

PETITION TO INTERVENE & ORDER

This form is to be used when there is already a custody case and a third party (grandparent or other relative) wishes to join.

A copy of the current Custody Order MUST be attached to your Petition.

You MUST give 3 business days advanced notice in writing - that means you sent them or gave the other party(ies), and their attorney, the “Notice of Intention to Present” AND copies of all documents that you will present to the Judge.

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

- **Notice of intention to Present** – this is the form that MUST be completed and sent to other the party or their attorney along with copies of all documents you will present to the judge, **3 days before appearing in Motions court.**
- **Petition to Intervene Custody Order cover sheet** - this must include the case number and the party names as they were on the original Custody Order (i.e. the plaintiff is always the plaintiff and defendant is always the defendant, regardless of who is filling out the Petition)
- **Petition to Intervene**
- **Verification**
- **Rule to Show Cause and Order** – ONLY complete the top section of these form, 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, excluding Court holidays, no later than 8:45 a.m.

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

THERE IS A DRESS CODE IN THE COURTROOM.

SUMMARY OF STEPS:

For Petition for Modification of existing Custody Order, Petition for Special Relief, Petition for Contempt, Petition for Relocation, Petition to Intervene or Motion to Continue Custody Conference.

Before you go to Court:

1. Complete the appropriate forms in ink, not pencil. Incomplete forms may be refused. **You must include a copy of the original Custody Order.**
2. Give the other party, and their attorney, **3 business day's written NOTICE, of the exact date you intend to see the Judge, BEFORE YOU GO TO MOTIONS COURT** - that means you sent them or gave the other party(ies) the "Notice of Intention to Present" **ALONG WITH COPIES** of the documents that you will present to the Judge.
3. **Make sure you look at the IMPORTANT INFORMATION sheet! There are NOTICE, FILING & SERVICE requirements that are STRICTLY FOLLOWED.**

In Court:

4. Take completed forms to Motions Court, Courtroom #2, Second Floor of the Courthouse, no later than 8:45 a.m. Monday through Thursday. Do NOT be late. Late motions will not be heard. Go into the Courtroom, have a seat and wait your turn.
5. 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:

6. Obtain the Proof of Service and/or an acceptance of service form from the Law Clerk.
7. **FILE** the papers in the Prothonotary's Office (1st floor).
8. **SERVE** the other party with a copy of the Complaint/Petition and the Order signed by the Judge.
9. **FILE** either a Proof of Service or Acceptance of Service Form with the Prothonotary after service has been done.
10. 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 years old you must have your custodial parent(s) or Court Appointed Guardian file for you.

IMPORTANT INFORMATION

NOTICE: Depending on what documents you are filing you must give the other party and their lawyer advance notice of the exact date you are planning to go to Motions Court.

Petition for Emergency Custody: 24 hours written notice BEFORE you give your papers to the Judge

Petition for Modification

Petition for Contempt

Petition for Relocation

Motion to Continue

Petition for Special relief

Request to Withdraw Complaint for Custody

Petition to Intervene

3 business days written notice BEFORE you give your papers to the Judge

Send or give the other party and their lawyer the Notice of Intention to Present along with copies of all the documents you will be presenting to the judge.

If there is a PFA, you may send the legal paperwork but do NOT include any other letters, notes, etc. If it is a true emergency, you may have a family member or friend call or 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.

FILING

1. 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
2. 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)

SERVICE

1. You must give the other party and their lawyer copies of all documents that you presented to the judge.
2. You must either serve the other party and their lawyer by mail or by hand delivery
3. If you serve the other party by mail you must send the documents by both **Regular mail and Certified mail.**
 - a. Complete the Proof of Service form by checking both regular mail and certified mail
 - b. After you have received the green card verifying certified mail delivery, staple that green card to the Proof of Service form and **AGAIN file with the Prothonotary's office**
4. 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.*

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

CIVIL DIVISION

Plaintiff,
vs.

Defendant

:
:
: No. _____
: Civil Action- Law
:
:
: Type of Pleading:
: **Petition for Leave to Intervene**
:
:
: Filed on behalf of:
:
: _____
:
: (Your Name)

Filing Party's Information: (Your Name)

Name: _____

Address: _____

Telephone #: _____

4. The Petitioner is _____

residing at _____

(provide full address)

(Street)

(City)

(Zip Code)

(County)

(Phone Number)

5. The relationship of Petitioner to the child(ren) is that of _____.

6. Petitioner seeks (custody)(partial custody)(visitation) *(circle one)* of the following child(ren):

Name

Present Residence

Date of Birth

Age

(provide full address)

7. The child(ren) is/are presently in the custody of _____,

who resides at _____.

(Street)

(City)

(State)

8. The Petitioner currently resides with the following persons:

Name

Relationship

9. Petitioner believes it is necessary to intervene in this matter because:

10. The best interest and permanent welfare of the child will be served by granting the relief requested because: *(Set forth facts showing that the granting of the relief requested will be in the best interest and permanent welfare of the child).*

11. Petitioner is/ is not *(circle one)* **aware of a pending custody trial. If yes, the trial is scheduled for** _____ **(Date)**

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

(Complete this section if the child has resided with any adult other than the natural parent during the last six months).

Name	Address <i>(give full address)</i>	Basis of Claim
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13. Please state the following:

a. Did the child/children live with you? _____

b. If yes, state the dates the child/children have lived with you:

c. Are the natural parents of the *(circle one)*:

Married Separated Divorced Never Married

d. Is one of both of the natural parents deceased? **Yes No**

If yes, which parent is deceased? _____

Date of death: _____

WHEREFORE, Petitioner requests the court to grant approval to intervene.

Petitioner

VERIFICATION

I, _____, verify that the statements made in this Petition for 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 DIVISION

Plaintiff	:	
	:	
vs.	:	No. _____
	:	
Defendant.	:	

ORDER

AND NOW, this _____ day of _____, it is hereby ORDERED that a Rule to Show Cause why the relief requested should not be granted. The Rule is returnable on the _____ day of _____, 201____, at _____ o'clock ____m. in the Prothonotary's Office, Beaver County Courthouse, Beaver, Pennsylvania. A hearing on the Rule is scheduled for the _____ day of _____, 201____, at _____ o'clock ____m. in Courtroom No. ____, Beaver County Courthouse, Beaver, Pennsylvania, to determine whether _____ has the standing to intervene in this custody action.

BY THE COURT

J.

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

CIVIL DIVISION

Plaintiff	:	
	:	
vs.	:	No. _____
	:	
Defendant,	:	
	:	
vs.	:	
	:	
Intervener.	:	

ORDER

AND NOW, this _____ day of _____,
201__, it is hereby ORDERED that the Petition for Leave to Intervene filed by
_____ is granted/denied.

_____ is permitted to participate as a party
in this custody action. The caption shall be amended as to add _____
as an Intervener.

BY THE COURT

J.