

EMERGENCY
PETITION & ORDER

EMERGENCY RELIEF WILL ONLY BE AWARDED IF THERE IS A TRUE EMERGENCY. A true emergency is a risk that the other parent has or will run away from the County with the Child without a known destination or that no parent is available to care for the child(ren) or threat of physical harm to the child.

**IF THERE IS A THREAT OF IMMEDIATE HARM TO THE CHILD,
YOU CAN ALSO CALL C.Y.S. AT 724-891-5800.**

- You **MUST** give written notice to the other party or their lawyer at least 24 hours **BEFORE** you come to Court. **Send or give the other party the Notice of Intention to Present along with copies of the documents you will be presenting to the judge.** Only in extreme cases of emergency will the Judge accept 24 hours oral notice.
- Bring the phone number for the other party with you when you come to Court in case the Judge needs to call the other party.
- If you **DO NOT** have an existing Custody order you **MUST** file a custody complaint **AT THE SAME TIME.**
- If you **DO** have an existing Custody order you **MUST** file a modification petition **AT THE SAME TIME.**

You **MUST** complete ALL forms in this packet, which include:

- **Notice of intent to present** – Send or give the other party the Notice of Intention to Present **AND** copies of all documents you will be presenting to the Judge, **AT LEAST 24 HOURS BEFORE** you go to Court.
- **Cover sheet for Emergency petition** – you must include the case number and party names. They must appear the same way they were on the original Custody Order. This means the plaintiff is always the plaintiff and the defendant is always the defendant, regardless of who is filling out the Petition.
- **Emergency petition** – explain why the situation is an emergency and describe what type of relief you want the court to grant.
- **Verification**
- **Order** – fill in **ONLY** the top portion; the Judge will complete the rest.
- **Proof of service** – The Judge’s Law Clerk will give you this form after you present your motion to the Judge

Take completed forms to Courtroom #2, Monday through Thursday, no later than 8:45am.

IF YOU DO NOT GIVE 24 HOURS NOTICE,
YOUR PETITION WILL BE DENIED.

NOTICE = Send or give the other party the Notice of Intention to Present **AND copies of all documents you will be presenting to the Judge, **AT LEAST 24 HOURS BEFORE** you go to Court.**

SUMMARY OF STEPS: For Emergency Petition

Before you go to Court:

1. Complete the appropriate forms in ink, not pencil. Incomplete forms may be refused.
2. Give the other party or their attorney, **AT LEAST 24 HOURS NOTICE BEFORE you take your papers to the Judge.** Send or give the other party the Notice of Intention to Present AND copies of all documents you will be presenting to the judge.
3. You must also file a Custody Complaint **OR** Petition for Modification of an existing custody order at the same time depending on whether you have an existing custody order.
4. **Make sure you read the IMPORTANT INFORMATION sheet on page 3. There are NOTICE, FILING AND SERVICE requirements that must be followed.**

In Court:

5. Take completed forms to Motions Court, Courtroom #2, Second Floor of the Courthouse, no later than 8:45 a.m. Monday through Thursday. No Custody Court on Fridays. Do NOT be late. Late motions will not be heard. Go into the Courtroom, have a seat and wait your turn.
6. The Judge will sign the petition and assign a hearing date, if needed. You will then receive a clocked copy of the Order and the original will be returned to you.

After you leave Court:

7. Obtain the Proof of Service and/or Acceptance of Service from the Law Clerk.
8. FILE the papers in the Prothonotary's Office (1st floor).
9. SERVE the other party with a copy of the Complaint/Petition and the Order signed by the Judge.
10. FILE either a Proof of Service or Acceptance of Service Form with the Prothonotary after service has been done.
11. Bring a copy of the Proof of Service that you filed in the Prothonotary's office to ALL later hearings, conferences and/or trials.

Note: When filling out the forms- -parties must be identified as Plaintiff or Defendant as they are listed on the *original* custody Complaint, regardless of who is filing the Petition. The person filing the petition is the *Petitioner*; the other party is the *Respondent*.

**YOU MUST BE AT LEAST 18 YEARS OLD TO FILE ON YOUR OWN
If you are not 18 you must have your custodial parent(s)
or Court Appointed Guardian file for you.**

IMPORTANT INFORMATION

1. NOTICE:

Petition for Emergency Custody: Only in extreme cases of emergency will the Judge accept 24 hours oral notice. Otherwise all Petitions must comply with the Three Business Day notice requirements.

Send or give the other party the Notice of Intention to Present AND copies of the documents you will be presenting to the judge. If you anticipate trouble giving the other party notice, you can contact a magistrate's office to arrange for a constable to serve the papers. You will have to pay for this assistance.

If there is a PFA, you may send the legal paperwork but do NOT include any other letters, notes, etc. You may have a family member or friend hand deliver copies of the notice.

If you do not know where the other party lives, you must read PA Rules of Court # 430 & # 1930.4 and Beaver County Local Rule # 430 and follow the required procedures.

2. FILING

- a. After you have presented your motion to the Judge you must file all of the original documents that you gave to the Judge with the Prothonotary's office
- b. You must also return to the Prothonotary's office to file the Proof of Service form after you have served the other party (see below)

3. SERVICE

- a. You must give the other party copies of all documents that you presented to the judge.
- b. You must either serve the other party by mail or by hand delivery
- c. If you serve the other party by mail you must send the documents by both **Regular mail and Certified mail**.
 - i. Complete the Proof of Service form by checking both regular mail and certified mail
 - ii. After you have received the green card verifying certified mail, staple that green card to the Proof of Service form and AGAIN file with the Prothonotary's office
- d. If you choose to hand deliver the documents you must have the other party sign an **Acceptance of Service form**. You MUST FILE the Acceptance of Service in the Prothonotary's office after it is signed.

******* Always keep a copy of the Proof of Service documents for your records and ALWAYS bring the Proof of Service forms to all Conciliation Conferences, Pre-Trial Conferences and/or Hearings/Trials in Court.***

Do I have to tell the other party that I am going to Court?

YES. If you do not give notice, the Judge will not accept your petition.

What does it mean to give 3 business days notice?

If you are filing for Emergency, you MUST give 3 business days advanced notice using the Notice of Intention To Present form and include copies of all papers you plan to present to the Judge. Only in extreme cases of emergency will the Judge accept 24 hours oral notice.

3 business days notice means that if you're going to present the Motion to the Judge, you MUST give or send the other party COMPLETED COPIES of the paperwork that you are going to present to the Judge, 3 work days, (weekend days and court holidays do not count), before the day you are going to Court.

Example: If you want to present the papers to the Judge on Thursday, you must supply the other party with complete copies of the papers that you are going to present to the Judge, at the latest, on Monday.

How much notice must I give in a true emergency?

If there is a TRUE emergency, (that is, a threat of immediate harm to the child or a risk that the other parent will run away with the Child from the County without a known destination), you should tell the party by phone at least 24 hours in advance that you are coming to Court to present an Emergency Relief Petition the following day at 8:45 a.m. Every effort should be made to also give written notice. You should have the phone number of the other party with you when you come to Court in the event that the Judge might need to call the other party so that they can participate in the Motion.

What if there is a PFA? How can I notify the other party?

A Plaintiff cannot "violate" a PFA so it doesn't matter if the PFA Plaintiff (the person protected by the PFA) sends the PFA Defendant papers. If you are the PFA Defendant (the person that the PFA is against), you may send the Plaintiff the legal paperwork, only. DO NOT include letters, notes, etc. or anything unrelated to the legal action attached or written on the legal documents.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA**

_____,
Plaintiff,
vs. _____, No. _____
Defendant.

NOTICE OF INTENTION TO PRESENT

TO: _____

(name & address of the other party)

Please take notice that I intend to present the attached Motion/Petitions on (date)_____ at 8:45 a.m., Courtroom No. 2, Beaver County Courthouse, Beaver, PA. If you wish to oppose the requested relief or action, you should appear at that time and present your objections to the court.

Date _____

Petitioner

CERTIFICATION OF SERVICE

I hereby certify that I have caused to be served a true and correct copy of the attached on the above named defendant at least 24 hours prior to the date of presenting the Emergency Motion by way of (check all that apply):

_____ regular mail
_____ certified mail
_____ hand delivery

Petitioner

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
P E N N S Y L V A N I A

CIVIL DIVISION

| | | |
|------------|---|--|
| _____ | : | No. _____ |
| Plaintiff, | : | Civil Action – Law |
| | : | |
| vs. | : | Type of Pleading: |
| | : | Petition for Emergency Relief |
| | : | |
| _____ | : | Filed on behalf of: |
| Defendant. | : | |
| | : | _____ |
| | : | (Your Name) |
| | : | |
| | : | Filing Party's Information:(Your Name) |
| | : | Name: _____ |
| | : | Address: _____ |
| | : | _____ |
| | : | _____ |
| | : | Telephone #: _____ |

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

_____,
Plaintiff,
vs. _____ No. _____
_____,
Defendant.

EMERGENCY PETITION FOR CUSTODY

1. Petitioner is _____, and is the (circle one) mother/father of the child(ren) (names of children): _____. Petitioner is the (circle one) plaintiff/defendant in this case; Petitioner currently resides at (give full address): _____, Pennsylvania.

2. Respondent is _____, and is the (circle one) mother/father of the child(ren) (names of children): _____. Respondent is the (circle one) plaintiff/defendant in the above-captioned matter; respondent currently resides at (give full address): _____, Pennsylvania.

3. The child(ren):
(a) name _____ age _____, presently resides with _____ at (give full address): _____, Pennsylvania.

(b) name _____ age _____, presently resides with _____ at (give full address): _____, Pennsylvania.

(c) name _____ age _____, presently resides with _____ at (give full address): _____, Pennsylvania.

VERIFICATION

I, _____, verify that the statements made in this Petition for Emergency Custody are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann § 4904, relating to unsworn falsification to authorities which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Petitioner

Date: _____

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY,
PENNSYLVANIA
CIVIL – LAW

_____,
Plaintiff,
vs. _____ No. _____
_____,
Defendant.

ORDER

AND NOW, this ____ day of _____, 20____, upon consideration of the
Petition for Emergency filed by the _____, it is hereby

ORDERED and DECREED as follows: (Judge will list relief granted in this space):

BY THE COURT,

JUDGE