

Request to Withdraw: Complaint for Custody, Petition for Contempt, Petition for Modification, Petition for Relocation or Exceptions

&

Order to Dismiss

You MUST give 3 business day's written notice BEFORE taking this petition to Court - that means you sent them or gave them the "Notice of Intention to Present" ALONG WITH COPIES of the documents that you will present to the Judge.

ONLY THE PERSON WHO FILED A COMPLAINT FOR CUSTODY MAY WITHDRAW A COMPLAINT FOR CUSTODY.

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.

**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 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 your 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.**
3. **Make sure you look at the IMPORTANT INFORMATION sheet! There are NOTICE, FILING AND 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 a copy of 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

1. **NOTICE**: Depending on what documents you are filing you must give the other party 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

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

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.

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.

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 delivery, 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.

**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., in 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 3 business days prior to the date of presenting the 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:
	:	Request to Withdraw _____
	:	_____
	:	(Name of document to be withdrawn)
	:	
_____	:	Filed on behalf of:
Defendant.	:	
	:	_____
	:	Name
	:	
	:	Filing Party's Information:(Your Name)
	:	Name: _____
	:	Address: _____
	:	_____
	:	_____
	:	Telephone #: _____

