

Family Court Motion Court Practice (2015)

1. **MOTIONS COURT.** There shall usually be a session of Court for presentation of pleadings one day per week for each Family Court Judge. The days and times of Motion Court for each respective Judge are posted on the Court's calendar, which is found on the County's website (www.co.butler.pa.us)

2. PLEADINGS.

- a. All pleadings must have the correct caption. All Divorce, Protection Order or Custody pleadings shall have the correct Family Court (FC) number included in the caption. All Child Support pleadings shall have the correct PACSES number included in the caption.
- b. All pleadings shall be presented to the Judge assigned to the case. If no Judicial assignment has been made, the moving party or counsel shall obtain a Judge assignment for all Family Court and PACSES cases from the Domestic Relations Section.
- c. The docketing office for all Family Court (FC) pleadings related to Divorce, Protection Orders and Custody shall be the Prothonotary's Office. The docketing office for all PACSES Child Support pleadings shall be the Domestic Relations Office.
- d. All Motions and/or Petitions shall be originals and shall have an original verification and signature(s).
- e. All Motions and/or Petitions shall be accompanied by a cover sheet approved by the Court of Common Pleas and shall include all required information. A copy of the coversheet is available at www.co.butler.pa.us/drs

3. PRESENTATION OF MOTIONS AND PETITIONS

- a. **Uncontested Motions.** Uncontested Motions may have the signature and/or written consent of the opposing party or opposing party's counsel. In the alternative, the moving party must aver the opposing party's or opposing party's counsel's consent. All proposed Consent Orders shall be attached to a Motion/Petition. Uncontested Motions may be filed one of three ways:

- (i) In person or by mail to the appropriate docketing office. The docketing office will then forward the pleading to the assigned Judge for signature;
- (ii) Motion Court of the assigned Judge for the case;
- (iii) Motions regarding scheduling of a Divorce Master proceeding shall be directly forwarded to the Divorce Master. The Divorce Master shall ensure that the Motion and accompanying Order is thereafter filed in the appropriate docketing office.

b. Contested Motions.

- (i) **Presentation.** Contested Motions and/or Petitions MUST be presented in the Motions Court of the Judge assigned to the case except motions regarding scheduling of a Divorce Master proceeding which shall be directly forwarded to the Divorce Master. The Divorce Master shall ensure that the Motion and accompanying Order is thereafter filed in the appropriate docketing office.
- (ii) **Notice.** The moving party must give the opposing party and/or opposing party's counsel five (5) business day notice prior to presentment.

c. Emergency Motions.

- (i) Definition: An "Emergency Motion" is a Motion which avers that irreparable harm will occur before the assigned judge's next scheduled Motions Court date, in the absence of immediate judicial intervention.
- (ii) Pleading: The following must be averred in the emergency pleading:
 - (A) The nature of the emergency;
 - (B) The irreparable harm alleged;
 - (C) If the Motion is being presented *ex parte* (A court action taken by one party without notice to the other party).
 - (D) If notice of the Motion has been provided or attempted, the manner in which notice was provided or attempted.

(iii) Notice: Unless the Motion is being presented *ex parte*, a copy of the Motion shall be served using all available means for expedited service including email and facsimile transmission, not later than the time of transmission to the Court, as provided in subsection (iv), below.

(iv) Presentation. The moving party shall contact the assigned Judge's Chambers for instructions as to presenting the pleading to the Judge. If the assigned Judge is unavailable, the moving party shall contact Court Administration for instructions as to presenting the pleading.

(v) Sanctions. Emergency relief is not lightly granted. The Court may impose sanctions on the moving party and/or their attorney, if it later appears that emergency relief was improperly sought and/or improvidently granted.