. Ryen (416 Knarr Street, DuBois, Pennsylvania 15801) within Ten (10) days of receipt of this ORDER.

It is also ORDERED that the cost of said Mediation Conference shall be borne equally by the Plaintiff(s) and Defendant(s) named in this action.

Each party named in this action (or counsel for the parties) shall deposit Two Hundred Fifty (\$250.00) Dollars (**money orders only**) made payable to the Clearfield County Treasurer and mailed to J. Shirey, Judge's Chambers, 230 East Market Street, Clearfield, Pennsylvania 16830 within Twenty-Five (25) days of the date of this Order, to proceed with the Mediation Conference "OR" submit a Custody Consent Order to the Court within Twenty-Five (25) days of the date of this Order foregoing the Mediation Conference.

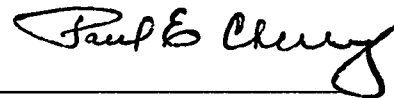
This Court shall issue a further ORDER scheduling the Mediation Conference when the required deposit has been received from all parties participating in this action.

If a Custody Consent Order is received by the Court after the Twenty-Fifth

day following this Order and no later than ***SEVEN (7)*** days before scheduled Mediation Conference, then each party or counsel for the parties shall include Twenty (\$20.00) Dollars (money order only) in order to defray administrative/processing expense. In this event the amount of Two Hundred Fifty (\$250.00) Dollars previously deposited by each party shall be returned.

FAILURE OF A PARTY TO DEPOSIT THE REQUIRED FEE OF 'TWO HUNDRED FIFTY (\$250.00) 'DOLLARS' SHALL RESULT IN THE OFFENDING PARTY BEING SUBJECT TO CONTEMPT PROCEEDINGS BEFORE THE COURT.

BY THE COURT,

A handwritten signature in black ink, reading "Paul E. Cherry". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

PAUL E. CHERRY,
JUDGE

Attorney for Plaintiff: Pro Se

Attorney for Defendant: Pro Se

FILED

AUG 15 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/15/12

____ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☒ Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other _____

☒ Defendant(s) ☒ Defendant(s) Attorney _____

____ Special Instructions:

CA

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

Brenda Havlichek

Plaintiff(s)

vs.

NO. ~~2007~~ 846-CD

Cynthia Kirkwood

Defendant(s)

FILED

acc
def

01 11:39am

AUG 22 2012

GL

**AFFIDAVIT IN SUPPORT OF PETITION TO PROCEED
'IN FORMA PAUPERIS'**

William A. Shaw
Prothonotary/Clerk of Courts

1. I am the (Plaintiff) (Defendant) in the above matter and because of my financial condition I 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, friends and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the costs and fees is true and correct.

a. Name

Cynthia Kirkwood

Address

40 Helen Lane

Rockton PA 15856

Social Security Number

182 - 54 - 8537

b. Date of last employment

2000

Employer

VFT

Address

ERIE

Salary: \$ 8 (or) Wages: \$ 8.00 (per hour) (per week)

Type of Work in Home personal Care

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

c. Other income:

Business / Profession	\$ _____
Self-Employment	\$ _____
Interest	\$ _____
Dividends	\$ _____
Pension	\$ _____
Annuities	\$ _____
Social Security Benefits { Applied For }	\$ _____
Support Payments	\$ _____
Disability Payments	\$ _____
Unemployment Compensation / Supplements Benefits	\$ _____
Worker's Compensation	\$ _____
Public Assistance	\$ _____
Food Stamps	\$ 200.00
Other	\$ _____

d. Other contributions to my household support (please circle):

Name of Spouse, Boyfriend / Girlfriend, or Roommate / Housemate:

Jerry Reasinger

Employer Sexula Sign Co.

Salary / wages per month unknown \$ _____

Type of Work Fabrication Signs \$ _____

Contributions from my child(ren) \$ _____

Contributions from my parent(s), family members, or
any other individuals \$ _____

e. Property owned:

Cash	\$ _____
Checking Account	\$ 20.00
Savings Account	\$ 10.00
Certificates of Deposit	\$ _____
Real Estate (including home)	\$ _____

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

Motor Vehicle(s) - Make Mercury Cougar
Year 1995
Cost \$ 800.00
Amount owed \$ 0-
Stocks, bonds \$ _____
Other \$ _____
Other \$ _____

f. I have the following debts:

Utilities: \$ 40.00 Explain: phone
\$ _____ Explain: _____
\$ _____ Explain: _____
\$ _____ Explain: _____
Groceries: \$ 250.00 Explain: By own
Rent/Mortgage \$ 200.00 Explain: monthly
Loan(s) \$ _____ Explain: _____
Auto Expense \$ 50.00 Explain: Gas/maintenance
Child Care \$ _____ Explain: _____
Miscellaneous \$ 40.00 Explain: personal

g. Person(s) dependent upon you for support:

Wife / Husband's name: _____

Children, if any: _____ age _____
_____ age _____
_____ age _____
_____ age _____
_____ age _____
_____ age _____

Other person(s) dependent upon you:

Name:

Relationship:

_____ age _____
_____ age _____
_____ age _____

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

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

VERIFICATION

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.

8.17.12
Date

Cynthia KIRKWOOD
Petitioner

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

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, Cynthia Kirkwood, 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 employment 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 Number: 182 - 54 - 8537

Board of Assistance Number (food stamps, etc.): 600760 0019410521 937
(56577) record #

Date: 8 / 17 / 12

Cynthia Kirkwood
Signature

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

Date: 8 / 17 / 12

Name: Cynthia Kirkwood

Telephone Number: (814) 583-5293 Cell Phone Number: () _____ - _____

Address: 40 Helen Lane
Rockton PA 15856

Other Parties Involved: _____

Reason For Filing This Petition (Write a brief description of your financial problem(s); please be specific. Failure to do so could result in your request being delayed or denied.)
[Example: request for filing fee or Mediation Conference fee to be waived due to your inability to submit the required fee because.....]

I was incarcerated, released June 2012
And I have applied for Social Security.
I request my mediation Conference Fee
be waived Cause I have no current
income.

Type of Action: (Please specify what type of action you are pursuing through this application; example: divorce, custody, District Justice appeal, etc.)

visitation / Custody.

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

BRENDA LEIBERTON (HAVERSACK),
Plaintiff

v.

CYNTHIA KIRKWOOD,
Defendant

No. 2007-846-CD

Type of Pleading:
Stipulation to Withdraw

Filed on Behalf of:
Cynthia Kirkwood

Counsel of Record:
Jaime S. Bumbarger, Esquire
Supreme Court No.: 308708
MidPenn Legal Services
211 East Locust Street
Clearfield, PA 16830
(814)765-9646

FILED

AUG 23 2012

William A. Shaw
Prothonotary/Clerk of Courts

30C

07/11/3461

Atty Bumbarger

GK

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

BRENDA LEIBERTON (HAVERSACK),	:	No. 2007-846-CD
Plaintiff	:	
	:	
v.	:	
	:	
CYNTHIA KIRKWOOD,	:	
Defendant	:	

STIPULATION

AND NOW, this 22nd day of August, 2012, upon Stipulation of Cynthia
Kirkwood, and her counsel, MidPenn Legal Services, it is hereby agreed that MidPenn
Legal Services is permitted to withdraw as counsel for Cynthia Kirkwood.

Cynthia Kirkwood
Cynthia Kirkwood

Jaime S. Bumbarger
Jaime S. Bumbarger, Esquire
MidPenn Legal Services

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

BRENDA LEIBERTON (HAVERSACK),
Plaintiff

vs.

CYNTHIA KIRKWOOD,
Defendant

NO.: 2007-846-CD

Type of Case: Custody

Type of Pleading: Praceipe to
Withdraw

Filed on Behalf of: Cynthia Kirkwood

Counsel for Plaintiff:
Jaime S. Bumbarger, Esquire

Supreme Court No.: 308708

MidPenn Legal Services
211 East Locust Street
Clearfield, PA 16830
(814)765-9646
Fax (814) 765-1396

FILED

AUG 23 2012

William A. Shaw
Prothonotary/Clerk of Courts

3ce

Anty Bumbarger

Copy to CIA

OK

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

BRENDA LEIBERTON (HAVERSACK), :
Plaintiff :

vs. :

No. 2007-846-CD

CYNTHIA KIRKWOOD, :
Defendant/Respondent :

PRAECIPE TO WITHDRAW APPEARANCE

To the Prothonotary:

Please withdraw the appearance of MidPenn Legal Services on behalf of Cynthia
Kirkwood pursuant to Stipulation filed this date.


Jaime S. Bumbarger, Esquire
ID #308708
Attorney for Cynthia Kirkwood
MidPenn Legal Services
211 East Locust Street
Clearfield, PA 16830
(814)765-9646

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

Brenda Havlichck
Plaintiff(s)

vs.

NO. 2007-846-CD

Cynthia Kirkwood
Defendant(s)

ORDER

NOW, this 22nd day of August, 20 12 upon
consideration of the foregoing Affidavit in Support of Petition to Proceed 'in Forma
Pauperis', it is the ORDER of this Court that said Petition is GRANTED DENIED.

If the Petition is GRANTED, Filing / Mediation Conference Fee is hereby
WAIVED.

By the Court,

Paul E Cherry
JUDGE

4
FILED 2cc
019:31004 Def.
AUG 24 2012
William A. Shaw
Prothonotary/Clerk of Courts
66

William A. Shaw
Prothonotary/Clerk of Courts
PO Box 549
Clearfield, PA 16830

07-8 46- (1)

FILED

AUG 27 2012
William A. Shaw
Prothonotary/Clerk of Courts

9-24-12
Plaintiff Picked up
ORDER + Question
on 9-24-12

Brenda J. Leiberton
117 W. Weber Ave.
DuBois, PA 15801

15801 16830 0549

NIXIE
152 SE 11
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
BC: 16830054949 *2643-02731-15-46

15801 16830 0549

JOHNSTOWN PA
15 AUG 2012



\$00.65
016110024835
Mailed From 16830
US POSTAGE

OFFICE OF THE PROTHONOTARY and CLERK OF COURTS

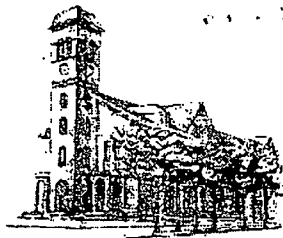
WILLIAM A. SHAW
Prothonotary/Clerk of Courts

JACKI KENDRICK
Deputy Prothonotary/
Clerk of Courts

PHONE: 814-765-2641 ext. 1330
Fredric J. Ammerman, P.J.
Court of Common Pleas
230 E. Market Street
Clearfield, PA 16830

Heidi R. Spivak, Esq.
Margaret Gairo, Esq.
123 S. Broad St., Ste. 2080
Philadelphia, PA 19109

Edward J. Hayes, Esq.
2000 Market St., 10th Floor
Philadelphia, PA 19103



Andrew P. Gates, Esq.
Clearfield County Courthouse
PO Box 846 PO Box 549
Clearfield, Pennsylvania 16830
2 N. Front Street
Clearfield, PA 16830

Martin C. Bryce, Jr., Esq.
Daniel JT McKenna, Esq.
Jenny N. Perkins, Esq.
1735 Market St., 51st Floor
Philadelphia, PA 19103

JOHN SUGHRUE, ESQ.
Solicitor

BONNIE HUDSON
Administrative Assistant

FAX: 814-765-7659
www.clearfieldco.org

Ellery Crissman
110 Piccadilly Drive
Port Matilda, PA 16870

Fidelity Closing Services, LLC
325 West Aaron Street
State College, PA 16803

Nationstar Mortgage LLC
(as Successor in Interest to AmTrust Bank)
Vs.
Mildred Sass

: Mildred Sass
:
:
Vs.
:
AmTrust Bank, Ticor Title Insurance
:
Company, Fidelity Closing Services,
:
LLC, and Ellery Crissman

Court No. 2009-795-CD
Superior Court No. 1067 WDA 2012

Court No. 2009-1519-CD
Superior Court No. 1066 WDA 2012

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on September 24, 2012.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

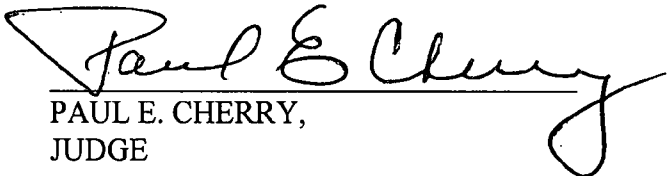
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

BRENDA LEIBERTON (HAVERSACK) :
:
V. : NO. 07-846-CD
:
CYNTHIA KIRKWOOD :

ORDER

NOW, this 19th day of September, 2012, the above named Plaintiff, Brenda Leiberton (Haversack), having failed to pay the Custody Mediation Fee pursuant to Order dated August 14, 2012, unless the above named Plaintiff pays the fee due the Clearfield County Treasurer in the amount of Two Hundred Fifty Dollars (by **MONEY ORDER ONLY**), it is the ORDER of this Court that a hearing to show cause why said Plaintiff shall not be held in Contempt of Court for failure to comply with said previous Order is scheduled for the 22nd day of October, 2012, at 9:00 o'clock A.M. in Court Room No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania at which time Plaintiff, Brenda Leiberton (Haversack), must be present or a Bench Warrant may be issued for her arrest.

BY THE COURT,


PAUL E. CHERRY,
JUDGE


FILED
08-58671
SEP 20 2012

William A. Shaw
Prothonotary/Clerk of Courts

ICC Pff-4116 Treasure Lake
LeBois, PA 15801

ICC Def-40 Helen Lane
Rockton, PA 15856

FILED

SEP 20 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/20/12

___ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

X Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

23

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Brenda Leikerton Haversack CIVIL ACTION
(Plaintiff)

117 W. Weber Ave
(Street Address)

No. 07-846-CD

DUBOIS Pa 15801
(City, State ZIP)

Type of Case: _____

Type of Pleading: _____

Filed on Behalf of: _____

VS.

Cynthia Kirkwood
(Defendant)

(Plaintiff/Defendant)

Helen Lane
(Street Address)

Rockton, Pa
(City, State ZIP)

FILED

SEP 24 2012
3:40 PM
William A. Shaw
Prothonotary/Clerk of Courts

Brenda Havlichek - Married
416 Treasure Lake
DUBOIS, Pa 15801

(Filed by)

(Address)

(Phone)

Brenda Havlichek
(Signature)

FILED

SEP 24 2012

William A. Shaw
Prothonotary/Clerk of Courts

(S... ..)

...

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...

...

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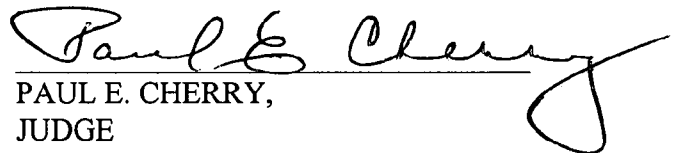
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRENDA LEIBERTON (HAVERSACK) :
:
V. : NO. 07-846-CD
:
CYNTHIA KIRKWOOD :

ORDER

AND NOW, this 25th day of September, 2012, Plaintiff, Brenda Leiberton, having paid the Custody Mediation fee, it is the ORDER of this Court that Contempt Hearing scheduled for October 22, 2012 shall be and is hereby CANCELLED.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED 100
SEP 26 2012
William A. Shaw
Prothonotary/Clerk of Courts
B. Havlicek
416 Treasure Lake
DuBois, PA 15801
100
C. Kirkwood
40 Helen Lane
Rockton, PA
15856

cd

FILED

SEP 26 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/26/12

___ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

X Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

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

BRENDA LEIBERTON (HAVERSACK)

V.

CYNTHIA KIRKWOOD

NO. 07-846-CD

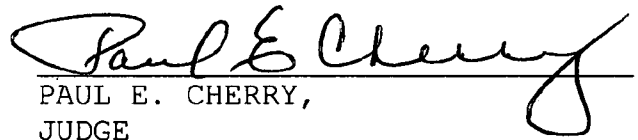
ORDER

NOW, this 26th day of September, 2012, it is the ORDER of this Court that **Custody Mediation Conference** be held before Allen H. Ryen, Ph. D., Licensed Child Psychologist, on **October 18, 2012 at 1:00 o'clock p.m. at the Clearfield County Courthouse.**

Please report to the central lobby area or the second floor of the Courthouse. You will be instructed as to the location of the Custody Mediation Conference at that time. Both parents, their respective counsel and the child(ren) shall attend said conference. The present custodial parent shall provide someone to attend to the child(ren) while the parent is in private conference.

FAILURE OF A PARTY TO APPEAR FOR THE MEDIATION CONFERENCE WILL RESULT IN ASSESSMENT ON THAT OFFENDING PARTY OF ALL COSTS, UNLESS SAID PARTY HAS NOTIFIED THE CLEARFIELD COUNTY COURT ADMINISTRATOR (814) 765-2641, extension 5982 AT LEAST *** SEVEN (7) *** FULL BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEDIATION CONFERENCE AND THE COURT ADMINISTRATOR HAS AGREED TO A CONTINUANCE/RESCHEDULING.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

Attorney for Plaintiff: Pro Se
Attorney for Defendant: Pro Se

FILED 2cc Piff-
0/3:11/2012 416 Treasure Lake
SEP 27 2012 Dubois, PA 15801

William A. Shaw
Prothonotary/Clerk of Courts

2cc Def-
40 Helen Lane
Rockton, PA 15856

FILED

SEP 27 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 09/27/12

___ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

X Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BRENDA J. LIEBERTON

:

-VS-

:

No. 07-846 -CD

CYNTHIA KIRKWOOD

:

FILED

OCT 18 2012
0/3:30/1
William A. Shaw
Prothonotary/Clerk of Courts
4 cert to
Dr. Perry

O R D E R

AND NOW, this 18th day of October, 2012, this being the date set for mediation conference, and upon agreement of the parties, it is the ORDER of this Court of October 4, 2007, is hereby modified as follows:

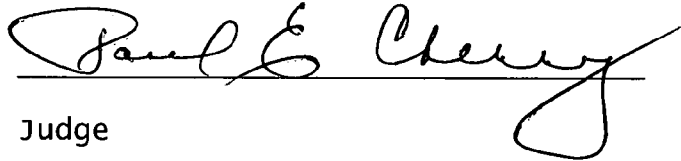
1. Mother, Cynthia Kirkwood, shall have supervised partial custody of the minor child through SAVE. The parties agree that they will equally share the costs for any such supervised contacts, and will cooperate in scheduling and attending the sessions. The parties agree to avail themselves to a total of twelve (12) periods of supervised visitations. The parties shall each contact the SAVE Program within one (1) week of the date of this Order for purposes of setting up an initial appointment.

SAVE is directed to provide the Court with a descriptive report after the fourth, eighth and twelfth weekly session;

2. After the above referenced sessions have occurred, and if the parties have been unable to agree as to

future periods of partial custody for mother, then, at the request of either party, a further mediation or hearing may be scheduled.

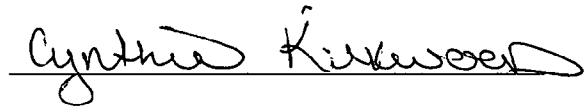
BY THE COURT,


Judge

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



BRENDA J. LIEBERTON
Plaintiff



CYNTHIA KIRKWOOD
Defendant

CA

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

FILED

JAN 24 2013
at 11:45
William A. Shaw
Prothonotary/Clerk of Courts
NO. 2007-00846-CD 2 CASE
TO
DEPT.

Brenda Haulichek
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

PETITION FOR MODIFICATION OF A
(CUSTODY) (PARTIAL CUSTODY) ORDER

1. The petition of Cynthia Kirkwood respectfully represents that on Oct. 18
20 12 an Order of Court was entered for (CUSTODY) (PARTIAL CUSTODY), a true and
correct copy of which is attached as Exhibit "A".
2. This Order should be modified because: Exhibit "A" states request of either
party, a further hearing may be scheduled.
unable to communicate or make agreement
of custody

WHEREFORE, Petitioner requests that the Court modify the existing Order for (PARTIAL
CUSTODY) because it will be in the best interest of the child(ren).

Cynthia Kirkwood
(Attorney for Petitioner) (Petitioner)

I verify that the statements made in this petition are true and correct. I understand that
false statements herein are made subject to the penalties of PA.C.S.A. § 4904
relating to unsworn falsification to authorities. I have read and understand the
requirements for serving a certified copy of this document on all parties to the case,
and filing a Certificate of Service with the Prothonotary.

Date: 1-24-13 Cynthia Kirkwood
Petitioner

- > YOU MUST DATE AND SIGN THE PETITION, and
- > DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

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

And I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

BRENDA J. LIEBERTON :

-VS-

: No. 07-846 -CD

OCT 18 2012

CYNTHIA KIRKWOOD :

Attest.

William D. Shaw
Prothonotary/
Clerk of Courts

O R D E R

AND NOW, this 18th day of October, 2012, this
being the date set for mediation conference, and upon
agreement of the parties, it is the ORDER of this Court of
October 4, 2007, is hereby modified as follows:

1. Mother, Cynthia Kirkwood, shall have
supervised partial custody of the minor child through SAVE.
The parties agree that they will equally share the costs for
any such supervised contacts, and will cooperate in
scheduling and attending the sessions. The parties agree to
avail themselves to a total of twelve (12) periods of
supervised visitations. The parties shall each contact the
SAVE Program within one (1) week of the date of this Order
for purposes of setting up an initial appointment.

SAVE is directed to provide the Court with a
descriptive report after the fourth, eighth and twelfth
weekly session;

2. After the above referenced sessions have
occurred, and if the parties have been unable to agree as to

future periods of partial custody for mother, then, at the request of either party, a further mediation or hearing may be scheduled.

BY THE COURT,

/s/ Paul E. Cherry

Judge

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

Brenda J. Lieberton

BRENDA J. LIEBERTON
Plaintiff

Cynthia Kirkwood

CYNTHIA KIRKWOOD
Defendant

CA

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

Brenda Hawlich
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

NO. 2007-00846-CD

FILED 2CC
01/10/57/30 Def.
JAN 29 2013

ORDER OF COURT

William A. Shaw
Prothonotary/Clerk of Courts 66

You, Brenda Hawlich (defendant) (respondent), have been sued in court to modify
custody or partial custody of the child(ren): Jason Paul Kirkwood

You are ordered to appear in person on the 19th day of February, 2013,
at 10:00 o'clock AM ~~PM~~. A conference/hearing will be held in room Courtroom 2,
2nd floor, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA, 16830.

Plaintiff has filed for a

____ (CUSTODY) (MEDIATION) CONFERENCE
X CUSTODY MODIFICATION HEARING

If you fail to appear as provided by this order, an order for custody or partial custody 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,
GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH
INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS
OFFICE **MAY** BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY
OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 EAST MARKET ST, SUITE 228
CLEARFIELD, PA 16830
814/765-2641

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with
Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to
disabled individuals having business before the court, please contact our office. All arrangements must be made at
least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or
hearing.

January 25, 2013 Date Paul E. Cherry Judge

FILED

JAN 29 2013

William A. Shaw
Prothonotary, Clerk of Courts

DATE: 1/29/13

☒ You are responsible for serving all appropriate parties.

___ The Prothonotary's office has provided service to the following parties:

___ Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

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

5 per
FILED

FEB 11 2013

07 8:36
William A. Straw
Prothonotary/Clerk of Courts

Brenda Haulichor
Plaintiff(s)

vs.

NO. 2007-00746-CD

Cynthia Kunkwood
Defendant(s)

CERTIFICATE OF SERVICE*

AND NOW, on the date stated below, I, Cynthia Kunkwood,
hereby certify that I this day served the foregoing
'Emergency Custody Complaint' (and) (or) 'Scheduling Order' by:
[indicate which document]

____ Personally hand delivering to the (opposing party) (opposing attorney)

X Depositing a copy of the same via United States mail, first class, postage
prepaid, 'Certified Mail, Return Receipt Requested'**, at DuBois
(name of post office)

____ Hiring Constable _____, who has provided me
with proof of service (see attached)

addressed to the following: _____

2-6-13
DATE

Cynthia Kunkwood
SIGNATURE

* Document must be signed, dated, and filed with the Prothonotary.

** Green 'Return Receipt' card, with recipient's signature, must be attached to
this document.

FILED
FEB 11 2012
U.S. District Court
District of Columbia

FILED
FEB 11 2012
William A. Shaw
Prothonotary/Clerk of Courts

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brenda Hawlicher
416 Treasure Isle
DwBois PA
15801

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x

Brenda Hawlicher

☐ Agent☐ Addressee

B. Received by (Printed Name)

Brenda Hawlicher

C. Date of Delivery

2-4-13

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

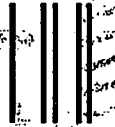
7011 0110 0000 7586 9435

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Cynthia Kirkwood
40 Helen Lane
Rockton, PA
15856

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

BRENDA HAVLICHEK

:

-VS-

:

No. ^{07-846-CD}
11-702-CD

CYNTHIA KIRKWOOD

:

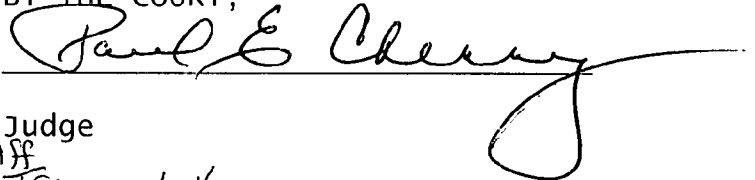
O R D E R

AND NOW, this 19th day of February, 2013,
following hearing on the Petition for Modification of a
Custody Order, and presentation of the issues before the
Court; upon consideration of same, it is the ORDER of this
Court that said Petition for Modification of a Custody Order
shall be and is hereby DISMISSED.

It is the further ORDER of this Court that mother,
Cynthia Kirkwood, shall continue to have supervised partial
custody of the minor child through SAVE or a mutually agreed
upon supervising adult. The parties shall continue to
equally share the costs for any supervised partial custody
through SAVE.

This matter shall be referred to mediation
conference before Dr. Allen Ryen, Ph.D., as soon as
convenient with his schedule.

BY THE COURT,



Judge

FILED

9 3:11 PM
FEB 21 2013

William A. Shattuck
Prothonotary/Clerk of Courts

2CC Piff
416 Treasure Lake
Dubois, PA 15801

2CC Def
40 Helen Lane
Rockton, PA 15856

FILED
FEB 21 2013

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/21/13

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☒ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☒ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

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

BRENDA HAVLICHEK

V.

CYNTHIA KIRKWOOD

NO. 07-846-CD
H-702-CD

2cc Diff-
416 Treas
Lake
Dubois, PA
15801
FILED
03:31 PM 2cc Def-
40 Helen
Lone
FEB 22 2013
William A. Shaw Rockton, PA
Prothonotary/Clerk of Courts 15856
cl

ORDER FOR MEDIATION CONFERENCE and PAYMENT OF COSTS

NOW, this 20th day of February, 2013, it is ORDERED that a Custody Mediation Conference be held before Allen H. Ryen, Ph.D., Licensed Psychologist.

It is further ORDERED that **EACH PARTY** to this action shall forthwith complete a Child Custody Mediation Questionnaire and forward the same to Dr. Ryen (P.O. Box 77, Rochester Mills, Pennsylvania 15771) within Ten (10) days of receipt of this ORDER.

It is also ORDERED that the cost of said Mediation Conference shall be borne equally by the Plaintiff(s) and Defendant(s) named in this action.

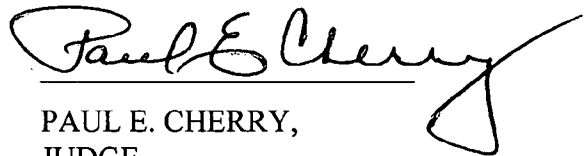
Each party named in this action (or counsel for the parties) shall deposit a total of Two Hundred Fifty (\$250.00) Dollars (**money orders only**) made payable to the Clearfield County Treasurer and mailed to J. Shirey, Judge's Chambers, 230 East Market Street, Clearfield, Pennsylvania 16830 within Twenty-Five (25) days of the date of this Order, to proceed with the Mediation Conference "OR" submit a Custody Consent Order to the Court within Twenty-Five (25) days of the date of this Order foregoing the Mediation Conference.

This Court shall issue a further ORDER scheduling the Mediation Conference when the required deposit has been received from all parties participating in this action.

If a Custody Consent Order is received by the Court after the Twenty-Fifth day following this Order and no later than ***SEVEN (7)*** days before scheduled Mediation Conference, then each party or counsel for the parties shall include Twenty (\$20.00) Dollars (money order only) in order to defray administrative/processing expense. In this event the amount of Two Hundred Fifty (\$250.00) Dollars previously deposited by each party shall be returned.

FAILURE OF A PARTY TO DEPOSIT THE REQUIRED FEE OF 'TWO HUNDRED FIFTY (\$250.00) DOLLARS' SHALL RESULT IN THE OFFENDING PARTY BEING SUBJECT TO CONTEMPT PROCEEDINGS BEFORE THE COURT.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

Attorney for Plaintiff: Pro Se

Attorney for Defendant: Pro Se

DATE: 2/22/13

☐ You are responsible for serving all appropriate parties.

☒ The Probationary's office has provided service to the following parties:

☒ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☒ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

FILED

FEB 22 2013

William A. Shaw
Prothonotary/Clerk of Courts

Civil Division

FILED

MAR 11 2013

William A. Shaw
Prothonotary/Clerk of Courts
no 4/C

Brenda Havlicher

Plaintiff

vs.

Cynthia Kirkwood

Defendant

No.

07-846-CD C.D.

AFFIDAVIT IN SUPPORT OF PETITION TO PROCEED IN FORMA PAUPERIS

1. I am the Plaintiff/Defendant in the above matter and because of my financial condition I 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, friends and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the costs and fees is true and correct.

a. Name Cynthia Kirkwood
Address 40. Helen Lane
Rockton, PA 15856
Social Security Number 182 - 54 - 8537

b. Date of last employment 1998
Employer Voices For Independence
Address Erie, PA.

Salary/Wages..... \$ 8.00
Type of work In home personal care

c. Other Income:

Business/Profession.....	\$ — None
Self-employment.....	\$ —
Interest.....	\$ —
Dividends.....	\$ —
Pension.....	\$ —
Annuities.....	\$ —
Social Security Benefits.....	\$ —
Support Payments.....	\$ 710.00
Disability payments.....	\$ —
Unemployment Compensation/ Supplements Benefits.....	\$ —
Workmen's Compensation.....	\$ —
Public Assistance.....	\$ 98.00
Food Stamps.....	\$ —
Other.....	\$ —

d. Other contributions to my household support (please circle):

Name of Spouse, Boyfriend/Girlfriend, or Roommate/Housemate

Jerry Reasinger

Employer Sekula Sign \$ 2624.00 gross mo.

Salary/wages per month.....

Type of work Fabrication

Contributions from my child(ren)... \$ — none

Contributions from my parent(s), \$ — none

family members, or any other

individuals..... \$ — none

e. Property Owned:

Cash.....	\$ —
Checking Account.....	\$ 5.00
Savings Account.....	\$ — 0.46
Certificates of Deposit.....	\$ —
Real Estate (including home).....	\$ —
Motor Vehicle(s) - Make <u>Cougar</u>	
Year <u>1995</u>	
Cost.....	\$ 800.
Amount owed.....	\$ — 0 —

Stocks, bonds.....\$
 Other.....\$
 Other.....\$
 Other.....\$

f. I have the following debts:

Utilities: \$ 50.00, explain phone
 \$ 50.00, explain gas / fuel oil
 \$ 30.00, explain Fines, cost, Jefferson + Clay
 \$ _____, explain + Parole supervision
 Groceries: \$ 240.00
 Rent/Mortgage: \$ 250.00, explain monthly
 Loan(s): \$ _____, explain _____
 Auto Expense: \$ 100.00, explain (gas)
 Child Care: \$ 360.00, explain Nov. Dec. Jan. visit w/
 Miscellaneous: \$ 40.00, explain court ordered Jason threw Save
certified letters for court, gas to n from court, gas to Jason
appt. copies - paper work costs.

g. Person(s) dependent upon you for support:

Wife/Husband's name none

Children, if any:

Name _____	Age _____
Name _____	Age _____
Name _____	Age _____
Name _____	Age _____
Name _____	Age _____
Name _____	Age _____

Other person(s) dependent upon you:

Name _____	Age _____
Name _____	Age _____
Name _____	Age _____

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

VERIFICATION

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. Section 4904, relating to Unsworn Falsification to Authorities.

2-27-13

Date

Cynthia Kirkwood

Petitioner

I, Cynthia Kirkwood, 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 employment 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 Number: 182 - 54 - 8537
Board of Assistance Number (food stamps, etc.): 17/0056577

DATE: 2/27/2013 Cynthia Kirkwood
signature

DATE: 2/27/2013

NAME: Cynthia Kirkwood

TELEPHONE NUMBER: (814) 583-5293

ADDRESS: 40 Helen Lane
Rockton PA 15856

OTHER PARTIES INVOLVED: Brenda Hawilcher

REASON FOR FILING THIS PETITION (Write a brief description of your financial problem(s), please be specific. Failure to do so could result in your request being delayed or denied.) (Example: request for filing fee or Mediation Conference fee to be waived due to your inability to submit the required fee because...)

I receive Social Security Disability
I have fines in Clearfield & Jefferson Co.
I continue to pay. I can not afford
\$250.00 I would not have money
for rent or bills.

TYPE OF ACTION: (divorce, custody, District Justice appeal, etc)
Please specify what type of action you are pursuing through this application.)

mediation conference

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

Brenda Haulichok
Plaintiff(s)

vs.

NO. 2007-00846-CD

Cynthia Kirkwood
Defendant(s)

FILED

MAR 11 2013

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE*

AND NOW, on the date stated below, I, Cynthia Kirkwood,
hereby certify that I this day served the foregoing
'Emergency Custody Complaint' (and) (or) 'Scheduling Order' by:
[indicate which document]

____ Personally hand delivering to the (opposing party) (opposing attorney)

☒ Depositing a copy of the same via United States mail, first class, postage
prepaid, 'Certified Mail, Return Receipt Requested'**, at DuBois
(name of post office)

____ Hiring Constable _____, who has provided me
with proof of service (see attached)

addressed to the following: _____

3.6.13
DATE

Cynthia Kirkwood
SIGNATURE

* Document must be signed, dated, and filed with the Prothonotary.

** Green 'Return Receipt' card, with recipient's signature, must be attached to
this document.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brenda Haulnick
414 Treasure Lake
Dubois, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Brenda Haulnick

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Brenda Haulnick

C. Date of Delivery

3-5-13

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service)

7011 0110 0000 7585 6428

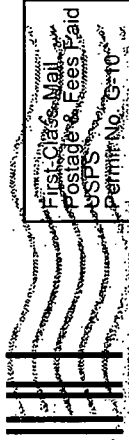
PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-1541

UNITED STATES POSTAL SERVICE PA 155

POSTAGE WILL BE PAID BY ADDRESSEE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Cynthia Kirkwood
40 Heien Lane
Rockton, PA 15856

In the Court of Common Pleas of Clearfield County, Pennsylvania

Civil Division

Brenda Hauslicher *

Plaintiff *

vs. *

Cynthia Kerkow *

Defendant *

No. *

07-846 C.D. *

FILED

MAR 13 2013

William A. Shaw

Prothonotary/Clerk of Courts

CONF TO DEPT

ORDER

NOW, this 13th day of March,
2013, upon consideration of the foregoing Affidavit in Support
of Petition to Proceed in Forma Pauperis, it is the ORDER of this
Court that said Petition is ~~GRANTED~~ **DENIED** over household
income guidelines

If the Petition is GRANTED, Filing / Mediation Conference
fee is hereby WAIVED.

By the Court,

Paul E. Cherry

FILED

MAR 13 2013

William A. Shaw
Prothonotary/Clerk of Courts

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

BRENDA HAVLICHEK

: 07-846-CD
:
:
:
:
:

V.

CYNTHIA KIRKWOOD

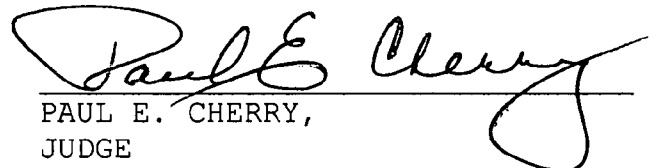
O R D E R

NOW, this 20th day of March, 2013, it is the ORDER of this Court that **Custody Mediation Conference** be held before Allen H. Ryen, Ph. D., Licensed Psychologist, on **April 17, 2013 at 1:00 o'clock p.m.** at the Clearfield County Courthouse.

Please report to the central lobby area on the second floor of the Courthouse. You will be instructed as to the location of the Custody Mediation Conference at that time. Both parents, their respective counsel and the child(ren) shall attend said conference. The present custodial parent shall provide someone to attend to the child(ren) while the parent is in private conference.

FAILURE OF A PARTY TO APPEAR FOR THE MEDIATION CONFERENCE WILL RESULT IN ASSESSMENT ON THAT OFFENDING PARTY OF ALL COSTS, UNLESS SAID PARTY HAS NOTIFIED THE CLEARFIELD COUNTY COURT ADMINISTRATOR (814) 765-2641, extension 5982 AT LEAST *** SEVEN (7) *** FULL BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEDIATION CONFERENCE AND THE COURT ADMINISTRATOR HAS AGREED TO A CONTINUANCE/RESCHEDULING.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

Attorney for Plaintiff: Pro Se
Attorney for Defendant: Pro Se

FILED

019:34cm
MAR 21 2013

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3-21-13

____ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☒ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

☒ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

FILED

MAR 21 2013

William A. Shaw
Prothonotary/Clerk of Courts

Pist @
416 Treasure Lake
Da Bois PA 15800

def @
40 Helen Lane
Rockton PA 15856

FILED ICC P122
e/3:58cm ICC def+
⚡ APR 17 2013 CYS-Jay
William A. Shaw
Prothonotary/Clerk of Courts OK

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

BRENDA HAVLICHEK)
)
)
VS.) NO. 07-846-CD
)
)
CYNTHIA KIRKWOOD)

ORDER

AND NOW this 17th day of April, 2013, following mediation conference and in consideration of an agreement between the parties, it is the ORDER of this Court as follows:

1. Plaintiff, (Brenda Havlichek) (hereinafter "Maternal Aunt"), and Defendant, (Cynthia Kirkwood) (hereinafter "Mother"), shall have joint legal custody of the parties' minor child, namely, Jason Paul Kirkwood.

Legal custody is defined as the legal right to make major decisions affecting the best interests of the minor child including, but not limited to, medical, religious and educational decisions and wherein each party shall have equal access to any and all medical, dental, ocular, mental

health, school and health records.

Medical, dental, ocular and mental health providers, as well as school administrators, shall accept a copy of this Order as authorization to release to either party any documentation and/or records as may be requested.

It is understood by both parties that they shall communicate fully with the other in an effort to ensure that all directives pertaining to the minor child from physicians, dentists and teachers are followed absolutely and that all information pertaining to any prescriptions the child may be on is exchanged between the parties.

2. Maternal Aunt shall continue to enjoy primary custody of the minor child, subject to periods of partial custody in Mother, pending a gradual transition to primary custody in Mother by the beginning of the 2013-2014 school year.

3. Mother's periods of partial custody shall be as follows:

A) Every other Saturday from 10:00 a.m. until 7:30 p.m;

B) Every Thursday from 5:00 p.m. until 7:30 p.m;

C) At all other times as the parties mutually agree;

D) Beginning with the first full weekend after

the last day of school, Mother shall have the child every other weekend from Friday night at 5:00 p.m. until Sunday night at 5:00 p.m. for a period of one (1) month. During this one-month period, Mother shall continue to have partial custody of the child on Thursday evenings as above;

E) Beginning with the second full month after the end of the school year, Mother shall have the child every other week from Friday night at 5:00 p.m. until the following Friday night at 5:00 p.m;

F) Beginning with the third full month after the end of the school year, custody of the child shall revert to Mother, with Maternal Aunt having periods of partial custody as below.

4. Beginning with Paragraph 3B as above, at this point it is ordered that Clearfield County Children, Youth and Family Services begin to provide services to Mother and child, to include assuring that both Mother and son are attending mental health therapy, that Mother is not abusing any illegal substances, and to support and assure a smooth transition to maternal custody. Children, Youth and Family Services shall remain involved with the family for a period of at least six (6) months after custody has reverted to Mother, and their involvement may be extended as they would deem appropriate.

5. After Mother has assumed custody of the

minor child as above, Maternal Aunt will have periods of partial custody with the child as follows:

A) Every other weekend from Friday at 5:00 p.m. until Sunday at 5:00 p.m.;

B) At least one (1) evening per week from 5:00 p.m. until 7:30 p.m., with this date to be defined as Thursday, unless otherwise agreed;

C) Any other such times and places as the parties mutually agree.

6. Unless otherwise agreed by the parties, they shall share holiday custody of the minor child as follows:

A) Easter: In even-numbered years, Maternal Aunt shall have custody from the Saturday preceding Easter at 4:00 p.m. until Easter Sunday at 2:00 p.m. Mother shall have custody from 2:00 p.m. on Easter Sunday until Easter Monday at 6:00 p.m. provided there is no school on Easter Monday. In the event the child has school on Easter Monday, custody shall be until 8:00 p.m. on Easter Sunday.

In odd-numbered years, Mother shall have custody for the Saturday preceding Easter at 4:00 p.m. until Easter Sunday at 2:00 p.m. Maternal Aunt shall have custody from 2:00 p.m. on Easter Sunday until Easter Monday at 6:00 p.m. provided there is no school on Easter Monday. In the event the child has school on Easter Monday, custody shall be

until 8:00 p.m. on Easter Sunday;

B) Thanksgiving: In even-numbered years, Maternal Aunt shall have the child from the day before Thanksgiving at 6:00 p.m. until Thanksgiving Day at 2:00 p.m., at which time Mother shall have the child from Thanksgiving Day at 2:00 p.m. until the Sunday following Thanksgiving Day at 6:00 p.m;

In odd-numbered years, Maternal Aunt shall have the child the day before Thanksgiving at 6:00 p.m. until Thanksgiving Day at 2:00 p.m., at which time Mother shall have the child from Thanksgiving Day at 2:00 p.m. until the Sunday following Thanksgiving Day at 6:00 p.m;

C) Christmas: In even-numbered years, Mother shall have the child from December 24th at 6:00 p.m. until December 25th at 1:00 p.m., at which time Maternal Aunt shall have the child from December 25th at 1:00 p.m. until December 26th at 1:00 p.m.

In odd-numbered years, Maternal Aunt shall have the child from December 24th at 6:00 p.m. until December 25th at 1:00 p.m., at which time Mother shall have the child from December 25th at 1:00 p.m. until December 26th at 1:00 p.m;

D) Minor Holidays: In even-numbered years, Mother shall have the child for Memorial Day and Labor Day, while Maternal Aunt shall have the child for the New Year's Day and Fourth of July.

In odd-numbered years, Maternal Aunt shall have the child for Memorial Day and Labor Day, while Mother shall have the child for the New Year's Day and Fourth of July;

The party entitled to possession shall have the child from 9:00 a.m. until 7:30 p.m. In the event that a party is entitled to possession of the child on a holiday which falls on a Monday and that party is also entitled to the immediately preceding weekend, that party shall then be able to maintain the child over Sunday evening;

E) The parties shall share custody of the minor child on Mother's Day on an equal basis as they may mutually agree.

7. Holidays periods of custody shall take precedence over regularly scheduled periods of custody.

8. The parties will cooperate with one another in assuring that the child is able to participate in extracurricular activities that he may be interested in joining.

9. Each party shall be entitled to have the child for a seven-day vacation period. Each party shall give the other thirty (30) days' advance notice of when they desire to take their vacation.

10. Unless otherwise agreed by the parties, the parties shall share transportation in that the party who is to obtain custody of the child shall provide

transportation. This may be the party, or that party's adult designee(s), with the designee being required to have an established relationship with the child. These exchanges shall take place at a neutral public site and any and all interactions between the parties will be civil and constructive.

11. Neither party shall malign or speak in a derogatory fashion about the other in the presence of the child, nor shall they permit anyone else to do so. Each party shall exercise his/her best efforts to promote a healthy relationship between the child and the other party and the other's family.

The parties are directed to conduct themselves in a reasonable and appropriate manner at all times during their interactions with each other and their family members concerning custody of the child and issues relating to the child's care and nurturance, including the duty to immediately contact the other parent should the minor child have a serious injury or illness which requires medical attention. In addition, the parties shall communicate with each other with regard to the well-being and best interests of their child and shall not communicate through the child.

In addition, each party shall keep the other informed of the progress of the child's education and social activities.

12. Neither party shall restrict telephone contact between the child and the party not in possession of the child. The party who is not in possession of the child may have reasonable telephone contact with the child.

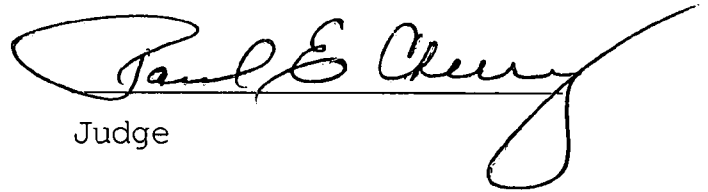
13. Neither party shall consume alcoholic beverages to excess during those periods when they have custody of the child, nor shall they operate any vehicle to pick up, return or generally transport the child after having consumed any alcoholic beverages. Further, no party shall be under the influence of drugs and/or alcohol while serving as custodian of the minor child. Violation of this provision shall be considered an automatic matter of contempt before the Court.

14. Neither party shall relocate the child by change of address which significantly impairs the ability of the nonrelocating party to exercise custodial rights. No relocation shall occur unless every other person with custody rights consents to the relocation or the Court approves the proposed relocation.

The party proposing relocation shall notify every other person who has custody rights to the child as required by 23 Pa.C.S.A., Section 5337(c), including notice to all parties of the obligation to file a counteraffidavit within thirty (30) days of service of the notice in order to preserve the right to object to the relocation.

15. Either party may request mediation in this matter.

BY THE COURT,


Judge

FILED

APR 17 2013

William A. Shaw
Prothonotary/Clerk of Courts

P122
416 Treasure Lake
Du Bois

del+
40 Helen Lane
Rockton 15854

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

Same caption
as existing
COMPLAINT
FOR
CUSTODY

Brenda Hawlichek
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

NO. 07-846-CD

16 FILED *acc Dept*

5 MAY 29 2014
0/1:20/16
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

PETITION FOR MODIFICATION OF A CUSTODY ORDER

1. The Plaintiff is Brenda Hawlichek, residing at

416 Treasure Lake, DuBois
(street) (city)
PA. 15801 Clearfield 814-771-0709
(state) (zip code) (county) (phone)

2. The Defendant is Cynthia Kirkwood, residing at

324 Knarr St. DuBois
(street) (city)
PA 15801 Clearfield 814 661 6193
(state) (zip code) (county) (phone)

3. The Petitioner respectfully represents that on 17th day April 20 13 an Order of Court was entered for legal and physical custody as follows:

LEGAL CUSTODY: ☒ Shared ☐ Sole

PHYSICAL CUSTODY: ☐ Partial ☒ Primary ☐ Shared
☐ Sole ☐ Supervised physical custody

a true and correct copy of which is attached.

4. The child(ren) currently reside(s) at 324 Knarr St.
DuBois, PA 15801 with Plaintiff ☒ Defendant.

5. During the last 6 months, the child(ren) and custodian: (Pick one)

☒ Have resided in Clearfield County, Pennsylvania

continued on next page.....

_____ Have not resided in Clearfield County. The child(ren) and the custodian have resided at the following addresses outside Clearfield County: _____

6. This Order should be modified because: *(what do you want changed and why?)*

violations of court order, I need the court to be aware of what has taken place. Plaintiff will not communicate. Plaintiff is threatening Police / PFA. Plaintiff's miscommunication is causing disruption. Counselor Sarah Carlson, advises Plaintiff works against me. ALSO see Attached pg. 1

WHEREFORE, Petitioner requests that the Court modify the existing Order because it will be in the best interest of the child(ren).

Cynthia Kirkwood
Petitioner

CYNTHIA KIRKWOOD
(Print your name)

324 Knarr St.
(Print your address)

DUBOIS PA 15801
(city) (state) (zip)

814 461 1193
Phone number (home and/or cell phone #)

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. Sec. 4904 relating to unsworn falsification to authorities.

5.29.14
Date

Cynthia Kirkwood
Petitioner

pg. 1 Custody Attachment

Also Dr. HRECZNYJ, Jason's child
psychologist advises medication
& new start. Also Advised
legal advice from "Justice Works".

Holiday schedual change
& cut Thursdays

& Discuss new guide lines

also looking into moving discussion
need to be mediated, because
of Communication issues.

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 17 2013

Attest.

W. J. R.
Prothonotary/
Clerk of Courts

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

BRENDA HAVLICHEK

VS.

CYNTHIA KIRKWOOD

NO. 07-846-CD

ORDER

AND NOW this 17th day of April, 2013, following mediation conference and in consideration of an agreement between the parties, it is the ORDER of this Court as follows:

1. Plaintiff, (Brenda Havlichek) (hereinafter "Maternal Aunt"), and Defendant, (Cynthia Kirkwood) (hereinafter "Mother"), shall have joint legal custody of the parties' minor child, namely, Jason Paul Kirkwood.

Legal custody is defined as the legal right to make major decisions affecting the best interests of the minor child including, but not limited to, medical, religious and educational decisions and wherein each party shall have equal access to any and all medical, dental, ocular, mental

health, school and health records.

Medical, dental, ocular and mental health providers, as well as school administrators, shall accept a copy of this Order as authorization to release to either party any documentation and/or records as may be requested.

It is understood by both parties that they shall communicate fully with the other in an effort to ensure that all directives pertaining to the minor child from physicians, dentists and teachers are followed absolutely and that all information pertaining to any prescriptions the child may be on is exchanged between the parties.

2. Maternal Aunt shall continue to enjoy primary custody of the minor child, subject to periods of partial custody in Mother, pending a gradual transition to primary custody in Mother by the beginning of the 2013-2014 school year.

3. Mother's periods of partial custody shall be as follows:

- A) Every other Saturday from 10:00 a.m. until 7:30 p.m;
- B) Every Thursday from 5:00 p.m. until 7:30 p.m;
- C) At all other times as the parties mutually agree;
- D) Beginning with the first full weekend after

the last day of school, Mother shall have the child every other weekend from Friday night at 5:00 p.m. until Sunday night at 5:00 p.m. for a period of one (1) month. During this one-month period, Mother shall continue to have partial custody of the child on Thursday evenings as above;

E) Beginning with the second full month after the end of the school year, Mother shall have the child every other week from Friday night at 5:00 p.m. until the following Friday night at 5:00 p.m;

F) Beginning with the third full month after the end of the school year, custody of the child shall revert to Mother, with Maternal Aunt having periods of partial custody as below.

4. Beginning with Paragraph 3B as above, at this point it is ordered that Clearfield County Children, Youth and Family Services begin to provide services to Mother and child, to include assuring that both Mother and son are attending mental health therapy, that Mother is not abusing any illegal substances, and to support and assure a smooth transition to maternal custody. Children, Youth and Family Services shall remain involved with the family for a period of at least six (6) months after custody has reverted to Mother, and their involvement may be extended as they would deem appropriate.

5. After Mother has assumed custody of the

minor child as above, Maternal Aunt will have periods of partial custody with the child as follows:

A) Every other weekend from Friday at 5:00 p.m. until Sunday at 5:00 p.m.;

B) At least one (1) evening per week from 5:00 p.m. until 7:30 p.m., with this date to be defined as Thursday, unless otherwise agreed;

C) Any other such times and places as the parties mutually agree.

6. Unless otherwise agreed by the parties, they shall share holiday custody of the minor child as follows:

A) Easter: In even-numbered years, Maternal Aunt shall have custody from the Saturday preceding Easter at 4:00 p.m. until Easter Sunday at 2:00 p.m. Mother shall have custody from 2:00 p.m. on Easter Sunday until Easter Monday at 6:00 p.m. provided there is no school on Easter Monday. In the event the child has school on Easter Monday, custody shall be until 8:00 p.m. on Easter Sunday.

In odd-numbered years, Mother shall have custody for the Saturday preceding Easter at 4:00 p.m. until Easter Sunday at 2:00 p.m. Maternal Aunt shall have custody from 2:00 p.m. on Easter Sunday until Easter Monday at 6:00 p.m. provided there is no school on Easter Monday. In the event the child has school on Easter Monday, custody shall be

until 8:00 p.m. on Easter Sunday;

B) Thanksgiving: In even-numbered years, Maternal Aunt shall have the child from the day before Thanksgiving at 6:00 p.m. until Thanksgiving Day at 2:00 p.m., at which time Mother shall have the child from

Thanksgiving Day at 2:00 p.m. until the Sunday following Thanksgiving Day at 6:00 p.m;

In odd-numbered years, Maternal Aunt shall have the child the day before Thanksgiving at 6:00 p.m. until Thanksgiving Day at 2:00 p.m., at which time Mother shall have the child from Thanksgiving Day at 2:00 p.m. until the Sunday following Thanksgiving Day at 6:00 p.m;

C) Christmas: In even-numbered years, Mother shall have the child from December 24th at 6:00 p.m. until December 25th at 1:00 p.m., at which time Maternal Aunt shall have the child from December 25th at 1:00 p.m. until December 26th at 1:00 p.m.

In odd-numbered years, Maternal Aunt shall have the child from December 24th at 6:00 p.m. until December 25th at 1:00 p.m., at which time Mother shall have the child from December 25th at 1:00 p.m. until December 26th at 1:00 p.m;

D) Minor Holidays: In even-numbered years, Mother shall have the child for Memorial Day and Labor Day, while Maternal Aunt shall have the child for the New Year's Day and Fourth of July.

transportation. This may be the party, or that party's adult designee(s), with the designee being required to have an established relationship with the child. These exchanges shall take place at a neutral public site and any and all interactions between the parties will be civil and constructive.

(11.) Neither party shall malign or speak in a derogatory fashion about the other in the presence of the child, nor shall they permit anyone else to do so. Each party shall exercise his/her best efforts to promote a healthy relationship between the child and the other party and the other's family.

The parties are directed to conduct themselves in a reasonable and appropriate manner at all times during their interactions with each other and their family members concerning custody of the child and issues relating to the child's care and nurturance, including the duty to immediately contact the other parent should the minor child have a serious injury or illness which requires medical attention. In addition, the parties shall communicate with each other with regard to the well-being and best interests of their child and shall not communicate through the child.

In addition, each party shall keep the other informed of the progress of the child's education and social activities.

12. Neither party shall restrict telephone contact between the child and the party not in possession of the child. The party who is not in possession of the child may have reasonable telephone contact with the child.

13. Neither party shall consume alcoholic beverages to excess during those periods when they have custody of the child, nor shall they operate any vehicle to pick up, return or generally transport the child after having consumed any alcoholic beverages. Further, no party shall be under the influence of drugs and/or alcohol while serving as custodian of the minor child. Violation of this provision shall be considered an automatic matter of contempt before the Court.

14. Neither party shall relocate the child by change of address which significantly impairs the ability of the nonrelocating party to exercise custodial rights. No relocation shall occur unless every other person with custody rights consents to the relocation or the Court approves the proposed relocation.

The party proposing relocation shall notify every other person who has custody rights to the child as required by 23 Pa.C.S.A., Section 5337(c), including notice to all parties of the obligation to file a counteraffidavit within thirty (30) days of service of the notice in order to preserve the right to object to the relocation.

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

LG FILED 2cc
Def

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

5 MAY 29 2014
01:21 / LG
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

You must enter
this
information
exactly as it
appears on the
custody
complaint:

Brenda Hawlichex

Plaintiff(s)

vs.

Cynthia Kirkwood

Defendant(s)

NO. 07-846-CD

I Cynthia Kirkwood, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted, or pled guilty, or pled no contest, or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307, to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, <u>guilty</u> plea, no contest plea or pending charges	Sentence
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<input type="checkbox"/>	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
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<input type="checkbox"/>	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
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<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
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<input checked="" type="checkbox"/>	Driving under the influence of drugs or alcohol	<input checked="" type="checkbox"/>			
-------------------------------------	---	-------------------------------------	--	--	--

2005 Clearfield Co. 3 days
2010 Jefferson Co. 30 days
guilty pleas

<input checked="" type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input checked="" type="checkbox"/>			
-------------------------------------	---	-------------------------------------	--	--	--

1991 Conspiracy 1-5 yrs.
2007 Clearfield Co. 1-4 yrs.
2008 Jefferson Co. 3-6 + 4 yrs.

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

Check all that apply		Self	Other household member	Date
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

Reviewed Drug & Alcohol treatment in jail, Reviewed
2 year of Drug & Alcohol since released.
after serving sentence Evaluations from State
Parole Officer James Shuttlesworth

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

Cynthia Kirkwood / MOTHER
10/26/72

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Cynthia Kirkwood
Signature

Cynthia Kirkwood
Printed Name

5.29.14
Date

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Brenda Hawlicher

Plaintiff(s)

vs.

Cynthia Kirkwood

Defendant(s)

NO. 07-846-CD

S
FILED *acc debt*
01/18/25um
JUN 02 2014 *OC*

ORDER OF COURT

Petitioner must complete the first page only:

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

You, Brenda Hawlicher, have been sued in court to Modify the existing Custody Order
print opposing party's name

for the following child(ren): Jason Paul Kirkwood
print complete names of all children subject to this petition and their dates of birth

Plaintiff has filed for a [check ☒ the appropriate box]

☒ custody (or) mediation conference.

☐ a hearing before the court.

You must file with the Court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the Court (including, but not limited to, a conference with a conference officer or judge or conciliator) but not later than thirty (30) days after service of the Complaint or Petition.

No party may make a change in the residence of the child(ren) which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. §5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT **HIRING A LAWYER**. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE **MAY** BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 EAST MARKET ST, SUITE 228
CLEARFIELD, PA 16830
814/765-2641 x 5010

additional information on next page.....

2007-846-CD

Court Administration will complete the following information:

You are ordered to appear in person on the 26th day of June, 20 14,
at 9 o'clock PM. A conference/hearing will be held in room Axey Courtroom
1st floor, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA, 16830.
Axey

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.

BY THE COURT:

Date:

May 30, 2014

JUDGE

Paul E. Cherry

.....
AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

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

Brenda Haulichor
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

NO. 07-846-CD
FILED

JUN 17 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS
6/11/14/2015

**AFFIDAVIT IN SUPPORT OF PETITION TO PROCEED
'IN FORMA PAUPERIS'**

NO CC

1. I am the (Plaintiff) (Defendant) in the above matter and because of my financial condition I 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 family members, to pay the costs of litigation.

3. I represent that the information below relating to my financial condition and fees is true and correct.

Put in
folder -
no med
scheduled

a. Name

Address

Social Security Number

Phone Numbers: (home & cell)

b. Date of last employment

Employer

Address

Salary: \$ _____ (or) Wages: \$ _____ (per hour) (per week)

Type of Work _____

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

c. Other income:

Business / Profession	\$ _____
Self-Employment	\$ _____
Interest	\$ _____
Dividends	\$ _____
Pension	\$ _____
Annuities	\$ _____
Social Security Benefits	\$ <u>721.00</u>
Support Payments	\$ _____
Disability Payments	\$ _____
Unemployment Compensation / Supplements Benefits	\$ _____
Worker's Compensation	\$ _____
Public Assistance	\$ _____
Food Stamps	\$ <u>77.00</u>
Other	\$ _____

d. Other contributions to my household support (please circle):

Name of Spouse, Boyfriend / Girlfriend, or Roommate / Housemate:

son Jason Kirkwood Recieves
Employer SS survivor benefits \$594.00
Salary / wages per month \$ _____ mo.

Type of Work \$ _____

Contributions from my child(ren) \$ _____

Contributions from my parent(s), family members, or \$ _____

any other individuals

e. Property owned:

Cash \$ _____

Checking Account \$ 5.00

Savings Account \$ 21.00

Certificates of Deposit \$ _____

Real Estate (including home) \$ _____

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

Motor Vehicle(s) – Make N/A

Year _____

Cost \$ _____

Amount owed \$ _____

Stocks, bonds \$ _____

Other \$ _____

Other \$ _____

f. I have the following debts:

Utilities:	\$ <u>Electr</u>	Explain: <u>80.00 mo</u>
	\$ <u>GARBAGE</u>	Explain: <u>48.43 mo.5</u>
	\$ <u>water</u>	Explain: <u>40 mo.</u>
	\$ <u>cable</u>	Explain: <u>41. mo.</u>
	\$ <u>Phone</u>	Explain: <u>80. mo</u>
Groceries:	\$ <u>200.</u>	Explain: _____
Rent/Mortgage	\$ <u>125.00 HUD</u>	Explain: <u>HUD / 343.00 mo.</u>
Loan(s)	\$ _____	Explain: _____
Auto Expense	\$ _____	Explain: _____
Child Care	\$ <u>50.00</u>	Explain: <u>babysitter</u>
Miscellaneous	\$ <u>GAS</u>	Explain: <u>100.00</u>

g. Person(s) dependent upon you for support:

[illegible]

Other person(s) dependent upon you:

Name: _____ Relationship: _____

_____ age _____

_____ age _____

_____ age _____

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

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

VERIFICATION

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.

6.15.14

Date

Cynthia Kirkwood

Petitioner

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

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, Cynthia Kirkwood, 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 employment 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 Number: 182 - 84 - 8537

Board of Assistance Number (food stamps, etc.): Record 10 17/0056577

Date: 6 / 15 / 14

Cynthia Kirkwood
Signature

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

Date: 6 / 15 / 14

Name: Cynthia Kirkwood

Telephone Number: (814) 461-1193 Cell Phone Number: () - -

Address: 324 Knarr St.

DUBOIS PA 15801

Other Parties Involved: Jason Kirkwood / Brenda Haulicher

Reason For Filing This Petition (Write a brief description of your financial problem(s); please be specific. Failure to do so could result in your request being delayed or denied.)

[Example: request for filing fee or Mediation Conference fee to be waived due to your inability to submit the required fee because.....]

Do not have the money. And the importance of the mediation is very important because problems involved in current custody arrangement by the court.

Type of Action: (Please specify what type of action you are pursuing through this application; example: divorce, custody, District Justice appeal, etc.)

Custody / Suel / Full Custody

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

Brenda J. Havlicek

Plaintiff(s)

vs.

NO. 2007-846 -CD

Cynthia Kirkwood

Defendant(s)

ORDER

NOW, this _____ day of _____, 20____, upon
consideration of the foregoing Affidavit in Support of Petition to Proceed 'in Forma
Pauperis', it is the ORDER of this Court that said Petition is GRANTED / DENIED.

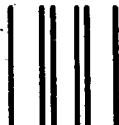
If the Petition is GRANTED, Filing / Mediation Conference Fee is hereby
WAIVED.

By the Court,

JUDGE

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature x <u>B. Hawliczek</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Brenda Hawliczek</u> C. Date of Delivery <u>6-6-14</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><u>Brenda Hawliczek</u> <u>416 Treasure Lake</u> <u>Dubois PA 15801</u></p>	<p><u>Enclosed criminal history.</u></p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><u>7011 1570 0002 0321 7157</u></p>

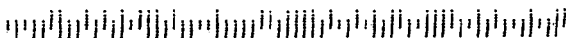
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box •

Cynthia Kerkusap
324 Knarr. St.
DuBois PA 15801



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

Brenda Haulicher

Plaintiff(s)

vs.

Cynthia Kirkwood

Defendant(s)

NO. 07-846-CD 5

FILED

JUN 17 2014

BRIAN K. SPENCE
PROTHONOTARY & CLERK OF COURTS
M/1121/315 NOU

CERTIFICATE OF SERVICE*

AND NOW, on the date stated below, I, Cynthia Kirkwood
hereby certify that I this day served the foregoing *indicate which document(s):* 'Custody Complaint',
a blank 'Criminal Record/Abuse History Verification', (and) (or) 'Scheduling Order'
by:

____ Personally hand delivering to the (opposing party) (opposing attorney) at this
address: _____

☒ Depositing a copy of the same via United States mail, first class, postage prepaid,
'Certified Mail, Return Receipt Requested' **, at DUBOIS
(name of post office),

____ Hiring Constable _____, who has provided me with proof of
service (see attached)

The document(s) were addressed to the following:

Brenda Haulicher
(Name)
416 treasure lane
(Street / PO Box)
DUBOIS PA 15801
(City / State)

6.6.14
DATE

Cynthia Kirkwood
SIGNATURE

* Document must be signed, dated, and filed with the Prothonotary.

** Green 'Return Receipt' card, with recipient's signature, must be attached to this
document.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BRENDA HAVLICHEK,
Plaintiff

-vs-

CYNTHIA KIRKWOOD,
Defendant

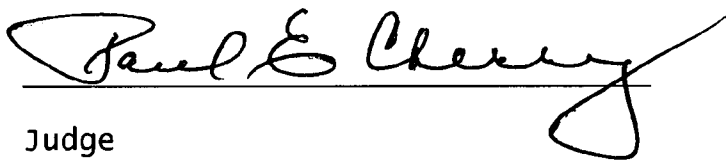
:
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No. 07-846-CD

O R D E R

AND NOW, this 26th day of June, 2014, this being the date set for custody conference before the custody conciliator, and Cynthia Kirkwood having failed to appear, it is the ORDER of this Court that the Petition for Modification of a Custody Order shall be and is hereby DISMISSED.

BY THE COURT,


Judge

³
FILED
9/2/13um
JUN 26 2014

ICC Piff
↓
ICC deff

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

6k

DATE: 6-26-14

☒ You are responsible for serving all appropriate parties.
☒ The Prothonotary's office has provided service to the following parties:
☒ Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other _____
☒ Defendant(s) _____ Defendant(s) Attorney _____
_____ Special Instructions:

FILED

JUN 26 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

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

Same caption
as existing
COMPLAINT
FOR
CUSTODY

Brenda Hawlicher
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

NO. 07-846-CD

16 FILED acc
Def

5 AUG 07 2014
01:11:44/26

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

PETITION FOR MODIFICATION OF A CUSTODY ORDER

1. The Plaintiff is Brenda Hawlicher, residing at
4116 Treasure Lake DuBois
(street) (city)
PA 15801 Clearfield 814 771-0709
(state) (zip code) (county) (phone)
2. The Defendant is Cynthia Kirkwood residing at
324 Knarr St. DuBois
(street) (city)
PA 15801 Clearfield 814 661 6193
(state) (zip code) (county) (phone)
3. The Petitioner respectfully represents that on June 26th 2014 an Order of Court was entered for legal and physical custody as follows:

LEGAL CUSTODY: Shared X Sole

PHYSICAL CUSTODY: Partial Primary Shared
X Sole Supervised physical custody

a true and correct copy of which is attached.

4. The child(ren) currently reside(s) at 324 Knarr St. DuBois PA
Cynthia Kirkwood with Plaintiff Defendant.

5. During the last 6 months, the child(ren) and custodian: (Pick one)

X Have resided in Clearfield County, Pennsylvania

continued on next page.....

_____ Have not resided in Clearfield County. The child(ren) and the custodian have resided at the following addresses outside Clearfield County: _____

6. This Order should be modified because: *(what do you want changed and why?)*

violations of Court order, I need the court to be aware of what has taken place. Plaintiff doesn't communicate. Plaintiff threaten Police, PFA, Harassment, Plaintiff's miscommunication is causing disruption. Family counselor advises, Sarah Codson, advises Plaintiff works against me. Also see Attached pg.1

WHEREFORE, Petitioner requests that the Court modify the existing Order because it will be in the best interest of the child(ren).

Cynthia Kirkwood
Petitioner

Cynthia Kirkwood
(Print your name)

324 Knarr St.
(Print your address)

DuBois PA 15801
(city) (state) (zip)

814 661 6193
Phone number (home and/or cell phone #)

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. Sec. 4904 relating to unsworn falsification to authorities.

July 8
Date

Cynthia Kirkwood
Petitioner

pg. 1 custody Attachment

Also Dr. HRECZNYJ, Jason's Child Psychologist advises medication & A new start. Also advised legal advise from "Justice Works."

Holiday schedual change.

& CUT Thursdays

& Discuss new guidelines.

also looking into moving Discussion needs to be mediated because of Communication ISSUES.

Honorable Judge Cherry

~~I am to go to court~~ I would also like to apologize for this inconveniencing the court, and not showing up for last scheduled court, it was entirely my fault, my own confusion and NOT having transportation. Please except this apology

Cynthia Kullman
I would never of done this intentionally.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BRENDA HAVLICHEK,
Plaintiff

-vs-

CYNTHIA KIRKWOOD,
Defendant

:
:
: No. 07-846-CD
:
:

O R D E R

AND NOW, this 26th day of June, 2014, this being the date set for custody conference before the custody conciliator, and Cynthia Kirkwood having failed to appear, it is the ORDER of this Court that the Petition for Modification of a Custody Order shall be and is hereby DISMISSED.

BY THE COURT,

/s/ Paul E. Cherry

Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 26 2014

A TRUE COPY

ATTEST:

Bar K. Spivey
PROTHONOTARY-CLERK

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

16 FILED

NAC

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

5 AUG 07 2014
07/11/14

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

You must enter
this
information
exactly as it
appears on the
custody
complaint:

Brenda Hamacher
Plaintiff(s)

vs.

Cynthia Kirmser
Defendant(s)

NO. 07-842-CD

I Cynthia Kirmser, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted, or pled guilty, or pled no contest, or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307, to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, <u>guilty</u> plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input checked="" type="checkbox"/>	Driving under the influence of drugs or alcohol	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2005 Clearfield 3 days 2010 Jefferson Co.	
<input checked="" type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1991 Conspiracy 15 yrs 2007 Clearfield Co 1-4y 2008 Jefferson Co. 3-6+4 yrs.	

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

Check all that apply		Self	Other household member	Date
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

Received Drug & Alcohol treatment in jail. Received
2 yr. of Drug and Alcohol since released after serving
Sentence Evaluation from state parole office
parole officer Jim Shuttleworth

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

Cynthia Kirkwood / mother
10-26-72

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Cynthia Kirkwood
Signature

Cynthia Kirkwood
Printed Name

5-29-14
Date

CA

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Brenda Haulicher
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

NO. 07-846-CD

16 FILED ^{2cc}
AUG 08 2014
0112:01/26
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

ORDER OF COURT

Petitioner must complete the first page only:

You, Brenda Haulicher have been sued in court to Modify the existing Custody Order
print opposing party's name

for the following child(ren): Jason Paul Kirkwood
print complete names of all children subject to this petition and their dates of birth

Plaintiff has filed for a [check ☒ the appropriate box]

☒ custody (or) mediation conference.

☐ a hearing before the court.

You must file with the Court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the Court (including, but not limited to, a conference with a conference officer or judge or conciliator) but not later than thirty (30) days after service of the Complaint or Petition.

No party may make a change in the residence of the child(ren) which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. §5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT **HIRING A LAWYER**. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE **MAY** BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 EAST MARKET ST, SUITE 228
CLEARFIELD, PA 16830
814/765-2641 x 5010

additional information on next page.....

2007-846-CD

Court Administration will complete the following information:

You are ordered to appear in person on the 28th day of August, 20 14,
at 11 o'clock PM. A conference / ~~hearing~~ will be held in room Annex Courtroom
1st floor, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA, 16830.
Annex

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.

BY THE COURT:

Date:

August 7, 2014

Paul E Cherry
JUDGE

.....
AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

F. CORTEZ BELL, III, ESQUIRE
DISTRICT COURT ADMINISTRATOR

SHARON S. WHIPPLE
DEPUTY COURT ADMINISTRATOR

PHONE: 814-765-2641 x 5010
FAX: 814-765-7649
EMAIL: courtadmin@clearfieldco.org



OFFICE OF THE COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PENNSYLVANIA 16830-2448

HON. FREDRIC J. AMMERMAN
PRESIDENT JUDGE

HON. PAUL E. CHERRY
JUDGE

CHANGE OF ADDRESS NOTICE

96 FILED NOCC

Date: 8-28-14
(Date Submitted)

5 AUG 28 2014
0/11:34/16
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

Name: Cynthia Kirkwood

Previous Address: 324 Knarr St Apt. B
DUBOIS PA 15801

NEW ADDRESS: 114 West Weber Ave
DUBOIS PA 15801

Docket No.: CP-17-CR- 6 -20 [criminal case]
2007-846 -CD [civil case]
Phone No.: 814 661 6193 [home / work]
[cell]

Effective Date: 9-1-14

NOTICE: This form is to be submitted to the Court Administrator's Office each and every time your address changes. You are under an obligation to keep up-to-date and accurate contact information with the Court. Failure to do this could prevent you from receiving important information concerning your criminal case, such as a notice for an important court event. If you fail to appear for a required court event, a Bench Warrant may be issued for your arrest and detention, OR the Court may issue an order dismissing your request. Please be advised that a change of address must be in writing only.

STATIONER
2014
STATIONER
STATIONER

14

FILED

AUG 28 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

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

FILED

42

BRENDA J. HAVLICHEK,
Plaintiff

07-846-CD

SEP 05 2014

V.

9 BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

CYNTHIA KIRKWOOD,
Defendant

0/852/15

See 3 Questionnaire Pltff
Def.

ORDER FOR MEDIATION CONFERENCE and PAYMENT OF COSTS

NOW, this 4th day of September, 2014, it is ORDERED that a Custody Mediation Conference be held.

It is further ORDERED that **EACH PARTY** to this action shall forthwith complete a Child Custody Mediation Questionnaire and forward the same to Judge Cherry's Chambers, (230 East Market Street, Clearfield, PA 16830) within Ten (10) days of receipt of this ORDER.

It is also ORDERED that the cost of said Mediation Conference shall be borne equally by the Plaintiff(s) and Defendant(s) named in this action.

Each party named in this action (or counsel for the parties) shall deposit a total of Two Hundred Fifty (\$250.00) Dollars (**money orders only**) made payable to the Clearfield County Treasurer and mailed to J. Shirey, Judge's Chambers, 230 East Market Street, Clearfield, Pennsylvania 16830 within Twenty-Five (25) days of the date of this Order, to proceed with the Mediation Conference "OR" submit a Custody Consent Order to the Court within Twenty-Five (25) days of the date of this Order foregoing the Mediation Conference.

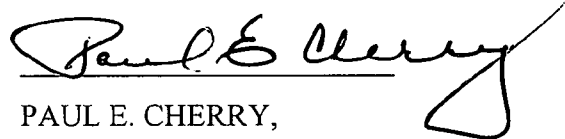
This Court shall issue a further ORDER scheduling the Mediation Conference

when the required deposit has been received from all parties participating in this action.

If a Custody Consent Order is received by the Court after the Twenty-Fifth day following this Order and no later than ***FOURTEEN (14)*** days before scheduled Mediation Conference, then each party or counsel for the parties shall be reimbursed any monies paid less Twenty (\$20.00) Dollars in order to defray administrative/processing expense.

FAILURE OF A PARTY TO DEPOSIT THE REQUIRED FEE OF 'TWO HUNDRED FIFTY (\$250.00) DOLLARS' SHALL RESULT IN THE OFFENDING PARTY BEING SUBJECT TO CONTEMPT PROCEEDINGS BEFORE THE COURT.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Paul E. Cherry", is written over a horizontal line.

PAUL E. CHERRY,
JUDGE

Attorney for Plaintiff: Pro Se
Attorney for Defendant: Pro Se

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

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

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

SEP 18 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS
M/1038/216

You must enter this information exactly as it appears on the custody complaint:

Brenda Hawlichuk
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

NO. 07-846 CD

I, Brenda Hawlichuk, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted, or pled guilty, or pled no contest, or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307, to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

WMA

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

WMA

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

WMA

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Brenda Havlichek

Signature

Brenda Havlichek

Printed Name

8-12-14

Date

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

rev. 9-2013

Brenda Hawlicher
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

Civil Case #:

NO. 07-846-CD

FILED 22
9/11/19
SEP 18 2014
UM

BRIAN K. SPENCER
PROthonotary & Clerk of Courts

**AFFIDAVIT IN SUPPORT OF PETITION TO PROCEED
'IN FORMA PAUPERIS'**

1. I am the (Plaintiff) (Defendant) in the above matter and because of my financial condition I 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, friends and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the costs and fees is true and correct.

a. Name

Address

Social Security Number

Phone Numbers: (home & cell)

Cynthia Kirkwood
114 W. Weeber Ave
DuBois PA 15801
182 - 64 - 8837
814 372-2142

b. Date of last employment

Employer

Address

NA / Receive SS

Salary: \$ _____ (or) Wages: \$ _____ (per hour) (per week)

Number of hours worked per week: _____

Type of Work _____

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

rev. 9-2013

c. **Other income:**

Business / Profession	\$ _____
Self-Employment	\$ _____
Interest	\$ _____
Dividends	\$ _____
Pension	\$ _____
Annuities	\$ _____
Social Security Benefits	Self. \$ 551 / 721.00
Support Payments	\$ _____
Disability Payments	\$ _____
Unemployment Compensation / Supplements Benefits	\$ _____
Worker's Compensation	\$ _____
Public Assistance	\$ _____
Food Stamps	\$ 174.00
Other	\$ 596.00

social security
Survivors Jason Benefit.

d. **Other contributions to**

my household support (please circle):

Name of Spouse, Boyfriend / Girlfriend, or Roommate / Housemate:

NA

Employer _____

Salary / wages per month \$ _____

Type of Work \$ _____

Contributions from my child(ren) \$ _____

Contributions from my parent(s), family members, or
any other individuals \$ _____

e. **Property owned:**

Cash \$ _____

Checking Account \$ 40.00

Savings Account \$ 95.00

Certificates of Deposit \$ _____

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

rev. 9-2013

Real Estate (including home) \$ NA
Motor Vehicle(s) - Make NA
Year _____
Cost \$ _____
Amount owed \$ _____
Stocks, bonds \$ _____
Other \$ _____
Other \$ _____

f.

I have the following

debts: Storage unit
Utilities: \$ 40.00 Explain: I have things stored.
GAS \$ 40 Explain: Average out, just moved
phone \$ 50.00 month Explain: here.
\$ 50.00 Explain: Jason's Cell
Groceries: \$ ~~100.00~~ 100.00 Explain: That's on top of food stamp
Rent/Mortgage \$ 600.00 month Explain: 100.00 monthly
Loan(s) \$ _____ Explain: _____
Auto Expense \$ _____ Explain: _____
Child Care \$ 150.00 Explain: That's about what I spend
Miscellaneous \$ 105.00 Explain: Fines / supervision on my
Fee son a month

g.

Person(s) dependent upon you for support:

Wife / Husband's name: _____
Children, if any: _____ age _____
_____ age _____
_____ age _____
_____ age _____
_____ age _____
_____ age _____

Other person(s) dependent upon you:

Name: _____ Relationship: _____
_____ age _____
_____ age _____
_____ age _____

I also pay for transportation
miscellaneous everywhere cause I
Have no car. Avg 50 monthly

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

rev. 9-2013

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

VERIFICATION

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.

9.12.2014
Date

Cynthia Kurek
Petitioner

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, Cynthia Kirkwood, 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 employment 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 Number: 182 - 54 - 8537

Board of Assistance Number (food stamps, etc.): case # 56577

Date: 9 / 12 / 2014

Cynthia Kirkwood
Signature

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

rev. 9-2013

Date: 9 / 12 / 2014

Name: Cynthia Kirkwood

Telephone Number: (814) 372-2142 Cell Phone Number: (814) 661-16193

Address: 114 W. Weber Ave
DUBOIS PA 15801

Other Parties Involved:

Brenda Hawlicher / Jason Paul Kirkwood

Reason For Filing This Petition (Write a brief description of your financial problem(s);
please be specific. Failure to do so could result in your request being delayed or denied.)

[Example: request for filing fee or Mediation Conference fee to be waived due to your
inability to submit the required fee because.....]

I do not have the money to
pay, I just moved and took
all my savings & Back to
School. I have no extra
cash Don't even know
if I'll make due rest of month.

Type of Action: (Please specify what type of action you are pursuing through this
application; example: divorce, custody, District Justice appeal, etc.)

Custody of my minor son
Jason Paul Kirkwood

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

rev. 9-2013

Brenda Haelicher

Plaintiff(s)

vs.

NO. 07-846-CD

Cynthia Kirkwood

Defendant(s)

ORDER

NOW, this 18th day of September, 2014, upon
consideration of the foregoing Affidavit in Support of Petition to Proceed 'in Forma
Pauperis', it is the ORDER of this Court that said Petition is GRANTED ~~DENIED~~.

If the Petition is GRANTED, ~~Filing~~ / Mediation Conference Fee is hereby
WAIVED.

By the Court,

Paul E Cherry
JUDGE

FILED 2cc
01/11/19cm def
SEP 18 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURT

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

BRENDA J. HAVLICHEK,
Plaintiff

: 07-846-CD
:
:
:
:
:
:
:

V.

CYNTHIA KIRKWOOD,
Defendant

2cc Piff
4
FILED
9 01 2:33pm
SEP 24 2014
2cc deflt
GK

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

O R D E R

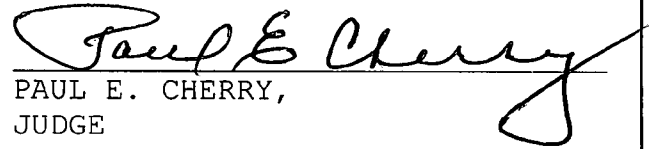
NOW, this 23rd day of September, 2014, it is the ORDER of this Court that **Custody Mediation Conference** be held before Allen H. Ryen, Ph.D., Licensed Psychologist, on **October 15, 2014**, at **9:00 o'clock a.m.** at the Clearfield County Courthouse.

Please report to the central lobby area on the second floor of the Courthouse. You will be instructed as to the location of the Custody Mediation Conference at that time. Both parents, their respective counsel and the child(ren) are hereby ORDERED to attend said conference. The present custodial parent shall provide someone to attend to the child(ren) while the parent is in private conference.

FAILURE OF A PARTY TO APPEAR FOR THE MEDIATION CONFERENCE WILL RESULT IN THAT PARTY BEING HELD IN CONTEMPT OF COURT. THE COURT WILL ORDER SUCH SANCTION(S) AS THE COURT DEEMS APPROPRIATE, WHICH MAY INCLUDE ISSUANCE OF A BENCH WARRENT FOR THE PARTY'S ARREST, AND/OR A CONTEMPT FINE AND ISSUANCE OF A TEMPORARY CUSTODY ORDER. THE PARTY WHO FAILS TO APPEAR WILL BE REQUIRED TO REIMBURSE THE COSTS OF MEDIATION PAID BY THE OTHER PARTY WHETHER THE PARTY WHO DOES NOT APPEAR IS HELD IN CONTEMPT OR NOT.

IF A PARTY REQUESTS A CONTINUANCE/RESCHEDULING OF
MEDIATION CONFERENCE, REQUEST MUST BE MADE BY CONTACTING J.
SHIREY, JUDGE CHERRY'S CHAMBERS, (814) 765-2641, EXT. 2102, AT
LEAST 14 FULL BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEDIATION
AND REQUEST MUST BE APPROVED BY THE COURT.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

Attorney for Plaintiff: Pro Se

Attorney for Defendant: Pro Se

DATE: 9-24-14

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☒ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☒ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

FILED

SEP 24 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

P152

416 Treasure Lake

DuBois 15801

left

114 W. Weber Ave

DuBois 15801

RE: Havlichek vs Kirkwood

October 21, 2014

Your Honor, Judge Cherry,

2007-846-CD

I would like to request a custody hearing for my nephew Jason Kirkwood. His mother, Cynthia is seeking sole custody of him and I do not believe it is in his best interest. I currently share physical and legal custody of Jason. We have been through a conference and mediation, to which no agreement was reached. Cynthia does not totally understand the court order as it reads and it causes major issues, and the communication between us is awful at best.

I will also be seeking sole custody of Jason. I am concerned about his well being and stability while living with his mother. Although I did have a part in Cynthia getting physical custody back, I have fully regretted it ever since.

I understand this is about Jason and his well being. He is an emotional train wreck right now and needs the chaos to end. He needs stability, support, and a safe environment.

Please consider this request at your earliest convenience.

Sincerely,

Brenda Havlichek

Brenda Havlichek

FILED NOCC.
m/11:46am
9 OCT 31 2014 GL
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

B. H. H. H. H. H.
416 Treasure-Lake
Dunwoody, Pa 15801

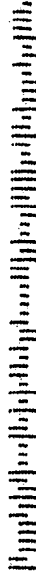
JOHNSTOWN PA 159

21 OCT 2014 PM 2 L



Chambers Judge Cherry
230 E. Market St.
Clearfield, Pa 16830

16830+2448



Cust Trial
Jan / Feb

P.T. 2007-846-00

Sharon
Haulichek
Kirkwood

CA

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

BRENDA J. HAVLICHEK

Plaintiff,

vs.

CYNTHIA KIRKWOOD

Defendant,

NO. 2007-0846-CD

FILED
OCT 31 2014
9 11:49 am
ICC & Pre-trial
memo to
PISL
delt
OK

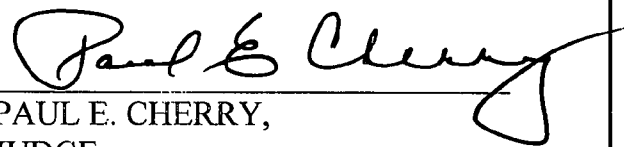
ORDER

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

AND NOW, this 29th day of October, 2014, it is hereby ORDERED
that a Custody Hearing in the above captioned case shall be and is hereby
scheduled for Friday, February 6, 2015, beginning at 9:00 AM in Courtroom
No. 2, Clearfield County Courthouse, Clearfield, PA. One full day has been
reserved for this hearing.

Additionally, the Custody Pre-trial Conference, shall be and is hereby
scheduled for Monday, January 5, 2015, at 1:30 P.M., in Judge's Chambers,
2nd Floor, Courthouse Annex, Clearfield, PA.

BY THE COURT:


PAUL E. CHERRY,
JUDGE

DATE: 10-31-14

____ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☒ Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other _____

☒ Defendant(s) _____ Defendant(s) Attorney _____

____ Special Instructions:

FILED

OCT 31 2014

BRIAN K. TITNER
PROTHONOTARY & CLERK OF COURTS

envelopes
provided to
C/A

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

BRENDA J. HAVILCHEK

Plaintiff

Vs.

CYNTHIA KIRKWOOD

Defendant

Docket No. 2007-846-CD

Type of Pleading:

**PRAECIPE FOR
ENTRY
OF APPEARANCE**

Filed on Behalf of:
PLAINTIFF

Counsel of Record for this Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
210 McCracken Run Road
DuBois, PA 15801
(814) 375-5598

FILED

O 1:16 p.m. 6L

NOV 21 2014

2LL Atty DuBois

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

6L

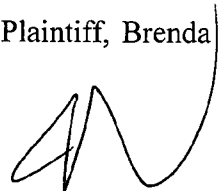
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRENDA J. HAVILCHEK	:	Docket No. 2007-846-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
	:	
CYNTHIA KIRKWOOD	:	
Defendant	:	

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of the Plaintiff, Brenda J. Havilchek the
above captioned matter.



Jeffrey S. DuBois, Esquire
210 McCracken Run Road
DuBois, PA 15801

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

BRENDA J. HAVILCHEK
Plaintiff

V.

CYNTHIA KIRKWOOD
Defendant

: Docket No. 2007-846-CD
:
: Type of Pleading:
:
: **MOTION FOR CONTINUANCE**
:
: Filed on Behalf of:
: PLAINTIFF
:
: Counsel of Record for This Party:
:
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 210 McCracken Run Road
: DuBois, PA 15801
: (814) 375-5598

FILED

01:15 p.m. GK

NOV 21 2014

4

3cc Atty DuBois

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

CK

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

BRENDA J. HAVILCHEK	:	Docket No. 2007-846-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
	:	
CYNTHIA KIRKWOOD	:	
Defendant	:	

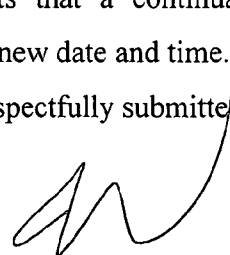
MOTION FOR CONTINUANCE

AND NOW, comes the Plaintiff, Brenda J. Havilchek, by and through her attorney, Jeffrey S. DuBois, Esquire, who files this Motion for Continuance, and in support thereof avers the following:

1. There is a Custody Hearing scheduled for February 6, 2015 at 10:00 a.m in the above captioned case.
2. The undersigned has just been retained to represent the interest of Plaintiff.
3. The undersigned is unavailable on said date and will be out of the state on vacation.
4. Therefore, the undersigned requests this Custody Hearing be continued to a new date and time.

WHEREFORE, the undersigned respectfully requests that a continuance be granted in this matter and reschedule the Custody Hearing to a new date and time.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Plaintiff


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

BRENDA J. HAVILCHEK	:	Docket No. 2007-846-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
	:	
CYNTHIA KIRKWOOD	:	
Defendant	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 18th day of November, 2014 served a true and correct copy of the within Motion for Continuance by first class mail, postage prepaid, on the following:

Cynthia Kirkwood
324 Knarr Street
DuBois, PA 15801



Jeffrey S. DuBois

OA

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

BRENDA J. HAVILCHEK

Plaintiff

Vs.

CYNTHIA KIRKWOOD

Defendant

Docket No. 2007-846-CD

ORDER

AND NOW, this 24th day of November, 2014, in consideration of
the Motion for Continuance,

IT IS HEREBY ORDERED AND DECREED that the Custody Hearing
scheduled for February 6, 2015, be rescheduled for the 12th day of
February, 2015, at 9 o'clock A.M. in Courtroom #2.

By the Court:

Paul E. Cherry
Judge

S
FILED
O 10:45 AM, 11/26/14
NOV 26 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

3cc Alky
DuBois
6V

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

BRENDA J. HAVILCHEK
Plaintiff

Vs.

CYNTHIA KIRKWOOD,
Defendant

Docket No. 2007-846-CD

Type of Pleading:

**PRAECIPE TO CANCEL
CUSTODY HEARING**

Filed on Behalf of:
PLAINTIFF

Counsel of Record for this Party:

Jeffrey S. DuBois
Supreme Court No. 62074
210 McCracken Run Road
DuBois, PA 15801
(814) 375-5598

FILED ⁵

FEB 11 2015

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

m/1106/315
3cc Atty. DuBois.

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

BRENDA J. HAVILCHEK

Plaintiff

Vs.

CYNTHIA KIRKWOOD

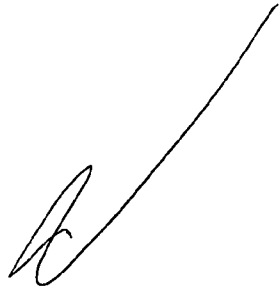
Defendant

Docket No. 2007-846-CD

CERTIFICATE OF SERVICE

I do hereby certify that on the 9 day of February, 2015, served a true and correct copy of the within Praeipce to Cancel Hearing by first class mail, postage prepaid, on the following:

Cynthia Kirkwood
114 West Weber Avenue
DuBois, PA 15801



Jeffrey S. DuBois

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

Same caption
as existing
COMPLAINT
FOR
CUSTODY

Brenda Hawlicher
Plaintiff(s)
vs.
Cynthia Kirkwood
Defendant(s)

NO. 07-846-CD

EF FILED 2cc
Def

5 FEB 12 2015

01/12/53/LF

BRIAN K. SPENCER

PROTHONOTARY & CLERK OF COURTS

PETITION FOR MODIFICATION OF A CUSTODY ORDER

1. The Plaintiff is Brenda Hawlicher residing at
916 Fort De France Treasure Lake Dubois
PA (street) (city)
(state) (zip code) (county) (phone)
15801 Clearfield 814 771-0709

2. The Defendant is Cynthia Kirkwood residing at
114 W. Weber Ave
Dubois PA (street) (city)
(state) (zip code) (county) (phone)
15801 Clearfield 814 661-6193

3. The Petitioner respectfully represents that on April 17 2013 an Order of Court was entered for legal and physical custody as follows:

LEGAL CUSTODY: ☒ Shared ☐ Sole

PHYSICAL CUSTODY: ☐ Partial ☒ Primary ☐ Shared
☐ Sole ☐ Supervised physical custody

a true and correct copy of which is attached.

4. The child(ren) currently reside(s) at Cynthia Kirkwood
with Plaintiff / Defendant.

5. During the last 6 months, the child(ren) and custodian: (Pick one)

☒ Have resided in Clearfield County, Pennsylvania

continued on next page.....

_____ Have not resided in Clearfield County. The child(ren) and the custodian have resided at the following addresses outside Clearfield County: _____

6. This Order should be modified because: *(what do you want changed and why?)* Communication - Harassment, Violation of Court Order Repeatedly. Brenda Lied to Court official I have had to call police repeatedly this is there recommendation. She doesn't have Jason's best interests in mind & she does nothing to support Him

WHEREFORE, Petitioner requests that the Court modify the existing Order because it will be in the best interest of the child(ren).

Petitioner

Cynthia Kirkwood
(Print your name)
114 W. Weber Ave
(Print your address)
Dubois PA 15801
(city) (state) (zip)
814 661 6193
Phone number (home and/or cell phone #)

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. Sec. 4904 relating to unsworn falsification to authorities.

Date

Petitioner

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Brenda Hawlicher

Plaintiff(s)

vs.

Cynthia Kirkwood

Defendant(s)

NO. 07-846-CD

ORDER OF COURT

Petitioner must complete the first page only:

You, Brenda Hawlicher have been sued in court to Modify the existing Custody Order
print opposing party's name

for the following child(ren): Jason Paul Kirkwood
print complete names of all children subject to this petition and their dates of birth

Plaintiff has filed for a [check ☒ the appropriate box]

☒ custody (or) ☐ mediation conference.

☐ a hearing before the court.

You must file with the Court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the Court (including, but not limited to, a conference with a conference officer or judge or conciliator) but not later than thirty (30) days after service of the Complaint or Petition.

No party may make a change in the residence of the child(ren) which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. §5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT **HIRING A LAWYER**. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE **MAY** BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 EAST MARKET ST, SUITE 228
CLEARFIELD, PA 16830
814/765-2641 x 5010

additional information on next page.....

2007-846-CD

Court Administration will complete the following information:

You are ordered to appear in person on the 20th day of June, 2014,
at 9 o'clock (AM) / ~~PM~~. A conference / ~~hearing~~ will be held in room Annex Courtroom
1st floor, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA, 16830.

Annex
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.

BY THE COURT:

Date: May 30, 2014

/s/ Paul E. Cherry

JUDGE

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

~~You hereby certify this to be a true~~
and attested copy of the original
statement filed in this case.

JUN 02 2014

A TRUE COPY
ATTEST: Pat. S. S. S.
PROTHONOTARY-CLERK

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 17 2013

Attest.

W. B. B.
Prothonotary/
Clerk of Courts

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

BRENDA HAVLICHEK

VS.

CYNTHIA KIRKWOOD

NO. 07-846-CD

O R D E R

AND NOW this 17th day of April, 2013, following mediation conference and in consideration of an agreement between the parties, it is the ORDER of this Court as follows:

1. Plaintiff, (Brenda Havlichek) (hereinafter "Maternal Aunt"), and Defendant, (Cynthia Kirkwood) (hereinafter "Mother"), shall have joint legal custody of the parties' minor child, namely, Jason Paul Kirkwood.

Legal custody is defined as the legal right to make major decisions affecting the best interests of the minor child including, but not limited to, medical, religious and educational decisions and wherein each party shall have equal access to any and all medical, dental, ocular, mental

health, school and health records.

Medical, dental, ocular and mental health providers, as well as school administrators, shall accept a copy of this Order as authorization to release to either party any documentation and/or records as may be requested.

It is understood by both parties that they shall communicate fully with the other in an effort to ensure that all directives pertaining to the minor child from physicians, dentists and teachers are followed absolutely and that all information pertaining to any prescriptions the child may be on is exchanged between the parties.

2. Maternal Aunt shall continue to enjoy primary custody of the minor child, subject to periods of partial custody in Mother, pending a gradual transition to primary custody in Mother by the beginning of the 2013-2014 school year.

3. Mother's periods of partial custody shall be as follows:

- A) Every other Saturday from 10:00 a.m. until 7:30 p.m;
- B) Every Thursday from 5:00 p.m. until 7:30 p.m;
- C) At all other times as the parties mutually agree;
- D) Beginning with the first full weekend after

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prescription

the last day of school, Mother shall have the child every other weekend from Friday night at 5:00 p.m. until Sunday night at 5:00 p.m. for a period of one (1) month. During this one-month period, Mother shall continue to have partial custody of the child on Thursday evenings as above;

E) Beginning with the second full month after the end of the school year, Mother shall have the child every other week from Friday night at 5:00 p.m. until the following Friday night at 5:00 p.m;

F) Beginning with the third full month after the end of the school year, custody of the child shall revert to Mother, with Maternal Aunt having periods of partial custody as below.

4. Beginning with Paragraph 3B as above, at this point it is ordered that Clearfield County Children, Youth and Family Services begin to provide services to Mother and child, to include assuring that both Mother and son are attending mental health therapy, that Mother is not abusing any illegal substances, and to support and assure a smooth transition to maternal custody. Children, Youth and Family Services shall remain involved with the family for a period of at least six (6) months after custody has reverted to Mother, and their involvement may be extended as they would deem appropriate.

5. After Mother has assumed custody of the

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Completed

minor child as above, Maternal Aunt will have periods of partial custody with the child as follows:

A) Every other weekend from Friday at 5:00 p.m. until Sunday at 5:00 p.m.;

B) At least one (1) evening per week from 5:00 p.m. until 7:30 p.m., with this date to be defined as Thursday, unless otherwise agreed;

C) Any other such times and places as the parties mutually agree.

6. Unless otherwise agreed by the parties, they shall share holiday custody of the minor child as follows:

A) Easter: In even-numbered years, Maternal Aunt shall have custody from the Saturday preceding Easter at 4:00 p.m. until Easter Sunday at 2:00 p.m. Mother shall have custody from 2:00 p.m. on Easter Sunday until Easter Monday at 6:00 p.m. provided there is no school on Easter Monday. In the event the child has school on Easter Monday, custody shall be until 8:00 p.m. on Easter Sunday.

In odd-numbered years, Mother shall have custody for the Saturday preceding Easter at 4:00 p.m. until Easter Sunday at 2:00 p.m. Maternal Aunt shall have custody from 2:00 p.m. on Easter Sunday until Easter Monday at 6:00 p.m. provided there is no school on Easter Monday. In the event the child has school on Easter Monday, custody shall be

until 8:00 p.m. on Easter Sunday;

B) Thanksgiving: In even-numbered years, Maternal Aunt shall have the child from the day before Thanksgiving at 6:00 p.m. until Thanksgiving Day at 2:00 p.m., at which time Mother shall have the child from

Thanksgiving Day at 2:00 p.m. until the Sunday following Thanksgiving Day at 6:00 p.m.;

In odd-numbered years, Maternal Aunt shall have the child the day before Thanksgiving at 6:00 p.m. until Thanksgiving Day at 2:00 p.m., at which time Mother shall have the child from Thanksgiving Day at 2:00 p.m. until the Sunday following Thanksgiving Day at 6:00 p.m.;

C) Christmas: In even-numbered years, Mother shall have the child from December 24th at 6:00 p.m. until December 25th at 1:00 p.m., at which time Maternal Aunt shall have the child from December 25th at 1:00 p.m. until December 26th at 1:00 p.m.

In odd-numbered years, Maternal Aunt shall have the child from December 24th at 6:00 p.m. until December 25th at 1:00 p.m., at which time Mother shall have the child from December 25th at 1:00 p.m. until December 26th at 1:00 p.m.;

D) Minor Holidays: In even-numbered years, Mother shall have the child for Memorial Day and Labor Day, while Maternal Aunt shall have the child for the New Year's Day and Fourth of July.

In odd-numbered years, Maternal Aunt shall have the child for Memorial Day and Labor Day, while Mother shall have the child for the New Year's Day and Fourth of July;

The party entitled to possession shall have the child from 9:00 a.m. until 7:30 p.m. In the event that a party is entitled to possession of the child on a holiday

which falls on a Monday and that party is also entitled to the immediately preceding weekend, that party shall then be able to maintain the child over Sunday evening;

E) The parties shall share custody of the minor child on Mother's Day on an equal basis as they may mutually agree.

violated

7. Holidays periods of custody shall take precedence over regularly scheduled periods of custody.

8. The parties will cooperate with one another in assuring that the child is able to participate in extracurricular activities that he may be interested in joining.

9. Each party shall be entitled to have the child for a seven-day vacation period. Each party shall give the other thirty (30) days' advance notice of when they desire to take their vacation.

10. Unless otherwise agreed by the parties, the parties shall share transportation in that the party who is to obtain custody of the child shall provide

transportation. This may be the party, or that party's adult designee(s), with the designee being required to have an established relationship with the child. These exchanges shall take place at a neutral public site and any and all interactions between the parties will be civil and constructive.

(11) Neither party shall malign or speak in a derogatory fashion about the other in the presence of the child, nor shall they permit anyone else to do so. Each party shall exercise his/her best efforts to promote a healthy relationship between the child and the other party and the other's family.

Does this always
The parties are directed to conduct themselves in a reasonable and appropriate manner at all times during their interactions with each other and their family members concerning custody of the child and issues relating to the child's care and nurturance, including the duty to immediately contact the other parent should the minor child have a serious injury or illness which requires medical attention. In addition, the parties shall communicate with each other with regard to the well-being and best interests of their child and shall not communicate through the child.

In addition, each party shall keep the other informed of the progress of the child's education and social activities.

12. Neither party shall restrict telephone contact between the child and the party not in possession of the child. The party who is not in possession of the child may have reasonable telephone contact with the child.

13. Neither party shall consume alcoholic beverages to excess during those periods when they have custody of the child, nor shall they operate any vehicle to pick up, return or generally transport the child after having consumed any alcoholic beverages. Further, no party shall be under the influence of drugs and/or alcohol while serving as custodian of the minor child. Violation of this provision shall be considered an automatic matter of contempt before the Court.

14. Neither party shall relocate the child by change of address which significantly impairs the ability of the nonrelocating party to exercise custodial rights. No relocation shall occur unless every other person with custody rights consents to the relocation or the Court approves the proposed relocation.

The party proposing relocation shall notify every other person who has custody rights to the child as required by 23 Pa.C.S.A., Section 5337(c), including notice to all parties of the obligation to file a counteraffidavit within thirty (30) days of service of the notice in order to preserve the right to object to the relocation.

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

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

You must enter
this
information
exactly as it
appears on the
custody
complaint:

Brenda Hawlich
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

NO. 07-8410 CD

I Cynthia Kirkwood hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted, or pled guilty, or pled no contest, or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307, to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

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BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/> <input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____	_____
<input type="checkbox"/> <input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____	_____
<input type="checkbox"/> <input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____	_____
<input type="checkbox"/> <input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____	_____
<input type="checkbox"/> <input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of children)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____	_____
<input type="checkbox"/> <input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____	_____
<input type="checkbox"/> <input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____	_____
<input type="checkbox"/> <input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____	_____
<input type="checkbox"/> <input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____	_____
<input type="checkbox"/> <input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input checked="" type="checkbox"/>	Driving under the influence of drugs or alcohol	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Plead guilty 2005 Oct. 2010	3 days 30 days
<input checked="" type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1991 2007	plead guilty 1-5 yrs plead guilty 3-6 yrs

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

Check all that apply		Self	Other household member	Date
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

Highway Safety/Drug n Alcohol treatment
2 years. Family Counseling.

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

Cynthia Kirkwood mother

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Cynthia Kirkwood
Signature

Cynthia Kirkwood
Printed Name

2.11.15
Date

CA

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Brenda Hewlicher
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

NO. 07-346-CD

(15)

FILED

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Deft

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FEB 18 2015

0/3:38/CI

BRIAN K. SPENCER

PROTHONOTARY & CLERK OF COURTS

ORDER OF COURT

Petitioner must complete the first page only:

You, Brenda Hewlicher have been sued in court to Modify the existing Custody Order
print opposing party's name

for the following child(ren): Jason Paul Kirkwood
print complete names of all children subject to this petition and their dates of birth

Plaintiff has filed for a [check ☒ the appropriate box]

☒ custody (or) mediation conference.

☐ a hearing before the court.

You must file with the Court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the Court (including, but not limited to, a conference with a conference officer or judge or conciliator) but not later than thirty (30) days after service of the Complaint or Petition.

No party may make a change in the residence of the child(ren) which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. §5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT **HIRING A LAWYER**. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE **MAY** BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 EAST MARKET ST, SUITE 228
CLEARFIELD, PA 16830
814/765-2641 x 5010

additional information on next page.....

2007-846 CD

Court Administration will complete the following information:

You are ordered to appear in person on the 24th day of March, 2015,
at 10 o'clock AM ~~PM~~. A conference ~~hearing~~ will be held in room Hearing Room 3
2nd floor, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA, 16830.

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.

BY THE COURT:

Date: February 13, 2015 Paul E Cherry
JUDGE

.....
AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

In The Court of Common Pleas of Clearfield County, Pennsylvania
Civil Division

Change of Address

FILED NOCC

S MAR 24 2015
0110:46/61

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

Hawthorn
Brenda ~~Kirkwood~~
Plaintiff(s)

No. : 2007 846 CD

Type of Case: Custody

Filed on behalf of: Cynthia Kirkwood
(Plaintiff/Defendant)

Vs.

Cynthia Kirkwood
Defendants(s)

Filed by: Cynthia Kirkwood
(Print)

Cynthia Kirkwood
(Signature)

New Address: 140 1/2 West Weber Ave
DuBois PA 15801 Phone #: 814 661-6193

Old Address: 114 W. Weber Ave
DuBois PA 15801 Phone #: 814 661-6193

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

BRENDA J. HAVLICHEK

Plaintiff

vs.

CYNTHIA KIRKWOOD

Defendant

NO. 2007-0846-CD

ORDER

FILED 1cc Atty
Dubois,
S MAR 24 2015 1cc Deft at
0/11:54/12 2 separate
BRIAN K. SPENCER addresses
PROTHONOTARY & CLERK OF COURTS
6/11

AND NOW, this 24th day of March, 2015, upon consideration of Defendant's *Petition to Modify Custody* in the above captioned case, it is the ORDER of this Court that a Custody Conference, previously scheduled for March 24, 2015, shall be and is hereby re-scheduled for the 15th day of April, 2015, at 10:00 o'clock A.M. in the Law Library, 2nd Floor of the Clearfield County Courthouse, Clearfield, PA.

One hour has been reserved for this conference.

BY THE COURT:


PAUL E. CHERRY, JUDGE

Sent to: 640 1/2 W. Long Ave, DuBois, PA 15801
640 1/2 W. Weber Ave, DuBois, PA 15801

FILED

MAR 24 2015

BRIAN K. SPENDER
PROTHONOTARY & CLERK OF COURTS

Brian K. Spencer
Prothonotary/Clerk of Courts
PO Box 549
Clearfield, Pa 16830

FILED
M 2:46 p.m. OK
APR 08 2015
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

NSN

CYNTHIA KIRKWOOD
640 1/2 WEST WEBER AVE
DUBOIS, PA 15801

NIXIE 152 DE 1009 0004/04/15

RETURN TO SENDER
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UNABLE TO FORWARD

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US POSTAGE \$000.48

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

BRENDA J. HAVLICHEK

Plaintiff

vs.

CYNTHIA KIRKWOOD

Defendant

NO. 2007-0846-CD

ORDER

AND NOW, this 24th day of March, 2015, upon consideration of Defendant's *Petition to Modify Custody* in the above captioned case, it is the ORDER of this Court that a Custody Conference, previously scheduled for March 24, 2015, shall be and is hereby re-scheduled for the 15th day of April, 2015, at 10:00 o'clock A.M. in the Law Library, 2nd Floor of the Clearfield County Courthouse, Clearfield, PA.

One hour has been reserved for this conference.

BY THE COURT:

/s/ Paul E. Cherry

PAUL E. CHERRY, JUDGE

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAR 24 2015

A TRUE COPY
ATTEST: [Signature]
PROthonOTARY-CLERK

BRIAN K. SPENCER

PROTHONOTARY and CLERK OF COURTS

CLEARFIELD COUNTY

bspencer@clearfieldco.org

PO Box 549

Clearfield, Pa 16830

814/765-2641, ext 2136

814/765-7659 fax

NOTICE

To all concerned parties:

It has come to my attention that there is some confusion on Court Orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each Order indicating responsibility for service on each Order or Rule. If you have any questions, please contact my office at 814/765-2641, ext 5013.

Thank you.

Date: 3/25/15

 You are responsible for serving all appropriate parties.

 ✓ The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) ✓ Plaintiff(s) Attorney Other

 ✓ Defendant(s) Defendant(s) Attorney

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

BRENDA J. HAVLICHEK,
Plaintiff,

v.

CYNTHIA KIRKWOOD,
Defendant.

NO: 2007-0846-CD

FILED

APR 15 2015

012:06/12

FRANK L. SPENCER

PROCTER & KLEIN & CLARK OF COURTS

2cc Atty

Dubois

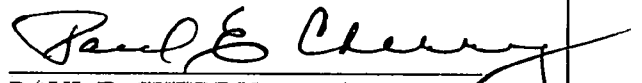
1cc Deft

UK

ORDER

AND NOW, this 15th day of April, 2015 following a custody conference before the Custody Conciliator, and the parties having failed to reach an agreement, it is the ORDER of this Court that the matter shall be scheduled for a mediation conference before the court-appointed mediator as soon as convenient with the Court's schedule. The Custody Order dated April 17, 2013 between the parties shall remain unchanged and in effect.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

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

BRENDA HAVLICHEK,
Plaintiff

V.

CYNTHIA KIRKWOOD,
Defendant

2007-846-CD

FILED

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THOMAS K. SPENCER
CLERK OF COURTS

2cc + 1
Questionnaire
Atty Dubois
+ Deft

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ORDER FOR MEDIATION CONFERENCE and PAYMENT OF COSTS

NOW, this 16th day of April, 2015, it is ORDERED that a Custody Mediation Conference be held.

It is further ORDERED that **EACH PARTY** to this action shall forthwith complete a Child Custody Mediation Questionnaire and forward the same to Judge Cherry's Chambers, (230 East Market Street, Clearfield, PA 16830) within Ten (10) days of receipt of this ORDER.

It is also ORDERED that the cost of said Mediation Conference shall be borne equally by the Plaintiff(s) and Defendant(s) named in this action.

Each party named in this action (or counsel for the parties) shall deposit a total of Two Hundred Fifty (\$250.00) Dollars (**money orders only**) made payable to the Clearfield County Treasurer and mailed to J. Shirey, Judge's Chambers, 230 East Market Street, Clearfield, Pennsylvania 16830 within Twenty-Five (25) days of the date of this Order, to proceed with the Mediation Conference "OR" submit a Custody Consent Order to the Court within Twenty-Five (25) days of the date of this Order foregoing the Mediation Conference.

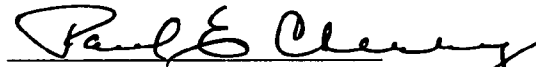
This Court shall issue a further ORDER scheduling the Mediation Conference

when the required deposit has been received from all parties participating in this action.

If a Custody Consent Order is received by the Court after the Twenty-Fifth day following this Order and no later than ***FOURTEEN (14)*** days before scheduled Mediation Conference, then each party or counsel for the parties shall be reimbursed any monies paid less Twenty (\$20.00) Dollars in order to defray administrative/processing expense.

FAILURE OF A PARTY TO DEPOSIT THE REQUIRED FEE OF 'TWO HUNDRED FIFTY (\$250.00) DOLLARS' SHALL RESULT IN THE OFFENDING PARTY BEING SUBJECT TO CONTEMPT PROCEEDINGS BEFORE THE COURT.

BY THE COURT,

A handwritten signature in cursive script, appearing to read "Paul E. Cherry", written over a horizontal line.

PAUL E. CHERRY,
JUDGE

Attorney for Plaintiff: Jeffrey S. DuBois, Esq.

Attorney for Defendant: Pro Se

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

rev. 9-2013

Brenda Hawlichek
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

Civil Case #:

NO 2007-846-CD

(LI) FILED ^{2cc} _{Deft}

S APR 27 2015
013:02/CP

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

**AFFIDAVIT IN SUPPORT OF PETITION TO PROCEED
'IN FORMA PAUPERIS'**

1. I am the (Plaintiff) (Defendant) in the above matter and because of my financial condition I 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, friends and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the costs and fees is true and correct.

a. Name

Address

Social Security Number

Phone Numbers: (home & cell)

b. Date of last employment

Employer

Address

Salary: \$ (or) Wages: \$ (per hour) (per week)

Number of hours worked per week:

Type of Work

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

rev. 9-2013

c. Other income:

Business / Profession	\$	—
Self-Employment	\$	—
Interest	\$	—
Dividends	\$	—
Pension	\$	—
Annuities	\$	—
Social Security Benefits	\$	722.00 SSI
Support Payments	\$	—
Disability Payments	\$	—
Unemployment Compensation / Supplements Benefits	\$	—
Worker's Compensation	\$	—
Public Assistance	\$	—
Food Stamps	\$	160.00
Other	\$	600.00

Jason's Survivor
Benefits - SS.
Other contributions to

d.

my household support (please circle):

Name of Spouse, Boyfriend / Girlfriend, or Roommate / Housemate:

NA

Employer

Salary / wages per month \$

Type of Work \$

Contributions from my child(ren) \$

Contributions from my parent(s), family members, or \$

any other individuals

e.

Property owned:

Cash \$

Checking Account \$ 50.00

Savings Account \$ 16.00

Certificates of Deposit \$

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

rev. 9-2013

Real Estate (including home) \$ NA
Motor Vehicle(s) – Make 2004 Saturn IVE
Year 2004
Cost \$ 700.00
Amount owed car needs \$
Transmission.
Stocks, bonds \$
Other \$
Other \$

f.

I have the following

debts:

Utilities: \$ 128.00 Explain: Electric
\$ 50.00 Explain: phone
\$ 40.00 Explain: water
\$ ~~100.00~~ Explain: _____
Groceries: \$ 300.00 Explain: groceries in total 300. mo.
Rent/Mortgage \$ 575.00 Explain: Rent.
Loan(s) \$ _____ Explain: _____
Auto Expense \$ 145.00 Explain: Insurance, intaxa bot machine
Child Care \$ 100.00 Explain: Clothes, below xmas
Miscellaneous \$ 50.00 Explain: Self, School.

g.

Person(s) dependent upon you for support:

Wife / Husband's name: NA

Children, if any: _____ age _____
_____ age _____
_____ age _____
_____ age _____
_____ age _____

Other person(s) dependent upon you:

Name: _____ Relationship: _____
_____ age _____
_____ age _____
_____ age _____

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

rev. 9-2013

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

VERIFICATION

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.

4.22.15
Date

Cynthia Kirkwood
Petitioner

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, Cynthia Kirkwood, 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 employment 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 Number: 182 - 54 - 8537

Board of Assistance Number (food stamps, etc.): 56577

Date: 4 / 22 / 15

Signature

Cynthia Kirkwood

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

rev. 9-2013

Date: 4 / 22 / 15

Name: Cynthia Kirkwood

Telephone Number: (814) 661-6193 Cell Phone Number: () -

Address: 1640 1/2 West Long Ave
DUBOIS PA 15801

Other Parties Involved: Brenda Hawlicher / Jason Kirkwood

Reason For Filing This Petition (Write a brief description of your financial problem(s);
please be specific. Failure to do so could result in your request being delayed or denied.)

[Example: request for filing fee or Mediation Conference fee to be waived due to your
inability to submit the required fee because.....]

I have been to the court monthly for
3 mos. for no resolve, all costing me money.
I have no savings at this point
just trying to keep up w/ bills and
expenses. I had no time to try
and sue. Also doing best to
provide for son, on limited
income and assistance.

Type of Action: (Please specify what type of action you are pursuing through this
application; example: divorce, custody, District Justice appeal, etc.)

Custody. Full custody of
teenage son, Jason Kirkwood

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

rev. 9-2013

Brenda Hawlicher

Plaintiff(s)

vs.

NO 2007-846-CD

Cynthia Kirlwood

Defendant(s)

FILED

S APR 28 2015
01:32/16

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS
2cc Deff

ORDER

NOW, this 28th day of April, 2015, upon

consideration of the foregoing Affidavit in Support of Petition to Proceed 'in Forma
Pauperis', it is the ORDER of this Court that said Petition is ~~GRANTED~~ DENIED.

If the Petition is GRANTED, ~~Filing~~ / Mediation Conference Fee is hereby

WAIVED.

By the Court,

Paul E. Cherry

JUDGE

In The Court of Common Pleas of Clearfield County, Pennsylvania
Civil Division

Change of Address

Brenda Haulich
Plaintiff(s)

No.: 2007-846-CD

Type of Case: Custody

Filed on behalf of: _____
(Plaintiff/Defendant)

Vs.

Cynthia Kirkwood
Defendants(s)

Filed by: Cynthia Kirkwood
(Print)

Cynthia Kirkwood
(Signature)

New Address: 640 1/2 W. Long Ave
DuBois PA 15801 Phone #: 814 661 6193

Old Address: 114 W. Weber Ave
DuBois PA 15801 Phone #:

FILED

02:56 P.M. 04

MAY 04 2015

S

BRIAN K. SPENCE
PROTHONOTARY & CLERK OF COURT

NO CC

66

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

rev. 9-2013

Brenda Hawlichek
Plaintiff(s)

vs.

Cynthia Kirkwood
Defendant(s)

Civil Case #:

NO. 2007-846 CD

FILED ^{ICC} _{PIA}

S MAY 05 2015
018:58/LE
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

**AFFIDAVIT IN SUPPORT OF PETITION TO PROCEED
'IN FORMA PAUPERIS'**

1. I am the (Plaintiff) (Defendant) in the above matter and because of my financial condition I 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, friends and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the costs and fees is true and correct.

a. Name

Brenda Hawlichek

Address

416 Treasure Lake
DUBOIS Pa 15801

Social Security Number

182 - 54 - 8086

Phone Numbers: (home & cell)

814-913-1587, 814 590-7503

b. Date of last employment

Current - Started April 4, 2015

Employer

Jefferson Co. Jail

Address

578 Service Center Rd
Brookville Pa 15801

Salary: \$ _____ (or) Wages: \$ 10.75 (per hour) (per week)

Number of hours worked per week: 24

Type of Work

Corrections Officer

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

rev. 9-2013

Valley Dairy 18 Haver Ave Dubois Pa

c. Other income:

Business / Profession - Waitress \$ 2.83 per hour \$ 12-18 hrs a week
Self-Employment \$ NA
Interest \$ NA
Dividends \$ NA
Pension \$ NA
Annuities \$ NA
Social Security Benefits \$ NA
Support Payments \$ NA
Disability Payments \$ NA
Unemployment Compensation / Supplements Benefits \$ NA
Worker's Compensation \$ NA
Public Assistance \$ NA
Food Stamps \$ NA
Other \$ NA

d.

Other contributions to

my household support (please circle):

Name of Spouse, Boyfriend / Girlfriend, or Roommate / Housemate:

NA

Employer NA

Salary / wages per month \$ NA

Type of Work \$ NA

Contributions from my child(ren) \$ NA

Contributions from my parent(s), family members, or
any other individuals \$ NA

e.

Property owned:

Cash \$ - 0 -

Checking Account \$ 100.00

Savings Account \$ -

Certificates of Deposit \$ -

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

rev. 9-2013

Real Estate (including home) \$ NA
Motor Vehicle(s) - Make NA
Year NA
Cost \$ NA
Amount owed \$ NA
Stocks, bonds \$ NA
Other \$ NA
Other \$ NA

f. **I have the following**

debts:

Utilities: \$? Explain: just moving out
\$? Explain: yet to be determined
\$? Explain: _____
\$? Explain: _____
Groceries: \$? Explain: _____
Rent/Mortgage \$ 450.00 Explain: per month
Loan(s) \$ 125.00 Explain: Student loan
Auto Expense \$ _____ Explain: 50.00 a week in gas
Child Care \$ _____ Explain: _____
Miscellaneous \$ _____ Explain: Lawyer fees

g. **Person(s) dependent upon you for support:**

Wife / Husband's name: _____

Children, if any: Cassidy age 13
_____ age _____
_____ age _____
_____ age _____
_____ age _____

Other person(s) dependent upon you:

Name: Jason Kirkwood age 13 Relationship: Nephew / Joint custody
_____ age _____
_____ age _____

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

rev. 9-2013

Date: 04 / 30 / 2015

Name: Brenda Havlichek

Telephone Number: (814) 913 - 1587 Cell Phone Number: (814) 590 - 7503

Address: 416 Treasure Lake
DuBois Pa 15801

Other Parties Involved: Cynthia Kirkwood

Reason For Filing This Petition (Write a brief description of your financial problem(s); please be specific. Failure to do so could result in your request being delayed or denied.)

[Example: request for filing fee or Mediation Conference fee to be waived due to your inability to submit the required fee because.....]

I would like to have this fee waived because
I am currently in the process of moving
and just switched jobs. Money is
tight for me right now and I can't
afford the court fee. My husband
and I are in the process of separating.
I also have to buy appliances for my
new residence

Type of Action: (Please specify what type of action you are pursuing through this application; example: divorce, custody, District Justice appeal, etc.)

Custody modification - Cynthia
would like my custody taken away.

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, Brenda Havlichek, 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 employment 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 Number: 182 - 54 - 8086

Board of Assistance Number (food stamps, etc.): NA

Date: 04 / 30 / 15

Brenda Havlichek
Signature

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

rev. 9-2013

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

VERIFICATION

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.

4-30-15

Date

Brenda Hawlicki

Petitioner

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

BRENDA HAVLICHEK,
Plaintiff

V.

CYNTHIA KIRKWOOD,
Defendant

07-846-CD

2cc Alky
Dubois
2cc Del
FILED

5 MAY 06 2015

013:19/LI

BRIAN K. SPENCER

PROTHONOTARY & CLERK OF COURTS

ORDER

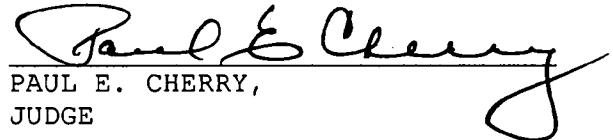
NOW, this 6th day of May, 2015, it is the ORDER of this Court that **Custody Mediation Conference** be held before Allen H. Ryen, Ph.D., Licensed Psychologist, on **July 1, 2015, at 9:00 o'clock a.m.** at the Clearfield County Courthouse.

Please report to the central lobby area on the second floor of the Courthouse. You will be instructed as to the location of the Custody Mediation Conference at that time. Both parents, their respective counsel and the child(ren) are hereby ORDERED to attend said conference. The present custodial parent shall provide someone to attend to the child(ren) while the parent is in private conference.

FAILURE OF A PARTY TO APPEAR FOR THE MEDIATION CONFERENCE WILL RESULT IN THAT PARTY BEING HELD IN CONTEMPT OF COURT. THE COURT WILL ORDER SUCH SANCTION(S) AS THE COURT DEEMS APPROPRIATE, WHICH MAY INCLUDE ISSUANCE OF A BENCH WARRANT FOR THE PARTY'S ARREST, AND/OR A CONTEMPT FINE AND ISSUANCE OF A TEMPORARY CUSTODY ORDER. THE PARTY WHO FAILS TO APPEAR WILL BE REQUIRED TO REIMBURSE THE COSTS OF MEDIATION PAID BY THE OTHER PARTY WHETHER THE PARTY WHO DOES NOT APPEAR IS HELD IN CONTEMPT OR NOT.

IF A PARTY REQUESTS A CONTINUANCE/RESCHEDULING OF MEDIATION
CONFERENCE, REQUEST MUST BE MADE BY CONTACTING J. SHIREY, JUDGE
CHERRY'S CHAMBERS, (814) 765-2641, EXT. 2102, AT LEAST 14 FULL BUSINESS
DAYS IN ADVANCE OF THE SCHEDULED MEDIATION AND REQUEST MUST BE APPROVED
BY THE COURT.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

Attorney for Plaintiff: Jeffrey DuBois, Esq.
Attorney for Defendant: Pro Se

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

rev. 9-2013

Brenda Haplichek

Plaintiff(s)

vs.

Cynthia Kirkwood

Defendant(s)

NO. 2057-846-CD

FILED

S MAY 06 2015

0112:00/LS

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

100 PIAF
Con

ORDER

NOW, this 5th day of May, 2015, upon

consideration of the foregoing Affidavit in Support of Petition to Proceed 'in Forma

Pauperis', it is the ORDER of this Court that said Petition is GRANTED ~~DENIED~~.

PEC

If the Petition is GRANTED, Filing Mediation Conference Fee is hereby

PEC

WAIVED.

By the Court,

Paul E. Cherry

JUDGE

In The Court of Common Pleas of Clearfield County, Pennsylvania
Civil Division

Change of Address

Brenda Hawlich No.: 2007-846-CD
Plaintiff(s)

Type of Case: Civil

Filed on behalf of: Cynthia Kirkwood
(Plaintiff/Defendant)

Vs.

Cynthia Kirkwood
Defendants(s)

Filed by: Cynthia Kirkwood
(Print)
Cynthia Kirkwood
(Signature)

New Address: 11950 Bennetts Valley
Highway Penfield. Phone #: 814 661 6193
PA 15849

Old Address: 640 1/2 W. Long Ave
DuBois PA 15801 Phone #: 814 661 6193

FILED

0 10:04 a.m. CL

S JUL 01 2015

NO CC

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

66

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BRENDA HAVLICHEK

}

VS

}

NO. 07-846-CD

CYNTHIA KIRKWOOD

}

O R D E R

4cc
Dr.
Ryen
BND
FILED
JUL 01 2015
0110:07/CT
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

NOW, this 1st day of July, 2015, following mediation conference and upon agreement of the parties, it is hereby ORDERED as follows:

1. Plaintiff, BRENDA HAVLICHEK (hereinafter "Maternal Aunt"), and Defendant, CYNTHIA KIRKWOOD (hereinafter "Mother"), shall share joint legal custody of the parties' minor child, namely, JASON PAUL KIRKWOOD (D.O.B. 3/1/2002).

Legal custody is defined as the legal right to make major decisions affecting the best interests of the minor child, including, but not limited to, medical, religious and educational decisions and wherein each parent shall have equal access to any and all medical, dental, ocular, mental health, school and health records.

Medical, dental, ocular and mental health providers, as well as school administrators, shall accept a copy of this Order as authorization to release to either parent any documentation and/or records as may be

requested.

It is understood by both parties that they shall communicate fully with each other in an effort to ensure that all directives pertaining to the minor child from physicians, dentists and teachers are followed absolutely and that all information pertaining to any prescriptions the child may be on is exchanged between the parties.

2. Mother shall enjoy primary physical custody of the minor child subject to Maternal Aunt's periods of partial custody as the parties and child may mutually agree. Requests by the child for such contacts may not be discouraged by Mother, and may not be unreasonably denied.

3. Unless otherwise agreed by the parties, the parties shall share transportation in that the party who is to obtain custody of the child shall provide transportation. This may be the party, or that party's adult designee(s), with the designee being required to have an established relationship with the child.

4. Neither party shall malign or speak in a derogatory fashion about the other party in the presence of the child, nor shall they permit anyone else to do so. Each party shall exercise his/her best efforts to promote a healthy relationship between the child and the other party and the other party's family.

The parties are directed to conduct themselves

in a reasonable and appropriate manner at all times during their interactions with each other and their family members concerning custody of the child and issues relating to the child's care and nurturance, including the duty to immediately contact the other parent should the minor child have a serious injury or illness which requires medical attention to either. In addition, both parties shall communicate with each other with regard to the well-being and best interests of the child and shall not communicate through the child.

In addition, each party shall keep the other informed of the progress of the child's education and social activities.

5. Neither party shall restrict telephone contact between the child and the noncustodial party. The noncustodial party may have reasonable telephone contact with the child provided the same is done by no later than 8:00 p.m.

6. Neither party shall consume alcoholic beverages to excess or controlled substances during those periods when they have custody of the child, nor shall they operate any vehicle to pick up, return or generally transport the child after having consumed any alcoholic beverages or controlled substances.

7. Neither party shall, nor shall they allow

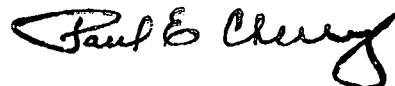
anyone else to, smoke any tobacco products in the presence of the child. In the presence of the child is defined as within any residence or home where the child is located or living, as well as in any automobile in which the child is being transported.

8. In the event Mother becomes physically unavailable as a primary custodian for an extended period of time, Maternal Aunt shall resume custody of the minor child.

9. Neither party may relocate the child by a change of address which significantly impairs the ability of the non-relocating parent to exercise custodial rights. No relocation shall occur unless every other person with custody rights consents to the relocation or the Court approves the proposed relocation.

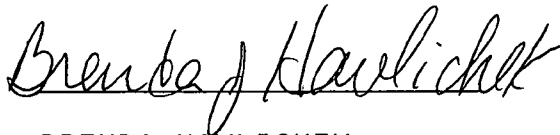
The party proposing relocation must notify every other person who has custody rights to the child as required by 23 Pa. C.S.A. §5337(c), including notice to all parties of the obligation to file a counteraffidavit within thirty (30) days of service of the notice in order to preserve the right to object to the relocation.

BY THE COURT,



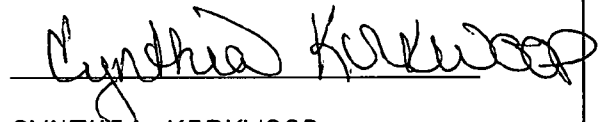
Judge

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



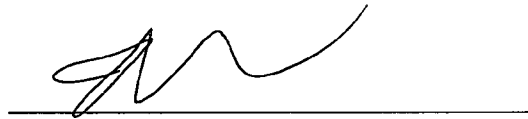
BRENDA HAVLICHEK

Plaintiff



CYNTHIA KIRKWOOD

Defendant



JEFFREY S. DUBOIS, ESQ.

Attorney for Plaintiff

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

BRENDA J. HAVILCHEK
Plaintiff

V.

CYNTHIA KIRKWOOD
Defendant

Docket No. 2007-846-CD

Type of Pleading:

**EMERGENCY PETITION
FOR CUSTODY**

Filed on Behalf of:
PLAINTIFF

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
210 McCracken Run Road
DuBois, PA 15801
(814) 375-5598

FILED
2016 APR 11 P 1:28
BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS
JMT

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

BRENDA J. HAVILCHEK	:	Docket No. 2007-846-CD
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
	:	
	:	
CYNTHIA KIRKWOOD	:	
	:	
Defendant	:	

EMERGENCY PETITION FOR CUSTODY

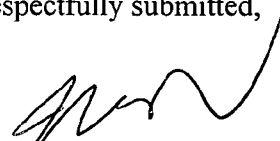
AND NOW, comes the Plaintiff, Brenda J. Havilchek, by and through her attorney, Jeffrey S. DuBois, Esquire, who files this Emergency Petition for Custody, and in support thereof avers the following:

1. Brenda J. Havlichek, Petitioner, is the maternal natural aunt of the minor child, Jason Paul Kirkwood date of birth March 1, 2002, whereby Court Order, she has shared joint legal custody and partial physical custody of the minor child.
2. On or about March 17, 2016, the DuBois City Police brought said minor child to Petitioner, because said child had been found stealing items from the Sheetz in DuBois, Pennsylvania, and Respondent Mother could not be found.
3. At that time, Petitioner learned from the police that there had been several instances in the past few months between the minor child and Respondent, to include the child running away, one time running away for 3 days, as well as Respondent calling the police on said child.
4. Later that night, on March 17, Petitioner returned the minor child to Respondent's home.

5. That same night, March 17, said minor child ran away from Respondent's home again.
6. Then on the day before Good Friday, March 25th, said minor child ran away again.
7. However, Respondent did not report this to anyone, to include the police, until 3 days later, on Easter Sunday, when respondent informed Child and Youth Services; she had also informed Petitioner at that time, though not letting Petitioner know he had already been gone for 3 days.
8. Moreover, Respondent did not report the minor child was missing to the police until **an additional** 2 days, Tuesday March 29th.
9. Thereafter, the DuBois City Police found the said minor child on the following day, Wednesday March 30, sleeping in the City Park.
10. Again, because they could not locate Respondent, they called Petitioner, but before she could get to the police station, Respondent had showed up and took the child with her.
11. The above instances over the past few months show a callous disregard by Respondent to the safety and wellbeing of said minor child.
12. Moreover, the above instances where the minor child has been away from home, in particular because of the inclement weather, puts his life in jeopardy.
13. Emergency circumstances exist to transfer custody to Petitioner, because Petitioner is in the best position to ensure the safety and wellbeing, and protection, of the minor child.

WHEREFORE, Petitioner respectfully requests the Court to transfer custody to Petitioner, because Petitioner is in the best position to ensure the safety and wellbeing, and protections, of the minor child.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey S. DuBois', written over a horizontal line.

Jeffrey S. DuBois, Esquire
Attorney for Petitioner

VERIFICATION

I, Brenda Havlichek, verify that the statements in the foregoing Pleading are true and correct to the best of our knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if we make knowingly false averments, we may be subject to criminal penalties.


Brenda Havlichek

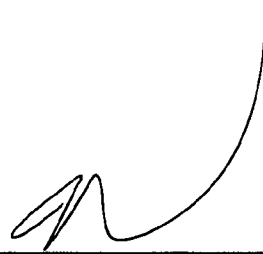
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRENDA J. HAVILCHEK	:	Docket No. 2007-846-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
	:	
CYNTHIA KIRKWOOD	:	
Defendant	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 11th day of April, 2016 served a true and correct copy of the within Emergency Petition for Custody by first class mail, postage prepaid, on the following:

Cynthia Kirkwood
21 North Main Street
DuBois, PA 15801



Jeffrey S. DuBois

CA

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

BRENDA J. HAVILCHEK : Docket No. 2007-846-CD
Plaintiff :
Vs. :
CYNTHIA KIRKWOOD :
Defendant :

ORDER

AND NOW, this 11th day of April, 2016, in consideration of
the Emergency Petition for Custody,

IT IS HEREBY ORDERED AND DECREED that immediate physical custody of
the minor child, Jason Paul Kirkwood date of birth March 1, 2002, be placed with
Petitioner, Brenda Havlichek.

IT IS FURTHER HEREBY ORDERED AND DECREED, and that a Hearing be
scheduled for the 2nd day of June, 2016, at 9:00 o'clock
A.M. at the Clearfield County Courthouse, Courtroom #2.

By the Court:

Paul E Cherry
Judge

FILED
2016 APR 12 A 9:50
CLERK OF COURTS
BRIAN K. SPENCER
PROTHONOTARY &
W 8/10
Clerk of Courts
5

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

FILED NOCC
FILED

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

APR 13 2016

0110:1111X
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

*You must enter
this
information
exactly as it
appears on the
custody
complaint:*

BRENDA J. HAVLICHEK

Plaintiff(s)

VS.

CYNTHIA KIRKWOOD

Defendant(s)

NO. 2007-846-CD

I Brenda J. HAVlichek, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted, or pled guilty, or pled no contest, or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307, to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Driving under the influence of drugs or alcohol	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

Check all that apply		Self	Other household member	Date
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Brenda J Havlichek
Signature

Brenda J, Havlichek
Printed Name

4/11/16
Date

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

Same caption
as existing
COMPLAINT
FOR
CUSTODY

BRENDA HAULICHEX

Plaintiff(s)

vs.

CYNTHIA KIRKWOOD

Defendant(s)

NO. 2007-846 CD

FILED ^{2cc} Def't

MAY 02 2016

0141012

PRIAN K. SPENCER

PROTHONOTARY & CLERK OF COURTS S

COMPLAINT FOR EMERGENCY CUSTODY

1. The Plaintiff is BRENDA HAULICHEX residing at

UNKNOWN 49 E. Scribner Ave
(street) (city)
DUBOIS PA 15801 Clearfield 814 5907503
(state) (zip code) (county) (phone)

2. The Defendant is Cynthia Kirkwood residing at

21 NORTH Main Street Apt. B
(street) (city)
DUBOIS PA 15801 Clearfield 814 8413170
(state) (zip code) (county) (phone)

3. Petitioner's relationship to the following minor child(ren) is Aunt

LIST FULL NAME(S) AND DATE OF BIRTH(S) OF CHILD(REN).

JASON PAUL KIRKWOOD 3-1-02

4. Respondent's relationship to the child(ren) is MOTHER

5. CIRCLE ONE:

A. No custody order exists concerning this/these child(ren).

B. A custody order was entered on April 11th 2016 (date) that states the following:

Immediate physical custody
of minor child be placed
with petitioner Brenda Haulichex

6. CIRCLE ONE:

- A. The initial Custody Complaint/petition is being filed with this petition.
B. The initial Custody Complaint/petition was filed on 5-11-16 and a hearing (is) (was) scheduled on JUNE 2ND 2016 9:00am Court Room #2

7. Petitioner believes that a situation exists that requires an emergency hearing because:

This section must be completed in detail for the Petition to be considered.

- a. See: Emergency Petition for custody
b. False reports to court
c. Sub →

WHEREFORE, petitioner respectfully requests that this honorable court grant the following relief:

Dismiss Emergency custody order
Full custody returned to mother
with previous court order in affect.

YOU MUST DATE AND SIGN THE PETITION:

Date: 5.2.16 Cynthia Kirkwood
Petitioner

NOTICE: If your petition is granted by the judge, you will receive the Order with a date written on it for a hearing or conference, which will be in the near future. **IMMEDIATELY** upon receiving the Certified copy of the Judge's Order, you must **PERSONALLY** serve the certified copy of the Custody Complaint and scheduling Order on the other party before the hearing date. This can be done either by hand delivering it 'face to face' with the other party, **OR** by Certified Mail 'Restricted Delivery' via the U.S. Postal Service, **OR** the preferred method is to hire a Constable to make service on your behalf. Once you have provided service on the other party, you must file your Certificate of Service with the Prothonotary. If service was performed by the U.S. Postal Service, you must attach to your Certificate of Service the 'green card' showing proof of delivery. If Service was provided by a Constable, they will provide you with a Certificate of Service which must be attached to your Certificate of Service form.

continued on next page.....

situations that exist for hearing
Because;

Emergency Petition For Custody:

① Petition falsified information
to Court on her Emergency
Petition.

② number 2# on her complaint
she stated mother could
not be found.

Defendant was never
notified.

③ number 4# on her petition
she claims to have returned
the child after receiving
physical custody from
police.

She never returned child
to my custody, my
parental rights were
violated. No notification
or contact whatsoever by
Plaintiff or Police.

I had Full physical Custody

④ number 5 on her complaint
she states child ran away
same night.

- (4) cont. Truth is she was responsible after police released custody to her. By her failure to release child into my custody and/or inform me of arrest.

She dropped child off supposedly, child hid and when she left child ran away again. She was also in question by family preservation and CYS to be keeping child.

- (5) number 10 of Petitioners complaint she states Police could not find me. Police never contacted me again, CYS family preservation worker called me and I went directly to Police Station and picked up child.

- (6) number 11 on Petitioners complaint, complete falsification to court.

⑪ I saw Child on street
4.30.16 Face and
clothes filthy

⑫ I had child's cousin
Tim Becker try and
contact Petitioner
about visits w/ him & relay
Doctors appt. in place
He spoke to petitioner.
Petitioner never took
information saying
she would call back
Never called back, for
never got scheduled
Doctors appts.

⑬ Number 12 on Petition
She states child was in
Inclimate weather.
Child ran away
I did not tell him
not to come home or
lock him out

⑭ manipulated and falsified
reports to court temporary
Emergency custody less
than a week Petitioner
had his benefits from
Social Security

○

①

please contact
CPS, Family preservation
DuBois Area middle school
to confirm all point
in these statements

②

all of this is definately
not in best interest of
childs well being
mental health or stability

○

○

YOU MUST DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE:

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of P.A.C.S.A. § 4904 relating to unsworn falsification to authorities. I have read and understand the requirements for serving a certified copy of this document on all parties to the case, and filing a Certificate of Service with the Prothonotary.

Date:

5-2-16

Cynthia Kirkwood

Petitioner

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Brenda Haulichter
Plaintiff

v.

CYNTHIA KIRKWOOD
Defendant

No. 2007-8416

IN CUSTODY

No
Scheduling
Order
included
(as per Judge)

PETITION FOR MODIFICATION OF A CUSTODY ORDER

1. The Petition of CYNTHIA KIRKWOOD respectfully represents that on April 11, 2016 an Order of Court was entered for ☐ shared legal custody ☐ sole legal custody and ☐ partial physical custody ☐ primary physical custody ☐ shared physical custody ☐ sole physical custody ☐ supervised physical custody, a true and correct copy of which is attached. **EMERGENCY Petition For Custody**

2. This Order should be modified because:

**Falsified Information to Court.
Grounds For Petition.**

3. Petitioner has attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.

WHEREFORE, Petitioner requests that the Court modify the existing Order because it will be in the best interest of the child(ren).

Cynthia Kirkwood
(Petitioner Signature)

CYNTHIA KIRKWOOD (Print Name)

21 NORTH MAIN (Address)

DUBOIS PA (City, State, Zip) 15801

814 541 3170 (Telephone)

VERIFICATION

I verify that the statements made in this petition 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.

5-2-16
Date



FILED

2cc
Deft

Cynthia Kirkwood
Petitioner

Form 4
Rule 1915.15(b)
AOPC 9.1.15

MAY 02 2016

01411/14

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

5

IN THE COURT OF COMMON PLEAS OF Clarkefield COUNTY, PENNSYLVANIA

BRENDA HAVLICHEK :
PLAINTIFF

v.

Cynthia Kirkwood
DEFENDANT

NO. 2007 8410-CD

IN CUSTODY

No
Scheduling
Order
included
(as per Judge C)

PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF CUSTODY ORDER

The Petition of Cynthia Kirkwood respectfully represents:

1. That on April 11th 2016, Judge Paul E. Cherry
entered an Order awarding ☒ Petitioner () Respondent
() shared legal custody () sole legal custody and () partial physical custody
() primary physical custody () shared physical custody () sole physical custody
() supervised physical custody of the minor child(ren):

EMERGENCY custody

☒ A true and correct copy of the order is attached to this petition.

2. Respondent has willfully failed to abide by the order in that

falsified information
to Court. Subject of PA-CS-A § 9404

3. Petitioner has attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.

EX
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BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS 5

WHEREFORE, Petitioner requests that Respondent be held in contempt of court.

Cynthia Kirkwood
(Petitioner Signature)
CYNTHIA KIRKWOOD
(Printed Name)
21 NORTH MAIN (Address) Apt B
DUBOIS PA (City, State, Zip) 15801
814 541 3170 (Telephone)

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

5.2.2016
Date

Cynthia Kirkwood
Petitioner

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

BRENDA J. HAVILCHEK

Plaintiff

Docket No. 2007-846-CD

Vs.

CYNTHIA KIRKWOOD

Defendant

ORDER

AND NOW, this 11th day of April, 2016, in consideration of
the Emergency Petition for Custody,

IT IS HEREBY ORDERED AND DECREED that immediate physical custody of
the minor child, Jason Paul Kirkwood date of birth March 1, 2002, be placed with
Petitioner, Brenda Havlichek.

IT IS FURTHER HEREBY ORDERED AND DECREED, and that a Hearing be
scheduled for the 2nd day of June, 2016, at 9:00 o'clock
A.M. at the Clearfield County Courthouse, Courtroom #2.

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

By the Court:

/s/ Paul E. Cherry

Judge

APR 12 2016

A TRUE COPY
ATTEST: Bar K. Spade
PROTHONOTARY-CLERK

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

BRENDA J. HAVILCHEK	:	Docket No. 2007-846-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
	:	
CYNTHIA KIRKWOOD	:	
Defendant	:	

EMERGENCY PETITION FOR CUSTODY

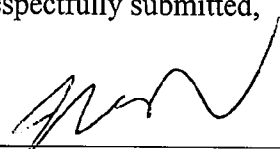
AND NOW, comes the Plaintiff, Brenda J. Havilchek, by and through her attorney, Jeffrey S. DuBois, Esquire, who files this Emergency Petition for Custody, and in support thereof avers the following:

1. Brenda J. Havlichek, Petitioner, is the maternal natural aunt of the minor child, Jason Paul Kirkwood date of birth March 1, 2002, whereby Court Order, she has shared joint legal custody and partial physical custody of the minor child.
2. On or about March 17, 2016, the DuBois City Police brought said minor child to Petitioner, because said child had been found stealing items from the Sheetz in DuBois, Pennsylvania, and Respondent Mother could not be found.
3. At that time, Petitioner learned from the police that there had been several instances in the past few months between the minor child and Respondent, to include the child running away, one time running away for 3 days, as well as Respondent calling the police on said child.
4. Later that night, on March 17, Petitioner returned the minor child to Respondent's home.

5. That same night, March 17, said minor child ran away from Respondent's home again.
6. Then on the day before Good Friday, March 25th, said minor child ran away again.
7. However, Respondent did not report this to anyone, to include the police, until 3 days later, on Easter Sunday, when respondent informed Child and Youth Services; she had also informed Petitioner at that time, though not letting Petitioner know he had already been gone for 3 days.
8. Moreover, Respondent did not report the minor child was missing to the police until **an additional** 2 days, Tuesday March 29th.
9. Thereafter, the DuBois City Police found the said minor child on the following day, Wednesday March 30, sleeping in the City Park.
10. Again, because they could not locate Respondent, they called Petitioner, but before she could get to the police station, Respondent had showed up and took the child with her.
11. The above instances over the past few months show a callous disregard by Respondent to the safety and wellbeing of said minor child.
12. Moreover, the above instances where the minor child has been away from home, in particular because of the inclement weather, puts his life in jeopardy.
13. Emergency circumstances exist to transfer custody to Petitioner, because Petitioner is in the best position to ensure the safety and wellbeing, and protection, of the minor child.

WHEREFORE, Petitioner respectfully requests the Court to transfer custody to Petitioner, because Petitioner is in the best position to ensure the safety and wellbeing, and protections, of the minor child.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey S. DuBois', written over a horizontal line.

Jeffrey S. DuBois, Esquire
Attorney for Petitioner

VERIFICATION

I, Brenda Havlichek, verify that the statements in the foregoing Pleading are true and correct to the best of our knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if we make knowingly false averments, we may be subject to criminal penalties.


Brenda Havlichek

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

BRENDA J. HAVILCHEK

Plaintiff

Vs.

CYNTHIA KIRKWOOD


Defendant

Docket No. 2007-846-CD

CERTIFICATE OF SERVICE

I do hereby certify that on the 11th day of April, 2016 served a true and correct copy of the within Emergency Petition for Custody by first class mail, postage prepaid, on the following:

Cynthia Kirkwood
21 North Main Street
DuBois, PA 15801



Jeffrey S. DuBois

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

Brenda Havlicher
Plaintiff

vs.

Cynthia Kirkwood
Defendant

Docket No. 2007 846-CD

CRIMINAL RECORD / ABUSE HISTORY CERTIFICATION

I, Cynthia Kirkwood, hereby swear or affirm, subject to penalties of law including 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. §6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
	18 Pa.C.S. Ch. 25 relating to criminal homicide				
	18 Pa.C.S. §2702 relating to aggravated assault				
	18 Pa.C.S. §2706 relating to terroristic threats				
	18 Pa.C.S. §2709.1 relating to stalking				
	18 Pa.C.S. §2901 relating to kidnapping				
	18 Pa.C.S. §2902 relating to unlawful restraint				

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PROTHONOTARY & CLERK OF COURTS

	18 Pa.C.S. §2903 relating to false imprisonment				
	18 Pa.C.S. §2910 relating to luring a child into a motor vehicle or structure				
	18 Pa.C.S. §3121 relating to rape				
	18 Pa.C.S. §3122.1 relating to statutory sexual assault				
	18 Pa.C.S. §3123 relating to involuntary deviate sexual intercourse				
	18 Pa.C.S. §3125 relating to aggravated indecent assault				
	18 Pa.C.S. §3126 relating to indecent assault				
	18 Pa.C.S. §3127 relating to indecent exposure				
	18 Pa.C.S. §3129 relating to sexual intercourse with animal				
	18 Pa.C.S. §3130 relating to conduct relating to sex offenders				
	18 Pa. C.S. §3301 relating to arson and related offenses				
	18 Pa.C.S. §4302 relating to incest				
	18 Pa.C.S. §4303 relating to concealing death of child				
	18 Pa.C.S. §4304 relating to endangering welfare of children				
	18 Pa.C.S. §4305 relating to dealing in infant children				

	18 Pa.C.S. §5902(b) relating to prostitution and related offenses				
	18 Pa.C.S. §5903(c) relating to obscene and other sexual materials and performances				
	18 Pa.C.S. §6301 relating to corruption of minors				
	18 Pa.C.S. §6312 relating to sexual abuse of children				
	18 Pa.C.S. §6318 relating to unlawful contact with minor				
	18 Pa.C.S. §6320 relating to sexual exploitation of children				
	23 Pa.C.S. § 6114 relating to contempt for violation of protection order or agreement				
X	Driving under the influence of drugs or alcohol	Self	none	(X) 2005 2010 guilty plea	- 3 day lomas. - 30 days - lomas.
X	Possession, sale, delivery, manufacturing or offering for sale any controlled substance or other drug or device	Self	none	13 PAI 2005 conspiracy to deliver 2007 Delivery 1-4 yrs 2007 Delivery 3 to 6 plus 4	11 yrs.

2. Unless indicated by my checking the box next to an item below, neither I nor
any other member of my household have a history of violent or abusive conduct, or
involvement with a Children and Youth Agency, including the following:

Check all that apply		Self	Other household member	Date
	A finding of abuse by a Children and Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction			
	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction			

CA

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

Brenda Hawlich

Plaintiff(s)

NO. 2007846 CD

vs.

Cynthia Kirkwood

Defendant(s)

2CC Dept
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BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS
2016 MAY -3 P 1:46
3-1-02

ORDER OF COURT

Petitioner must complete the first page only:

You, Cynthia Kirkwood have been sued in court to obtain custody, or partial custody
print opposing party's name

of the following child(ren): Jason Paul Kirkwood 3-1-02
print complete names of all children subject to this petition and their dates of birth

Plaintiff has filed for a [check ☒ the appropriate box]

[☐] custody (or) mediation conference.

[☒] a hearing before the court.

You must file with the Court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the Court (including, but not limited to, a conference with a conference officer or judge or conciliator) but not later than thirty (30) days after service of the Complaint or Petition.

No party may make a change in the residence of the child(ren) which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. §5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT **HIRING A LAWYER**. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 EAST MARKET ST, SUITE 228
CLEARFIELD, PA 16830
814/765-2641 x 5010

rev 9-2013

additional information on next page.....

2007-846-CD

Court Administration will complete the following information:

You are ordered to appear in person on the 2nd day of June, 2016,
at 9:00 o'clock (AM) PM. A ~~conference~~ (hearing) will be held in room Courtroom 2
2nd floor, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA, 16830.

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.

JEC
[Custody of _____ shall be placed with
_____ pending further hearing in this matter.]

It shall be the responsibility of the Petitioner to immediately serve a certified copy of this Order AND a certified copy of the *Petition for Emergency Custody* upon the other party. It shall also be the responsibility of the Petitioner to file Certificate of Service with the Prothonotary's Office.

BY THE COURT:

Date:

May 3, 2016

JUDGE

Paul E. Cherry

.....
AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

rev 9-2013

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

Brenda Hawlichok

Plaintiff(s)

vs.

Cynthia Kirkwood

Defendant(s)

NO. 2007846-CD

FILED

NO Ce

MAY 13 2016

012:5817

FRANK SPENCER

PROTHONOTARY & CLERK OF COURTS

5

CERTIFICATE OF SERVICE*

AND NOW, on the date stated below, I, Cynthia Kirkwood
hereby certify that I this day served the foregoing *indicate which document(s):* 'Petition for
Emergency Custody', a blank 'Criminal Record/Abuse History Verification', (and) (or)
'Scheduling Order' by:

Custody Case

____ Personally hand delivering to the (opposing party) (opposing attorney) at this
address: _____

☒ Depositing a copy of the same via United States mail, first class, postage prepaid,
'Certified Mail, Return Receipt Requested'**, at DUBOIS Post office
(name of post office),

____ Hiring Constable _____, who has provided me with proof of
service (see attached)

The document(s) were addressed to the following:

Brenda Hawlichok
(Name) 49 E. SCRIBNER AVE
(Street / PO Box) DUBOIS PA 15801
(City / State)

5-2-16
DATE

Cynthia Kirkwood
SIGNATURE

* Document must be signed, dated, and filed with the Prothonotary.

** Green 'Return Receipt' card, with recipient's signature, must be attached to this
document.

rev 9-2013

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

DUPLICATE USE

Certified Mail Fee \$3.30

0802
07

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$10.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$11.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postmark
Here

Postage \$2.64

05/09/2016

Total Postage and Fees \$8.64

Sent To Brenda Haujick
Street and Apt. No. or PO Box No.
City, State, Zip
DIVISION 2218701
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0001 6252 8346

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
 - A Unique Identifier for your mailpiece.
 - Electronic verification of delivery or attempted delivery.
 - A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.
- Important Reminders:**
- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
 - Certified Mail service is *not* available for international mail.
 - Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
 - For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*, attach PS Form 3811 to your mailpiece;

IMPORTANT: Save this receipt for your records.

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

BRENDA J. HAVILCHEK

Plaintiff

vs.

CYNTHIA KIRKWOOD,

Defendant

Docket No. 2007-846-CD

Type of Pleading:

**NOTICE OF PROPOSED
RELOCATION AND COUNTER
AFFIDAVIT REGARDING
RELOCATION
UNDER 23 Pa.C.S.A 5337**

Filed on behalf of:
PLAINTIFF

Counsel of Record for this party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
210 McCracken Run Road
DuBois, Pennsylvania 15801
814-375-5598



FILED

*3ce Atty
DuBois*

JUN 14 2016

013:0912

BRIAN K. SPENCER

PROTHONOTARY & CLERK OF COURTS

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

BRENDA J. HAVILCHEK	:	Docket No. 2007-846-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
	:	
CYNTHIA KIRKWOOD	:	
Defendant	:	

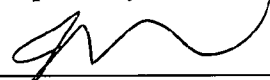
NOTICE OF PROPOSED RELOCATION

AND NOW, comes the Plaintiff, BRENDA J. HAVILCHEK, by and through her attorney, Jeffrey S. DuBois, Esquire, who provides Notice of Intended Relocation required by 23 Pa.C.S.A. 5337(c), as follows:

1. The Plaintiff is BRENDA J. HAVILCHEK, hereinafter referred to as "Petitioner", with a current address of 49 E. Scribner Avenue, DuBois, PA 15801.
2. The Defendant is CYNTHIA KIRKWOOD, hereinafter referred to as "Respondent", with an address of 21 North Main Street, Apt B., DuBois, Pennsylvania.
3. The parties hereto are the maternal aunt and the natural parent of one (1) minor child, Jason Kirkwood, date of birth March 1, 2002.
4. The parties have shared legal, with Petitioner having primary physical custody of the minor child pursuant to a prior Court Order dated April 17, 2011 and April 11, 2016.
5. Petitioner wishes to move to Girardville, Pennsylvania for employment reasons.
6. The address of Petitioner's intended residence is 14 Wildcat Road, Girardville, PA 17935.
7. The mailing address of Petitioner's intended residence is 14 Wildcat Road, Girardville, PA 17935.

8. The names and individuals who will reside at this new residence, excluding Petitioner and the minor child, is Cassidy Leiberton, daughter of Petitioner.
9. The telephone number of the intended residence is 814-590-7503.
10. The name of the new school district for the minor child is North Schuylkill High School.
11. The date of the proposed relocation is July, 2016.
12. Petitioner wishes to relocate to Girardville because the employment opportunity she has been offered.
13. Relocating to Girardville would not adversely affect Respondent, as the distance is only about 2 ½ hours , which will not impede periods of custody.
14. Petitioner will ensure that if the relocation is granted, she will attempt to facilitate a custody schedule that will give Respondent and the minor child large blocks of time to be with one another.
15. A Counter Affidavit in the form as provided under 23 Pa.C.S.A. 5337(d)(1) which can be used to object to the proposed relocation and the modification of a custody Order is provided with this Notice.
16. This is a warning to Cynthia Kirkwood, the non-relocating party, that if you do not file with the Court an objection to the proposed relocation within thirty (30) days after receipt of the Notice, you shall be foreclosed from objecting to the relocation.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Petitioner

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

BRENDA J. HAVILCHEK : Docket No. 2007-846-CD
Plaintiff :
Vs. :
CYNTHIA KIRKWOOD :
Defendant :

COUNTER AFFIDAVIT REGARDING RELOCATION

This proposal of relocation involves the following children:

Child's Name	Age	Currently residing at:
Jason Kirkwood	14	49 E. Scribner Avenue, DuBois, PA

I have received the Notice of proposed relocation and

- _____ (1) I do not object to the relocation and I do not object to the modification of the Custody Order consistent with the proposal for revised custody schedule.
- _____ (2) I do not object to the relocation, but I do object to modification of the Custody Order, and I request that a hearing be scheduled.
- _____ (3) I do object to the relocation and I do object to the modification of the Custody Order and I further request that a hearing be held on both matters prior to the relocation taking place.

I understand that in addition to checking (2) or (3) above, I must also file this notice with the Court in writing and serve it on the other party by certified mail, return receipt requested. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I shall be foreclosed from objecting to the relocation.

I verify that the statements made in this counter affidavit are true and correct, I understand that false statements herein made are subject to the penalties if 18 Pa.C.S. 4904 (relating to unsworn falsifications to authorities.)

Date:

Cynthia Kirkwood

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

BRENDA J. HAVILCHEK

Plaintiff

Vs.

CYNTHIA KIRKWOOD


Defendant

Docket No. 2007-846-CD

CERTIFICATE OF SERVICE

I do hereby certify that on the 13th day of June, 2016 I served a true and correct copy of the within Notice of Intended Relocation and Counter Affidavit regarding Relocation required by 23 Pa. C.S.A. 5337(c), regular mail, postage paid, with the United States Post Office, on the following:

Cynthia Kirkwood
21 North Main Street
DuBois, PA 15801



Jeffrey S. DuBois, Esquire
Attorney for Plaintiff/Petitioner

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

FILED ice Atty
DUBUIS

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

JUN 14 2016
013:0712 S
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

You must enter
this
information
exactly as it
appears on the
custody
complaint:

BRENDA J. HAVLICHEK

Plaintiff(s)

VS.

CYNTHIA KIRKWOOD

Defendant(s)

NO. 2007-846-CD

I BRENDA J. HAVLICHEK, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted, or pled guilty, or pled no contest, or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307, to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Driving under the influence of drugs or alcohol	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

Check all that apply		Self	Other household member	Date
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Brenda J Havlichek

Signature

Brenda J. Havlichek

Printed Name

6/13/16

Date

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

FILED

2016 JUN 15 P 3:37

OK
BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS

2cc Ashby
DuBois
2cc Deft

OK

BRENDA J. HAVLICHEK,
Plaintiff

: 2007-846-CD
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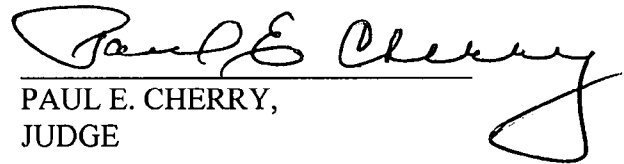
CYNTHIA KIRKWOOD
Defendant

ORDER

AND NOW, this 10th day of June, 2016, following hearing on the
Emergency Petition for Custody, filed on behalf of Plaintiff, Brenda J. Havlichek,
and on the Emergency Petition for Custody, filed by Defendant, Cynthia
Kirkwood, following taking of testimony and presentation of the issues before this
Court, upon consideration of same, it is the ORDER of this Court that Plaintiff's
Emergency Petition for Custody shall be and is hereby GRANTED and
Defendant's Petition for Emergency Custody shall be and is hereby DISMISSED.
Pending further Order, Plaintiff, Brenda J. Havlichek, shall have primary physical
custody of the minor child, Jason Paul Kirkwood, d.o.b. 03/01/2002. Mother,
Cynthia Kirkwood, shall have periods of partial custody of the minor child as may
be mutually agreed upon between the parties provided the same is not unreasonably
withheld.

This matter shall be referred to Mediation Conference before Clearfield
County's Child Mediator as soon as convenient with his schedule.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

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

BRENDA J. HAVLICHEK,
Plaintiff

2007-846-CD

V.

CYNTHIA KIRKWOOD,
Defendant

FILED

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2016 JUN 16 P

BRIAN K. SPEN
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CLERK OF COU

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ORDER FOR MEDIATION CONFERENCE and PAYMENT OF COSTS

NOW, this 15th day of June, 2016, it is ORDERED that a Custody Mediation Conference be held.

It is further ORDERED that **EACH PARTY** to this action shall forthwith complete a Child Custody Mediation Questionnaire and forward the same to Judge Cherry's Chambers, (230 East Market Street, Clearfield, PA 16830) within Ten (10) days of receipt of this ORDER.

It is also ORDERED that the cost of said Mediation Conference shall be borne equally by the Plaintiff(s) and Defendant(s) named in this action.

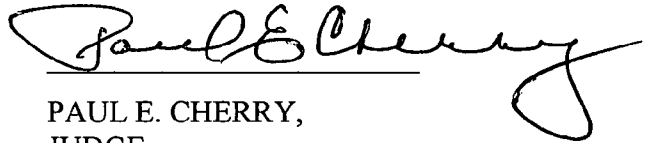
Each party named in this action(or counsel for the parties) shall deposit a total of Two Hundred Fifty (\$250.00) Dollars (**money orders only**) made payable to the Clearfield County Treasurer and mailed to J. Shirey, Judge's Chambers, 230 East Market Street, Clearfield, Pennsylvania 16830 **by July 11, 2016** to proceed with the Mediation Conference "OR" submit a Custody Consent Order to the Court within Twenty-Five (25) days of the date of this Order foregoing the Mediation Conference. **In the event either party fails to submit the payment for the Mediation Conference by the date it is due, an additional administrative fee of \$100.00 will be added to the delinquent party's \$250.00 fee for the**

Mediation Conference. This Court shall issue a further ORDER scheduling the Mediation Conference when the required deposit has been received from all parties participating in this action.

If a Custody Consent Order is received by the Court after the Twenty-Fifth day following this Order and no later than ***FOURTEEN (14)*** days before scheduled Mediation Conference, then each party or counsel for the parties shall be reimbursed any monies paid less Twenty (\$20.00) Dollars in order to defray administrative/processing expense.

FAILURE OF A PARTY TO DEPOSIT THE REQUIRED FEE OF 'TWO HUNDRED FIFTY (\$250.00) DOLLARS' SHALL RESULT IN THE OFFENDING PARTY BEING SUBJECT TO CONTEMPT PROCEEDINGS BEFORE THE COURT.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

Attorney for Plaintiff: Jeffrey DuBois, Esq.

Attorney for Defendant: Pro Se

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

FILED

0 6K
2016 JUN 23 P 1:35

BRENDA J. HAVILCHEK

Plaintiff

Vs.

CYNTHIA KIRKWOOD

Defendant

Docket No. 2007-846-CD
BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS

2cc Cynthia
Kirkwood
6K

COUNTER AFFIDAVIT REGARDING RELOCATION

This proposal of relocation involves the following children:

Child's Name	Age	Currently residing at:
Jason Kirkwood	14	49 E. Scribner Avenue, DuBois, PA

I have received the Notice of proposed relocation and

_____ (1) I do not object to the relocation and I do not object to the modification of the Custody Order consistent with the proposal for revised custody schedule.

_____ (2) I do not object to the relocation, but I do object to modification of the Custody Order, and I request that a hearing be scheduled.

☒ (3) I do object to the relocation and I do object to the modification of the Custody Order and I further request that a hearing be held on both matters prior to the relocation taking place.

I understand that in addition to checking (2) or (3) above, I must also file this notice with the Court in writing and serve it on the other party by certified mail, return receipt requested. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I shall be foreclosed from objecting to the relocation.

I verify that the statements made in this counter affidavit are true and correct, I understand that false statements herein made are subject to the penalties if 18 Pa.C.S. 4904 (relating to unsworn falsifications to authorities.)

Date:

6-20-16

Cynthia Kirkwood
Cynthia Kirkwood

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

BRENDA J. HAVLICHEK

Plaintiff

Vs.

CYNTHIA KIRKWOOD

Defendant

NO. 2007-0846-CD

BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS

2016 JUN 24 P 3:50

FILED

2cc Arly
DuBois
ICC Dept
GK

ORDER

AND NOW, this 24th day of June, 2016, upon consideration of Plaintiff's *Notice of Proposed Relocation* and Defendant's *Counter Affidavit Regarding Relocation* in the above captioned case, it is the ORDER of this Court that argument on said petitions, shall be and is hereby **scheduled for Tuesday, July 12, 2016, at 2:30 PM** in Courtroom #2, 2nd Floor, Clearfield County Courthouse, Clearfield, PA.

One hour is reserved for this hearing.

BY THE COURT:


PAUL E. CHERRY
JUDGE

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

rev. 9-2013

BRENDA HAVILCHEK

Plaintiff(s)

vs.

CYNTHIA KIRKWOOD

Defendant(s)

Civil Case #:

NO. 2007846 CD

FILED *Noel*

S JUN 30 2016
012:501X
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

AFFIDAVIT IN SUPPORT OF PETITION TO PROCEED
'IN FORMA PAUPERIS'

1. I am the (Plaintiff) (Defendant) in the above matter and because of my financial condition I 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, friends and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the costs and fees is true and correct.

a. Name

CYNTHIA KIRKWOOD

Address

21 NORTH MAIN Street Apt B
DUBOIS, PA. 15801

Social Security Number

182 - 54 - 8537

Phone Numbers: (home & cell)

814 541 3170

b. Date of last employment

SSI

Employer

Address

Salary: \$ _____ (or) Wages: \$ 733.00 (per hour) (per week)

Number of hours worked per week: _____

Type of Work

Monthly

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

rev. 9-2013

Date: 5 / 1 / 2016

Name: CYNTHIA KIRKWOOD

Telephone Number: 814 541 3170 Cell Phone Number: () - -

Address: 21 NORTH MAIN STREET Apt. B
DUBOIS PA 15801

Other Parties Involved: Brenda Havilchuk/
child JASON KIRKWOOD

Reason For Filing This Petition (Write a brief description of your financial problem(s);
please be specific. Failure to do so could result in your request being delayed or denied.)

[Example: request for filing fee or Mediation Conference fee to be waived due to your
inability to submit the required fee because.....]

I am disabled and receive
SSI. Re: Emergency Custody
Petition by Brenda Havilchuk
Also transferred Jason's
Social Security SURVIVORS
BENEFITS immediately after
petition was granted

Type of Action: (Please specify what type of action you are pursuing through this
application; example: divorce, custody, District Justice appeal, etc.)

Custody

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, CYNTHIA KIRKWOOD 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 employment 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 Number: 172 - 54 - 8537

Board of Assistance Number (food stamps, etc.): 56577

Date: 5 / 2 / 2016

Cynthia Kirkwood
Signature

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

rev. 9-2013

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

VERIFICATION

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.

5-2-16

Date

Cynthia KIRKWOOD

Petitioner

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

rev. 9-2013

Real Estate (including home) \$ _____

Motor Vehicle(s) – Make SATURN VUE

Year 2004

Cost \$ 700.00

Amount owed \$ 0

Stocks, bonds \$ _____

Other \$ _____

Other \$ _____

f. I have the following

debts:

Utilities: \$ 40.00 Explain: Electric

\$ 50.00 Explain: GAS \$10.00 monthly

\$ 40.00 Explain: water + SEWAGE

\$ 60.00 Explain: Internet

Groceries: \$ 300.00 Explain: _____

Rent/Mortgage \$ 400.00 Explain: _____

Loan(s) \$ _____ Explain: _____

Auto Expense \$ 60.00 Explain: Insurance

Child Care \$ _____ Explain: _____

Miscellaneous \$ 100.00 Explain: needs

g. Person(s) dependent upon you for support:

Wife / Husband's name: _____

Children, if any: _____ age _____

_____ age _____

_____ age _____

_____ age _____

_____ age _____

_____ age _____

Other person(s) dependent upon you:

Name: _____ Relationship: _____

_____ age _____

_____ age _____

_____ age _____

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

rev. 9-2013

c. Other income:

Business / Profession	\$ _____
Self-Employment	\$ _____
Interest	\$ _____
Dividends	\$ _____
Pension	\$ _____
Annuities	\$ _____
Social Security Benefits	\$ <u>733.00</u>
Support Payments	\$ _____
Disability Payments	\$ _____
Unemployment Compensation / Supplements Benefits	\$ _____
Worker's Compensation	\$ _____
Public Assistance	\$ _____
Food Stamps	\$ <u>194.00</u>
Other	\$ <u>170.00</u>

winter Leheap

d.

Other contributions to

my household support (please circle):

Name of Spouse, Boyfriend / Girlfriend, or Roommate / Housemate:

Employer _____

Salary / wages per month \$ _____

Type of Work \$ _____

Contributions from my child(ren) \$ _____

Contributions from my parent(s), family members, or \$ _____

any other individuals

e.

Property owned:

Cash \$ _____

Checking Account \$ 55.00

Savings Account \$ 4.00

Certificates of Deposit \$ _____

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

rev. 9-2013

FILED *ice*
Deft

BRENDA HAVILCHER

Plaintiff(s)

vs.

CYNTHIA KIRKWOOD

Defendant(s)

NO. 20078416 -CD

S 2016 JUN 30 P 2:50

OUT
BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS

*NO envelope,
sent to address
in Full Court

OK

ORDER

NOW, this 29th day of June, 2016, upon

consideration of the foregoing Affidavit in Support of Petition to Proceed 'in Forma

Pauperis', it is the ORDER of this Court that said Petition is GRANTED ~~DENIED~~.

PEC

If the Petition is GRANTED, ~~Filing~~ Mediation Conference Fee is hereby

PEC

WAIVED.

By the Court,

Paul E Cherry

JUDGE

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

BRENDA J. HAVLICHEK

07-846-CD

V.

CYNTHIA KIRKWOOD

:
:
:
:
:
:
:

S

ERIAN R. SPENCER
PROTHONOTARY &
CLERK OF COURTS

2016 JUL 15 A 9:29

2CC Atty
DuBois
2CC
Deft
FILED
iik

O R D E R

NOW, this 14th day of July, 2016, it is the ORDER of this Court that **Custody Mediation Conference** be held before Allen H. Ryen, Ph.D., Licensed Psychologist, on **September 22, 2016, at 1:00 o'clock p.m.** at the Clearfield County Courthouse.

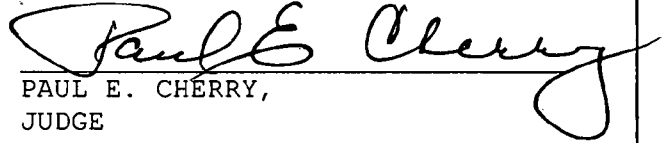
Please report to the central lobby area on the second floor of the Courthouse. You will be instructed as to the location of the Custody Mediation Conference at that time. Both parents, their respective counsel and the child(ren) are hereby ORDERED to attend said conference. The present custodial parent shall provide someone to attend to the child(ren) while the parent is in private conference.

FAILURE OF A PARTY TO APPEAR FOR THE MEDIATION CONFERENCE WILL RESULT IN THAT PARTY BEING HELD IN CONTEMPT OF COURT. THE COURT WILL ORDER SUCH SANCTION(S) AS THE COURT DEEMS APPROPRIATE, WHICH MAY INCLUDE ISSUANCE OF A BENCH WARRENT FOR THE PARTY'S ARREST, AND/OR A CONTEMPT FINE AND ISSUANCE OF A TEMPORARY CUSTODY ORDER. THE PARTY WHO FAILS TO APPEAR WILL BE REQUIRED TO REIMBURSE THE COSTS OF MEDIATION PAID BY THE OTHER PARTY WHETHER THE PARTY WHO DOES NOT APPEAR IS HELD IN CONTEMPT OR NOT.

IF A PARTY REQUESTS A CONTINUANCE/RESCHEDULING OF MEDIATION CONFERENCE, REQUEST MUST BE MADE BY CONTACTING J. SHIREY, JUDGE

CHERRY'S CHAMBERS, (814) 765-2641, EXT. 2102, AT LEAST 14 FULL BUSINESS
DAYS IN ADVANCE OF THE SCHEDULED MEDIATION AND REQUEST MUST BE APPROVED
BY THE COURT.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

Attorney for Plaintiff: Jeffrey DuBois, Esq.
Attorney for Defendant: Pro Se

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

BRENDA HAVLICHEK

Plaintiff,

v.

CYNTHIA KIRKWOOD,

Defendant.

Case No. 2007-846-CD

OPINION AND ORDER

This case involves a lengthy custody dispute between Brenda J. Havlichek, (hereinafter "Maternal Aunt") and Cynthia Kirkwood, (hereinafter "Mother") over the minor child, Jason Paul Kirkwood, D.O.B. 03/01/2002. The parties are most recently under an Order of this Court, dated June 10, 2016, wherein Maternal Aunt has primary physical custody of the minor child subject to periods of partial custody in Mother as may be mutually agreed upon between the parties, provided the same is not unreasonably withheld. A Mediation Conference is scheduled in this matter for September 22, 2016.

On June 14, 2016, Maternal Aunt filed a Notice of Proposed Relocation and Counter Affidavit Regarding Relocation under 23 Pa. C.S.A. § 5337, seeking to move the Child to Girardville, Pennsylvania in July, 2016. However, at the hearing held on the Notice to Relocate, Maternal Aunt changed her proposed relocation point to Minersville, Pennsylvania. A hearing on said notice was held before this Court and the matter is now ripe for decision.

1cc Atty
Dubois,
Deft, Atty
Mokeseel,
Law
Library
FILED
AUG 24 2016
01-3-39/17
BRIAN K. SPENCER,
PROTHONOTARY & CLERK OF COURTS

Initially, the Court notes that “[w]ith any child custody case, the paramount concern is the best interests of the child. This standard requires a case-by-case assessment of all the factors that may legitimately affect the physical, intellectual, moral and spiritual well-being of the child.” *Durning v. Balent/Kurdilla*, 19 A.3d 1125, 1128 (Pa Super. Ct. 2011) (quoting *A.D. v. M.A.B.*, 989 A.2d 32, 36 (Pa. Super. Ct. 2010)). When analyzing a proposed relocation, the Court is guided by ten factors set forth in 23 Pa.C.S. § 5337(h). Those factors are as follows:

- (1) The nature, quality, extent of involvement and duration of the child's relationship with the party proposing to relocate and with the non-relocating party, siblings and other significant persons in the child's life.
- (2) The age, developmental stage, needs of the child and the likely impact the relocation will have on the child's physical, educational and emotional development, taking into consideration any special needs of the child.
- (3) The feasibility of preserving the relationship between the non-relocating party and the child through suitable custody arrangements, considering the logistics and financial circumstances of the parties.
- (4) The child's preference, taking into consideration the age and maturity of the child.

(5) Whether there is an established pattern of conduct of either party to promote or thwart the relationship of the child and the other party.

(6) Whether the relocation will enhance the general quality of life for the party seeking the relocation, including, but not limited to, financial or emotional benefit or educational opportunity.

(7) Whether the relocation will enhance the general quality of life for the child, including, but not limited to, financial or emotional benefit or educational opportunity.

(8) The reasons and motivation of each party for seeking or opposing the relocation.

(9) The present and past abuse committed by a party or member of the party's household and whether there is a continued risk of harm to the child or an abused party.

(10) Any other factor affecting the best interest of the child.

23 Pa.C.A. § 5337(h)(1)-(10).

The party seeking relocation has the burden of proof to establish that the relocation is in the best interests of the child, and to establish the integrity of the party's motives behind relocation. 23 Pa C.S. § 5337(i). As discussed herein, the Court has carefully examined all of the evidence and has considered all of the relevant statutory factors, and has determined that Maternal Aunt has failed to

meet her burden with respect to relocation of the Child. The aforementioned statutory factors, apropos to this case, will be explicated in turn.

1. *The nature, quality, extent of involvement and duration of the child's relationship with the party proposing to relocate and with the non-relocating party, siblings and other significant persons in the child's life.*

The Court will first examine Child's relationship with Mother and Maternal Aunt and the impact that relocation will have on those relationships. 23 Pa.C.S. § 5337(h)(1). Both Mother and the Maternal Aunt have been primary caretaker and custodian of the Child throughout various stages of the Child's life. Child has lived in the DuBois area all of his life with no familial relations in the Minersville area. Given the obvious relationship to his Mother, who will remain in the DuBois area and Child's desire to remain in the DuBois area and reside with Mother, Maternal Aunt has not convinced this Court that relocation would be in the best interests of the Child.

2. *The age, developmental stage, needs of the child and the likely impact the relocation will have on the child's physical, educational and emotional development, taking into consideration any special needs of the child.*

A party seeking relocation must also demonstrate that relocation is in the best interest of the Child with respect to the impact the relocation will have on the educational and emotional development of the Child. 23 Pa.C.S. § 5337(h)(2). Maternal Aunt is proposing to uproot and move the Child to a location away from every familiar place, friend, and family member in the DuBois area. The Court

does not find that relocating Child would serve his educational and developmental needs.

3. *The feasibility of preserving the relationship between the non-relocating party and the child through suitable custody arrangements, considering the logistics and financial circumstances of the parties.*

The Court must determine the feasibility of maintaining a relationship with Mother should Maternal Aunt relocate to Minersville, Pennsylvania. 23 Pa.C.S. § 5337(h)(3). There is no doubt that such a move would negatively impact Mother's relationship with the Child. Even if Mother's periods of partial custody would remain unchanged, such a move would make it nearly impossible for Mother to be involved with Child's school and community life. A move to Minersville, Pennsylvania is not a move to a neighboring County or a different school district; it would be a substantial move approximately 163 miles away from DuBois, Pennsylvania. The Court finds Mother's concern that she will not be able to see her Child as often a legitimate concern. It would likely be impossible for Mother to attend Child's extracurricular activities if the relocation was permitted. Mother's reasons for opposing the relocation appear to be sincere. Maternal Aunt has not convinced the Court that her proposed move would be in the best interests of the Child with regard to this factor.

4. *The child's preference, taking into consideration the age and maturity of the child.*

The preference of the Child is a significant factor with respect to the Court's relocations analysis. 23 Pa.C.S. § 5337(h)(4). In the present case,

Maternal Aunt has not demonstrated that it is the Children's preference to relocate to Minersville. To the contrary, Jason was openly opposed to relocation. Accordingly, this factor weighs against relocation.

5. *Whether there is an established pattern of conduct of either party to promote or thwart the relationship of the child and the other party.*

Though it is clear to the Court that both parties could do much more to foster the Child's relationship with the other party, the Court does not go as far as to find that one party is trying to thwart the relationship of the Child and the other party.

6. *Whether the relocation will enhance the general quality of life for the party seeking the relocation and for the Child, including, but not limited to, financial or emotional benefit or educational opportunity.*

The Court must analyze whether Maternal Aunt's proposed relocation will enhance the general quality of life for herself and the Child. 23 Pa.C.S. § 5337(h)(6), (7). Though testimony was offered to suggest that Maternal Aunt's salary will be higher than at her present employment, the remaining benefits to the proposed relocation appear to the Court to be speculative. Maternal Aunt has not adequately demonstrated that the proposed relocation will enhance the general quality of life for herself, and for Child. This factor weighs in favor of Mother.

7. *The reasons and motivation of each party for seeking or opposing the relocation.*

Maternal Aunt appears to be moving to Minersville, Pennsylvania in order to accept better paying employment at Amazon. According to Mother, she opposes relocation due to her concern that she will not be able to see her Child as often and it would be impossible for her to attend Child's extracurricular activities if the relocation was permitted. The Court agrees with Mother. Therefore, this factor weighs in favor of Mother.

8. *The present and past abuse committed by a party or member of the party's household and whether there is a continued risk of harm to the child or an abused party.*

The Court does not find this to be a relevant factor.

Conclusion

Considering the testimony, evidence, and each statutory factor as a whole, the Court finds that Maternal Aunt has not met her burden of proof in establishing that it is in the best interests of the Child to relocate to Minersville, Pennsylvania.

Based on the forgoing, the Court enters the following:

ORDER

AND NOW, this 24th day of August, 2016, upon consideration of testimony and evidence presented at the relocation hearing, it is the ORDER of this Court as follows:

1. Plaintiff's Petition for Relocation is hereby DENIED.

2. Should Maternal Aunt choose to relocate to Minersville, Pennsylvania, primary physical custody of the Child, Jason Paul Kirkwood, D.O.B. 03/01/2002, shall be placed with Mother, Cynthia Kirkwood, subject to Maternal Aunt's periods of partial physical custody at such times as the parties may mutually agree provided the same is not unreasonably withheld.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

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

Same caption
as existing
COMPLAINT
FOR
CUSTODY

BRENDA HAVLICHAK
Plaintiff(s)
vs.
CYNTHIA KIRKWOOD
Defendant(s)

NO. 2007-846 -CD

FILED 2cc Deft
SEP 07 2016
9/10/16/ET
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

PETITION FOR MODIFICATION OF A CUSTODY ORDER

1. The Plaintiff is Brenda Hawlicher residing at
49 E. Scribner Ave DuBois
(street) (city)
PA 15801 Clearfield 814 590 7503
(state) (zip code) (county) (phone)
2. The Defendant is Cynthia Kirkwood residing at
21 n. main st. DuBois
(street) (city)
PA 15801 Clearfield 814 541 3170
(state) (zip code) (county) (phone)
3. The Petitioner respectfully represents that on June 10 2016 an Order of Court was entered for legal and physical custody as follows:

LEGAL CUSTODY: ☒ Shared ☐ Sole

PHYSICAL CUSTODY: ☐ Partial ☒ Primary ☐ Shared
☐ Sole ☐ Supervised physical custody

a true and correct copy of which is attached.

4. The child(ren) currently reside(s) at Brenda Hawlicher
49 E. Scribner Ave with Plaintiff / Defendant.
DuBois, PA 15801
5. During the last 6 months, the child(ren) and custodian: (Pick one)

☒ Have resided in Clearfield County, Pennsylvania

continued on next page.....

_____ Have not resided in Clearfield County. The child(ren) and the custodian have resided at the following addresses outside Clearfield County: _____

6. This Order should be modified because: *(what do you want changed and why?)* Plaintiff Has not done anything for Jason's, medical or mental health needs as of 9-7-16. No attention has been paid to him in years. after Plaintiff was given Emergency custody. I have been providing counseling during limited visitation. Jason wants to come home.

WHEREFORE, Petitioner requests that the Court modify the existing Order because it will be in the best interest of the child(ren).

Cynthia Kirkwood
Petitioner

CYNTHIA KIRKWOOD
(Print your name)

21 N. MAIN ST.
(Print your address)

DUBOIS PA 15801
(city) (state) (zip)

814 541 3170
Phone number (home and/or cell phone #)

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. Sec. 4904 relating to unsworn falsification to authorities.

9-7-16
Date

Cynthia Kirkwood
Petitioner

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

Brenda Hawlicher

Plaintiff(s)

vs.

NO 2007-846-CD

Cynthia Kurkum

Defendant(s)

CERTIFICATE OF SERVICE*

AND NOW, on the date stated below, I, _____,
hereby certify that I this day served the foregoing *indicate which document(s):* **'Petition for
Modification of A Custody Order'**, a blank **'Criminal Record/Abuse History Verification'**
form, (and) (or) **'Scheduling Order'** by:

____ Personally hand delivering to the (opposing party) (opposing attorney) at this
address: _____

____ Depositing a copy of the same via United States mail, first class, postage prepaid,
at _____
(name of post office),

____ Hiring Constable _____, who has provided me with proof of
service (see attached)

The document(s) were addressed to the following:

(Name)

(Street / PO Box)

(City / State)

DATE

SIGNATURE

* **Document must be signed, dated, and filed with the Prothonotary.**

** **Green 'Return Receipt' card, with recipient's signature, must be attached to this document.**

I hereby certify this to be a true
and attested copy of the original

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

AUG 24 2016

BRENDA HAVLICHEK

Plaintiff,

v.

CYNTHIA KIRKWOOD,

Defendant.

A TRUE COPY

ATTEST:

PROthonotary-Clerk

Case No. 2007-846-CD

OPINION AND ORDER

This case involves a lengthy custody dispute between Brenda J. Havlichek, (hereinafter "Maternal Aunt") and Cynthia Kirkwood, (hereinafter "Mother") over the minor child, Jason Paul Kirkwood, D.O.B. 03/01/2002. The parties are most recently under an Order of this Court, dated June 10, 2016, wherein Maternal Aunt has primary physical custody of the minor child subject to periods of partial custody in Mother as may be mutually agreed upon between the parties, provided the same is not unreasonably withheld. A Mediation Conference is scheduled in this matter for September 22, 2016.

On June 14, 2016, Maternal Aunt filed a Notice of Proposed Relocation and Counter Affidavit Regarding Relocation under 23 Pa. C.S.A. § 5337, seeking to move the Child to Girardville, Pennsylvania in July, 2016. However, at the hearing held on the Notice to Relocate, Maternal Aunt changed her proposed relocation point to Minersville, Pennsylvania. A hearing on said notice was held before this Court and the matter is now ripe for decision.

Initially, the Court notes that “[w]ith any child custody case, the paramount concern is the best interests of the child. This standard requires a case-by-case assessment of all the factors that may legitimately affect the physical, intellectual, moral and spiritual well-being of the child.” *Durning v. Balent/Kurdilla*, 19 A.3d 1125, 1128 (Pa Super. Ct. 2011) (quoting *A.D. v. M.A.B.*, 989 A.2d 32, 36 (Pa. Super. Ct. 2010)). When analyzing a proposed relocation, the Court is guided by ten factors set forth in 23 Pa.C.S. § 5337(h). Those factors are as follows:

- (1) The nature, quality, extent of involvement and duration of the child's relationship with the party proposing to relocate and with the non-relocating party, siblings and other significant persons in the child's life.
- (2) The age, developmental stage, needs of the child and the likely impact the relocation will have on the child's physical, educational and emotional development, taking into consideration any special needs of the child.
- (3) The feasibility of preserving the relationship between the non-relocating party and the child through suitable custody arrangements, considering the logistics and financial circumstances of the parties.
- (4) The child's preference, taking into consideration the age and maturity of the child.

(5) Whether there is an established pattern of conduct of either party to promote or thwart the relationship of the child and the other party.

(6) Whether the relocation will enhance the general quality of life for the party seeking the relocation, including, but not limited to, financial or emotional benefit or educational opportunity.

(7) Whether the relocation will enhance the general quality of life for the child, including, but not limited to, financial or emotional benefit or educational opportunity.

(8) The reasons and motivation of each party for seeking or opposing the relocation.

(9) The present and past abuse committed by a party or member of the party's household and whether there is a continued risk of harm to the child or an abused party.

(10) Any other factor affecting the best interest of the child.

23 Pa.C.A. § 5337(h)(1)-(10).

The party seeking relocation has the burden of proof to establish that the relocation is in the best interests of the child, and to establish the integrity of the party's motives behind relocation. 23 Pa C.S. § 5337(i). As discussed herein, the Court has carefully examined all of the evidence and has considered all of the relevant statutory factors, and has determined that Maternal Aunt has failed to

does not find that relocating Child would serve his educational and developmental needs.

3. *The feasibility of preserving the relationship between the non-relocating party and the child through suitable custody arrangements, considering the logistics and financial circumstances of the parties.*

The Court must determine the feasibility of maintaining a relationship with Mother should Maternal Aunt relocate to Minersville, Pennsylvania. 23 Pa.C.S. § 5337(h)(3). There is no doubt that such a move would negatively impact Mother's relationship with the Child. Even if Mother's periods of partial custody would remain unchanged, such a move would make it nearly impossible for Mother to be involved with Child's school and community life. A move to Minersville, Pennsylvania is not a move to a neighboring County or a different school district; it would be a substantial move approximately 163 miles away from DuBois, Pennsylvania. The Court finds Mother's concern that she will not be able to see her Child as often a legitimate concern. It would likely be impossible for Mother to attend Child's extracurricular activities if the relocation was permitted. Mother's reasons for opposing the relocation appear to be sincere. Maternal Aunt has not convinced the Court that her proposed move would be in the best interests of the Child with regard to this factor.

4. *The child's preference, taking into consideration the age and maturity of the child.*

The preference of the Child is a significant factor with respect to the Court's relocations analysis. 23 Pa.C.S. § 5337(h)(4). In the present case,

Maternal Aunt has not demonstrated that it is the Children's preference to relocate to Minersville. To the contrary, Jason was openly opposed to relocation. Accordingly, this factor weighs against relocation.

5. *Whether there is an established pattern of conduct of either party to promote or thwart the relationship of the child and the other party.*

Though it is clear to the Court that both parties could do much more to foster the Child's relationship with the other party, the Court does not go as far as to find that one party is trying to thwart the relationship of the Child and the other party.

6. *Whether the relocation will enhance the general quality of life for the party seeking the relocation and for the Child, including, but not limited to, financial or emotional benefit or educational opportunity.*

The Court must analyze whether Maternal Aunt's proposed relocation will enhance the general quality of life for herself and the Child. 23 Pa.C.S. § 5337(h)(6), (7). Though testimony was offered to suggest that Maternal Aunt's salary will be higher than at her present employment, the remaining benefits to the proposed relocation appear to the Court to be speculative. Maternal Aunt has not adequately demonstrated that the proposed relocation will enhance the general quality of life for herself, and for Child. This factor weighs in favor of Mother.

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Maternal Aunt appears to be moving to Minersville, Pennsylvania in order to accept better paying employment at Amazon. According to Mother, she opposes relocation due to her concern that she will not be able to see her Child as often and it would be impossible for her to attend Child's extracurricular activities if the relocation was permitted. The Court agrees with Mother. Therefore, this factor weighs in favor of Mother.

8. *The present and past abuse committed by a party or member of the party's household and whether there is a continued risk of harm to the child or an abused party.*

The Court does not find this to be a relevant factor.

Conclusion

Considering the testimony, evidence, and each statutory factor as a whole, the Court finds that Maternal Aunt has not met her burden of proof in establishing that it is in the best interests of the Child to relocate to Minersville, Pennsylvania.

Based on the forgoing, the Court enters the following:

ORDER

AND NOW, this 24th day of August, 2016, upon consideration of testimony and evidence presented at the relocation hearing, it is the ORDER of this Court as follows:

1. Plaintiff's Petition for Relocation is hereby DENIED.

2. Should Maternal Aunt choose to relocate to Minersville, Pennsylvania, primary physical custody of the Child, Jason Paul Kirkwood, D.O.B. 03/01/2002, shall be placed with Mother, Cynthia Kirkwood, subject to Maternal Aunt's periods of partial physical custody at such times as the parties may mutually agree provided the same is not unreasonably withheld.

BY THE COURT,

/s/ Paul E. Cherry

PAUL E. CHERRY,
JUDGE

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

Brenda Havlicher :
Plaintiff :

Docket No. 2007 846-CD

vs. :

Cynthia Kirkwood :
Defendant :

CRIMINAL RECORD / ABUSE HISTORY CERTIFICATION

I, Cynthia Kirkwood, hereby swear or affirm, subject to penalties of law including 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. §6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
	18 Pa.C.S. Ch. 25 relating to criminal homicide				
	18 Pa.C.S. §2702 relating to aggravated assault				
	18 Pa.C.S. §2706 relating to terroristic threats				
	18 Pa.C.S. §2709.1 relating to stalking				
	18 Pa.C.S. §2901 relating to kidnapping				
	18 Pa.C.S. §2902 relating to unlawful restraint				

18 Pa.C.S. §2903 relating to false imprisonment				
18 Pa.C.S. §2910 relating to luring a child into a motor vehicle or structure				
18 Pa.C.S. §3121 relating to rape				
18 Pa.C.S. §3122.1 relating to statutory sexual assault				
18 Pa.C.S. §3123 relating to involuntary deviate sexual intercourse				
18 Pa.C.S. §3125 relating to aggravated indecent assault				
18 Pa.C.S. §3126 relating to indecent assault				
18 Pa.C.S. §3127 relating to indecent exposure				
18 Pa.C.S. §3129 relating to sexual intercourse with animal				
18 Pa.C.S. §3130 relating to conduct relating to sex offenders				
18 Pa. C.S. §3301 relating to arson and related offenses				
18 Pa.C.S. §4302 relating to incest				
18 Pa.C.S. §4303 relating to concealing death of child				
18 Pa.C.S. §4304 relating to endangering welfare of children				
18 Pa.C.S. §4305 relating to dealing in infant children				

	18 Pa.C.S. §5902(b) relating to prostitution and related offenses				
	18 Pa.C.S. §5903(c) relating to obscene and other sexual materials and performances				
	18 Pa.C.S. §6301 relating to corruption of minors				
	18 Pa.C.S. §6312 relating to sexual abuse of children				
	18 Pa.C.S. §6318 relating to unlawful contact with minor				
	18 Pa.C.S. §6320 relating to sexual exploitation of children				
	23 Pa.C.S. § 6114 relating to contempt for violation of protection order or agreement				
X	Driving under the influence of drugs or alcohol	Self	none	(X) 2/2005 2/2010 guilty plea	- 3 day lomos. - 30 days - lomos.
X	Possession, sale, delivery, manufacturing or offering for sale any controlled substance or other drug or device	Self	none	13 yrs conspiracy to deliver 2007 delivery 1-4 yrs 2007 delivery 3 to 6 plus 4	11-5 yrs.

2. Unless indicated by my checking the box next to an item below, neither I nor
any other member of my household have a history of violent or abusive conduct, or
involvement with a Children and Youth Agency, including the following:

Check all that apply		Self	Other household member	Date
	A finding of abuse by a Children and Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction			
	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction			

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Brenda Hewlichok
Plaintiff(s)

vs.

Cynthia Kurkwood
Defendant(s)

NO. 2007-846-CD

FILED

SEP 08 2016

BRIAN K. SPENCER

PROTHONOTARY & CLERK OF COURTS

ORDER OF COURT

Petitioner must complete the first page only:

You, Brenda Hewlichok have been sued in court to Modify the existing Custody Order
print opposing party's name

for the following child(ren): Jason Paul Kurkwood
print complete names of all children subject to this petition and their dates of birth

3-1-02

Plaintiff has filed for a [check ☒ the appropriate box]

[] custody (or) mediation conference.

[☒] a hearing before the court.

You must file with the Court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the Court (including, but not limited to, a conference with a conference officer or judge or conciliator) but not later than thirty (30) days after service of the Complaint or Petition.

No party may make a change in the residence of the child(ren) which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23

Pa.C.S. §5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT **HIRING A LAWYER**. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY COURT ADMINISTRATOR
230 EAST MARKET ST, SUITE 228
CLEARFIELD, PA 16830
814/765-2641 x 5010

additional information on next page.....

2007-846 CD

Court Administration will complete the following information:

You are ordered to appear in person on the 11th day of October, 2016,
at 3:00 o'clock AM/PM. A conference/hearing will be held in room Courtroom 2
2nd floor, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA, 16830.

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.

BY THE COURT:

Date: September 8, 2016 Paul E Cherry
JUDGE

.....
AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BRENDA HAVLICHEK

:

-VS-

:

CYNTHIA KIRKWOOD

:

No. 07-846-CD PROthonary & Clerk of Courts

7CCD
FILED RYEN

SEP 22 2016
07:26:12
BRIAN K. SPENCER
CLERK

O R D E R

AND NOW, this 22nd day of September, 2016, this being the date set for mediation conference, and upon agreement of the parties, it is the ORDER of this Court as follows:

1. Brenda Havlichek (hereinafter maternal aunt) and Cynthia Kirkwood (hereinafter mother) shall have shared legal custody of the minor child, Jason Paul Kirkwood (D.O.B. 03/01/02).

Legal custody is defined as the legal right to make major decisions affecting the best interests of the minor child, including, but not limited to, medical, religious and educational decisions, and that each party shall have equal access to any and all medical, dental, ocular, mental health, school and legal records.

Medical, dental, ocular, mental health providers and school administrators shall accept a copy of this order as authorization to release to either party any documentation and/or records as may be requested.

In addition, it is understood by both parties that they shall communicate fully with the other in an effort to ensure that all directives pertaining to the minor child from physicians, dentists, mental health providers and teachers are followed absolutely and all information pertaining to any prescriptions the child may be on are exchanged between the parties;

2. Mother shall have primary physical custody of the minor child, subject to maternal aunt's periods of partial custody as the parties may agree, provided the same is not unreasonably withheld.

3. The parties shall share custody of the minor child on the major holidays of Easter, Thanksgiving and Easter. If they are unable to agree, the parties shall share custody as follows:

a) EASTER - In even-numbered years, mother shall have custody from the Friday before Easter at 4:00 p.m. until 2:00 p.m. on Easter Sunday. Maternal aunt shall have custody from 2:00 p.m. until 8:00 p.m. on Easter Monday.

In odd-numbered years, maternal aunt shall have custody from the Friday before Easter at 4:00 p.m. until 2:00 p.m. on Easter Sunday. Mother shall have custody from 2:00 p.m. until 8:00 p.m. on Easter Monday;

b) THANKSGIVING - In even-numbered years, maternal aunt shall have custody from 4:00 p.m. the day

before Thanksgiving until 2:00 p.m. on Thanksgiving Day. Mother shall have custody from 2:00 p.m. on Thanksgiving Day until 8:00 p.m. the Sunday following Thanksgiving.

In odd-numbered years, mother shall have custody from 4:00 p.m. the day before Thanksgiving until 2:00 p.m. on Thanksgiving Day. Maternal aunt shall have custody from 2:00 p.m. on Thanksgiving Day until 8:00 p.m. the Sunday following Thanksgiving;

c) CHRISTMAS - In even-numbered years, mother shall have custody from 4:00 p.m. the day before Christmas until 2:00 p.m. on Christmas Day. Maternal aunt shall have custody from 2:00 p.m. on Christmas Day until 6:00 p.m. on December 28th. Mother shall then have custody from 6:00 p.m. on December 28th until 4:00 p.m. on December 31st.

In odd-numbered years, maternal aunt shall have custody from 4:00 p.m. the day before Christmas until 2:00 p.m. on Christmas Day. Mother shall have custody from 2:00 p.m. on Christmas Day until 6:00 p.m. on December 28th. Maternal aunt shall then have custody from 6:00 p.m. on December 28th until 4:00 p.m. on December 31st;

4. The holiday visitation schedule set forth above shall take precedence over the regularly scheduled periods of custody/partial custody;

5. Each party, at all times, shall inform the other party of their current address and telephone number;

6. Mother agrees, on a voluntary basis, to re-involve Clearfield County CYFS to facilitate improved family functioning as they might recommend. Mother agrees also to cooperate with the Agency and to comply with any recommendations that they may make;

7. Both parties shall keep in mind the schedules of the minor child pertaining to his school and extracurricular activities which they may be involved in during the times the child is in their custody. Further, neither party shall discourage the minor child from participating in activities. Neither party shall allow any third parties to discourage the child from participating in activities;

8. Unless otherwise agreed upon by the parties, the parties shall share transportation in that the party who is to obtain custody of the child shall provide transportation. This may be the party or that party's adult designee(s), with the designee(s) being required to have an established relationship with the child;

9. Both parties shall communicate with each other with regard to the well-being and best interest of the child and shall not communicate through the child;

10. Each party shall keep the other informed of the progress of the child's education and social activities;

11. Neither party shall malign or speak in a

derogatory fashion about the other party in the presence of the child nor will they permit anyone else to do so. Each party will exercise their best efforts to promote a healthy relationship between the child and the other party and the other party's family. The parties are directed to conduct themselves in a reasonable and appropriate manner at all times during their interactions with each other and their family members concerning custody of the child and issues relating to the child's care and nurturance;

12. Neither party shall restrict telephone contact between the child and the party not having custody of the child;

13. During either party's custody/partial custody of the minor child, if the child has a serious illness or injury which requires medical attention, that party shall immediately notify the other party;

14. Neither party shall consume alcoholic beverages to excess, nor ingest any illegal substances, during those periods when they have custody of the child, nor shall they operate any vehicle to pick up, return or generally transport the child after having consumed any alcoholic beverages or ingested illegal substances;

15. The parties shall not smoke in the presence of the minor child, nor shall they permit anyone else to do so. In the presence of the child shall mean in any residence

or structure where the child is located and/or in any automobile in which the child is transported;

16. Neither party may relocate the child by a change of address which significantly impairs the ability of the non-relocating party to exercise custodial rights. No relocation shall occur unless every other person with custody rights consents to the relocation or the Court approves the proposed relocation.

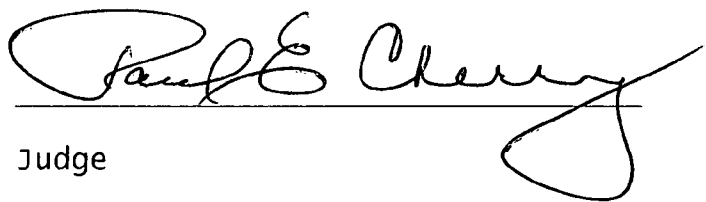
The party proposing relocation must notify every other person who has custody rights to the child as required by 23 Pa. C.S.A. Section 5337 (c), including notice to all parties of the obligation to file a counter-affidavit within thirty (30) days of service of the notice in order to preserve the right to object to the relocation.

17. When the parties mutually agree, the periods of physical custody of either party with the minor child can be modified by agreement of the parties to meet the changing needs and activities of the child;

18. Mother's Petition for Modification is hereby DISMISSED as being moot;

19. This Court will retain jurisdiction.

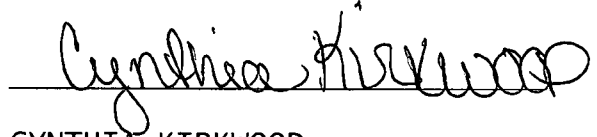
BY THE COURT,


Judge

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



BRENDA HAVLICHEK
Plaintiff



CYNTHIA KIRKWOOD
Defendant



JEFFREY S. DUBOIS, ESQ.
Attorney for Plaintiff

FILED 4cc Atty
DuBois

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

APR 11 2017
5 0111:36/12
J. MARK SPENDER
PROthonary & CLERK OF COURTS

BRENDA J. HAVILCHEK
Plaintiff

V.

CYNTHIA KIRKWOOD
Defendant

Docket No. 2007-846-CD

Type of Pleading:

**EMERGENCY PETITION
FOR CUSTODY**

Filed on Behalf of:
PLAINTIFF

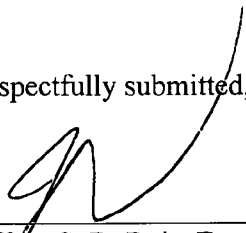
Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
210 McCracken Run Road
DuBois, PA 15801
(814) 375-5598

7. Rather than place said child, CYS caseworker, specifically Jamie Waseleski inquired into Petitioner taking custody of the minor child and Petitioner accepted.
8. Consequently, Petitioner has had the child in her custody since March 23, 2017.
9. The above instances over the past few months show a callous disregard by Respondent to the safety and wellbeing of said minor child.
10. Emergency circumstances exist to transfer primary custody to Petitioner, so Petitioner can enroll the minor child in school and obtain benefits on his behalf.

WHEREFORE, Petitioner respectfully requests the Court to transfer primary custody to Petitioner.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Petitioner

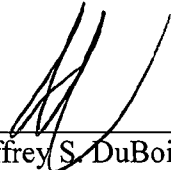
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRENDA J. HAVILCHEK	:	Docket No. 2007-846-CD
Plaintiff	:	
	:	
Vs.	:	
	:	
	:	
CYNTHIA KIRKWOOD	:	
Defendant	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 11th day of April, 2017 served a true and correct copy of the within Emergency Petition for Custody by first class mail, postage prepaid, on the following:

Cynthia Kirkwood
21 North Main Street
DuBois, PA 15801



Jeffrey S. DuBois

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

BRENDA J. HAVILCHEK

Plaintiff

Vs.

CYNTHIA KIRKWOOD

Defendant

Docket No. 2007-846-CD

ORDER

AND NOW, this ____ day of _____, 2017, in consideration of
the Emergency Petition for Custody,

IT IS HEREBY ORDERED AND DECREED that said Petition is GRANTED
and immediate physical and legal custody of the minor child, Jason Paul Kirkwood date
of birth March 1, 2002, shall be placed with Petitioner, Brenda Havlichek.

By the Court:

Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 13 2017


A TRUE COPY

ATTEST:

[Signature]
PROTHONOTARY-CLERK

CA

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

FILED 

2017 APR 13 P 3:49

OK
SERIALS ACQUISITION
PROTESTARY &
CLERK OF COURTS
YCC
DuBois

BRENDA J. HAVILCHEK

Plaintiff

Docket No. 2007-846-CD

Vs.

CYNTHIA KIRKWOOD

Defendant

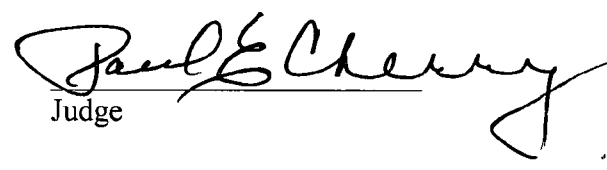
ORDER

AND NOW, this 13th day of April, 2017, in consideration of
the Emergency Petition for Custody,

IT IS HEREBY ORDERED AND DECREED that a Hearing be scheduled for the
17th day of May, 2017, at 1:30 o'clock P.M. at the
Clearfield County Courthouse.

Pending a Hearing, primary physical custody of Jason Paul Kirkwood shall be
placed with Brenda Havlichek and all visitation with Cynthia Kirkwood are suspended.

By the Court:


Judge

FILED

2017 MAY 18 P 2:21

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

OLG
BRIAN K. SPENCER
PROTHONOTARY &
CLERK OF COURTS

2cc Amy
DuBois, Deft

BRENDA J. HAVILCHEK

VS.

NO. 2007-846-CD

CYNTHIA KIRKWOOD

O R D E R

NOW this 17th day of May, 2017, following hearing on the Plaintiff's Emergency Petition for Custody, the taking of testimony, the in camera interview of the minor child and presentation of the issues before the Court; upon consideration of same, the Court is satisfied that the Petitioner has presented sufficient evidence to sustain a finding that an emergency exists at the present time. It is the ORDER of this Court that the Emergency Petition for Custody shall be and is hereby GRANTED.

Primary physical custody of the minor child, Jason Paul Kirkwood (DOB 3/1/2002), shall continue with the maternal aunt, Brenda Havilchek.

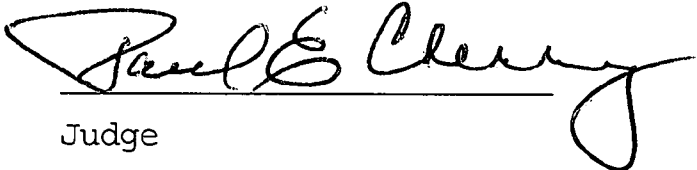
Mother, Cynthia Kirkwood, shall have periods of partial custody of no less than one (1) weekend per month, at such times as mother and maternal aunt agree.

1. 12

It is the Further Order of this Court that the minor child shall telephone mother no less than two (2) times per week by no later than 8:00 p.m. to converse with his mother.

There will be additional periods of custody as the parties may mutually agree.

BY THE COURT,


Judge

6.27.16

①

○

Dear Honorable Judge Cherry,

I am Cynthia Kirkwood,
Jason Kirkwood's mother, our
Docket # is 2007-846-CD
Brenda allowed me to see my
son for one hour in 3 months.
The visit went very well
and now she's saying I can't
see him again until mediation
she does not want to help
our relationship in any way
after she seen, Jason is now
thinking he wants to come back
to live with me. Prior to visit
we talked of him staying over
night and planning an outing
after the hour visit she said
no, ween know it went well.
She has petitioned the court
to move 2 1/2 hours away
which will hurt our relationship
and court advisement, that is
needed obviously. She states
the move is for a job. The truth
is theres another man in her life
and she wants to take Jason
along threw this relationship
just as she did with her last
she's not ween divorced yet.
This is not in Jasons Best Interest
only hers, Jason was hurt threw
her last divorce. She doesn't
let the court know exactly

②

○

what is going on, I had to find out from Jason. He says he's thinking he wants to come home now, and I honestly believe she wants to stop that. There is no phone or other way to have any contact with my son, she won't allow any. This is unreal he was living with me full time, and this is affecting him, he doesn't know what to do. Furthermore he has had no counseling or anything she states he needs.

○

I am more than willing to have my son come home and work with Cys and the court to keep Jason on track and get him what he needs.

Her plan to take him 2 1/2 hours away and I am over relationship is not going to be good for him. He was mad at me, he was going against me, but I let him

know I love him and that's not gonna change. He seemed to want to come home after that. I also got a total different story from Jason about his new charges he got while with Brenda, I'm having a hard time working with lies and deception.

○

③

I feel for Jason, I am trying to work with courts order. But Brenda is not trying to help our relationship. He said he's very sad and doesn't know what to do. Please don't allow her to move away with my son for her own relationship with a man. I don't understand why she didn't bring it up in court, other than to secure custody. Please take this into consideration, it is not for Jason's sake, it's her own. I really just want my son home. I believe if you talk to him now, you will find he wants to come home. I'm ready and willing to work with him and be advised by court.

Thank You for
Consideration,

Cynthia Kirkwood

C. KILBURN
Apt. B
21 North Main St.
Dubois PA 15801

Judge Chesney
Clearfield Co. Court
230 Market St.
Clearfield, PA 16830

JOHNSTOWN PA 159
27 JUN 2016 PM 2 L



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