

SPECIAL RELIEF PETITION & ORDER

Special Relief is any other motion requesting relief that is not available through the normal Custody Complaint, Motion to Modify or Petition for Contempt. Any non-emergency motion that is presented without complying with the three (3) day notice requirement will be rejected.

- You **MUST** give the other person or their Attorney at least **3 business days NOTICE** of the exact date you intend to see 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 you **DO NOT** have an existing Court Ordered Custody Agreement you **MUST** file a Complaint for Custody **AT THE SAME TIME**
- If you **DO** have a Court Ordered Custody Agreement you **MUST** file a Petition for Modification **AT THE SAME TIME**

You **MUST** complete all of the forms in this packet, which includes:

- **Notice of Intention to Present** – 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
- **Cover sheet for the Petition for Special Relief** – 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.
- **Special Relief Petition** - you **MUST** specifically state what the situation is and you **MUST** explain what you want to be done about it.
- **Verification** –
- **Order** – complete only the top portion. The Judge will complete the rest.

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.

MINIMUM 3 DAYS WRITTEN NOTICE MUST BE GIVEN TO THE OTHER SIDE WHEN FILING THIS PETITION. IF THE OTHER PARTY HAS A LAWYER, YOU MUST GIVE NOTICE TO THEIR LAWYER.

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:

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 **written NOTICE, of the exact date you intend to see the Judge, 3 business days 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

This means you 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 feel there will be trouble doing this, you may contact a magistrate and arrange for a constable to serve the papers for a fee.

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, PENNSYLVANIA
CIVIL ACTION-LAW

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

SPECIAL RELIEF 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 Special Relief 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: _____

