EMERGENCY RELIEF
PETITION & ORDER

COMPLETE STEP BY STEP INSTRUCTIONS ARE ON PAGE TWO

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 there is genuine 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 go to Court. IF YOU DO NOT GIVE 24 HOURS NOTICE, YOUR PETITION WILL BE DENIED. Only in extreme cases of emergency will the Judge accept 24 hours oral notice.

Give the other party the Notice of Intention to Present telling them when you are going to Court. You must also give them COPIES of all the documents listed below with a *, *except for Order, Proof of Service & Acceptance of Service*. Keep the originals to take to Court.

WHEN YOU FILE THE EMERGENCY PETITION, YOU MUST ALSO FILE ---

- a custody complaint if you **DO NOT** have an existing Custody order
- a modification petition if you **DO** have an existing Custody order

AFTER giving 24 hours' notice, take completed forms to Courtroom #4, Monday, Tuesday or Thursday, no later than 8:45am. Bring the other party's phone number in case the Judge wants to call them.
AT THIS TIME THERE WILL BE A $25 FILING FEE. CASH OR CHECKS, NO CREDIT CARDS.

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

- ***Notice of intent to present –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** & **Acceptance of Service** – do nothing with these forms until Step #9

Court of Common Pleas of Beaver County

Child Custody Filing Procedures

Please note that the law librarian, staff of the Beaver County Law Library, staff of the Juvenile Services Division, staff of the Court Administrator's Office and the Judge's Law Clerk are neither qualified nor permitted to assist persons in the preparation or filing of child custody documents or to provide legal advice or assistance of any kind on child custody or any other legal matters.

LITIGANTS ARE STRONGLY ENCOURAGED TO CONSULT WITH AN ATTORNEY.

SUMMARY OF STEPS

Before you go to Court:

1. Complete the forms in INK, not pencil. Incomplete forms may be refused.
2. Photocopy all of the paperwork *(except the Proof of Service and Acceptance of Service forms)* and send or give it to the other party along with the Notice of Intention to Present 24 HOURS BEFORE you present the Petition to the Judge. The date you write on this form is the day you plan to deliver the documents to Court. It must be at least 24 hours away and must be a Monday, Tuesday or Thursday.
3. If both parties attend when you present the Petition, you will get a quicker hearing date.
4. Bring the other party's phone number with you to Court.
5. **IN ADDITION TO THE EMERGENCY PETITION, YOU MUST ALSO FILE ---**
   - a custody complaint if you **DO NOT** have an existing Custody order
   - a modification petition if you **DO** have an existing Custody order

In Court:

6. **Take completed forms to Motions Court, Courtroom #4, Second Floor of the Courthouse, no later than 8:45 a.m. any Monday, Tuesday or Thursday. Late motions will not be heard. Go into the Courtroom, have a seat and wait your turn**.
7. 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.
8. Get your paperwork from the Law Clerk.

After you leave Court:

9. **FILE** the papers in the Prothonotary's Office (1st floor). **There will be a fee of $25.** 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.
10. **SERVE** the other party with the Order signed by the Judge. This means you give or mail the other party copies of all the papers that you gave to the judge.
    a. 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. **Make & keep a copy for yourself.**
    b. If you serve the other party by mail you must send the documents by **both Regular mail and Certified mail**. Complete the Proof of Service form by making check marks on the line before both regular and certified mail. Make a photocopy. File it with the Prothonotary. After you receive the green card verifying certified mail, staple the green card to the Proof of Service and file it again with the Prothonotary.
11. **FILE** either a Proof of Service or Acceptance of Service Form with the Prothonotary after service has been done**. MAKE AND KEEP A COPY FOR YOURSELF.**

12. Bring a copy of the Proof of Service or Acceptance 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*.

IMPORTANT INFORMATION

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 hand deliver copies of the notice. Only in extreme emergencies will the Judge accept oral 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.

**** 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.

THERE IS A DRESS CODE IN THE COURTROOM.
TURN CELL PHONES COMPLETELY OFF IN THE COURTROOM.

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.

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 give written notice 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 give written notice. Only in extreme cases of emergency will the Judge accept 24 hours oral 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. 4, 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
	:	
	:	Type of Pleading:
vs.	:	**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.

4. Date of Existing Custody Order: _____.

5. Emergency is necessary because:

(Allege specifically what happened, why the situation is an emergency and what you are asking the Court to do.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

WHEREFORE, petitioner respectfully requests this Court grant the Emergency requested.

_____
Petitioner's Signature

I AM OVER THE AGE OF 18. Yes / No (CIRCLE ONE)

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 Relief filed by the _____, it is hereby

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

_____

_____

_____

_____

_____

_____

_____

_____

BY THE COURT,

_____
JUDGE

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

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

PROOF OF SERVICE

I _____(*your name*), hereby certify that I delivered a copy of the

(*name of document*) _____to

_____(*name of party*) on _____(*date*),

at _____ o'clock p.m./a.m. Delivery was made by (check all that apply):

_____ regular mail

_____ certified mail

_____ hand delivery

_____ _____
DATE PETITIONER

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

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

ACCEPTANCE OF SERVICE

I accept service of the _____ (*name of document*). I certify that I am authorized to accept service on behalf of defendant.

_____ _____
DATE DEFENDANT OR AUTHORIZED AGENT

_____

_____

_____
MAILING ADDRESS

Note: If defendant accepts service personally, the second sentence should be deleted.

CERTIFICATE OF COMPLIANCE

RE: ACCESS TO COURT CASE RECORDS

CASE NO._____

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:_____

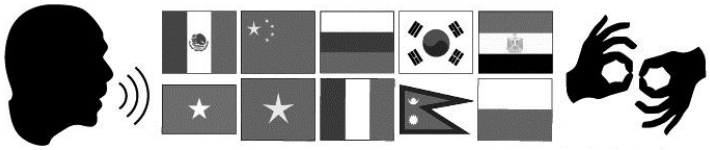
Signature:_____

Name:_____

Attorney No. (if applicable):_____

Rev. 02/22/18

Notice of Language Rights



Language Access Coordinator
Beaver County Courthouse, 810 Third Street, Beaver, PA, 15009
724-770-4770
languageaccess@beavercountypa.gov

English: You have the right to an interpreter at no cost to you. To request an interpreter, please inform court staff using the contact information provided at the top of this notice.

Spanish/Español: Usted tiene derecho a un intérprete libre de costo. Para solicitar un intérprete favor de informárselo al personal judicial utilizando la información provista en la parte superior de este aviso.

Mandarin/Cantonese Simplified Chinese/普通话/粤语简体中文: 您有权获得免费的口译员服务。若需要口译员，请使用本通知上方提供的联系信息通知法院工作人员。

Mandarin/Cantonese Traditional Chinese/普通話/廣東話繁體中文: 您有權要求免費傳譯服務。如欲要求傳譯服務，請參閱本通知頂部的聯絡資料，通知法庭職員。

Arabic/العربية : يحق لك الحصول على مترجم دون دفع أي تكلفة من جانبك. لطلب مترجم، يُرجى إعلام موظفي المحكمة باستخدام معلومات الاتصال المقدمة في الجزء العلوي من هذا الإشعار.

Russian/Русский: У вас есть право на бесплатные услуги переводчика. Заявка на переводчика подается в суд по адресу, телефону или эл. почте, указанным выше в заголовке этого уведомления.

Vietnamese/Tiếng Việt: Quý vị có quyền được một thông dịch viên giúp mà không tốn chi phí nào cả, xin hãy báo cho nhân viên tòa án dùng thông tin liên lạc có ở trên đầu thông báo này.

Nepali/नेपाली: तपाईंको निःशुल्क रूपमा भाषा अनुवादक राख्न पाउने अधिकार छ। अनुवादकको लागि अनुरोध गर्न, यस सूचनाको माथि दिइएको सम्पर्क जानकारी भरेर अदालतका कर्मचारीहरूलाई जानकारी दिनुहोस्।

Korean/한국어: 귀하는 비용에 대한 부담 없이 통역 서비스를 받을 권리가 있습니다. 통역 서비스를 요청하려면 본 통지서의 상단에 기재된 연락처를 통해 법원 직원에게 알리십시오.

Polish/Polski: Ma Pan/Pani prawo do nieodpłatnego skorzystania z usług tłumacza ustnego. Aby zwrócić się o wsparcie ze strony tłumacza ustnego, proszę skontaktować się z pracownikami sądu, korzystając z danych znajdujących się w górnej części niniejszego dokumentu.

Punjabi/ پنجابی /Pakistan: تہاڈے کول بغیر ادائیگی کیتیاں اک مترجم حاصل کرن دا حق اے۔ مترجم دی درخواست کرن لئی، میربانی کر کے ایس نوٹس دے اُوتے فراہم کیتیاں رابطے دیاں معلومات نوں ورتدیاں عدالت دے عملے نوں اطلاع دوو۔

Punjabi/ ਪੰਜਾਬੀ /India: ਤੁਹਾਨੂੰ ਇਕ ਦੁਭਾਸ਼ੀਆ ਹਾਸਲ ਕਰਨ ਦਾ ਹੱਕ ਹੈ, ਜਿਸ ਦੀ ਤੁਹਾਨੂੰ ਕੋਈ ਲਾਗਤ ਨਹੀਂ ਲੱਗੇਗੀ। ਦੁਭਾਸ਼ੀਏ ਲਈ ਬੇਨਤੀ ਕਰਨ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰ ਕੇ ਅਦਾਲਤ ਦੇ ਅਮਲੇ ਨੂੰ ਜਾਣੂ ਕਰਵਾਓ ਤੇ ਇਸ ਲਈ ਇਸ ਨੋਟਿਸ ਦੇ ਸਿਖਰ ਉਤੇ ਦਿੱਤੀ ਸੰਪਰਕ ਜਾਣਕਾਰੀ ਦਾ ਇਸਤੇਮਾਲ ਕਰੋ।

Portuguese/Português: Você tem direito a um intérprete gratuitamente. Para solicitar um intérprete, informe à nossa equipe usando os dados de contato mostrados na parte superior deste aviso.

Somali/Somaali: Waxaad xaq u leedahay in lagu turjumo lacag la'aan ah. Si aad u codsato turjumaanka, fadlan u sheeg maxkamadda shaqaalaha adiga oo isticmaala macluumaadka ciwaanka kor lagu siiyay ee ogeysiiskaan.

Haitian Creole/Kreyòl Ayisyen: Ou gen dwa resevwa sèvis yon entèprèt gratis. Pou mande pou yon entèprèt, tanpri fè manm pèsonèl tribinal la konnen lè ou sèvi avèk enfòmasyon an yo te bay ou nan tèt avi sa a.

French/Français : Vous avez le droit de bénéficier gratuitement de l'assistance d'un interprète. Pour en faire la demande, veuillez en informer le personnel du tribunal à l'aide des coordonnées indiquées en haut de page.