



Standard Operating Procedures Judge Cathleen Bubash
Family Law Center
Room 522, 440 Ross Street
Pittsburgh, PA 15219
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COURT PERSONNEL

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EFFECTIVE JULY 2024 - Changes highlighted

***** NOTICE:** It is a crime to record any meeting or Court Matter without permission. Violations will be referred to the district attorney for prosecution.

SELF-REPRESENTED LITIGANTS

CHANGE OF CUSTODY: If you want a change in custody, you must file a modification of custody with DCR. If your main goal is to change the Child(ren)s school and there is no agreement as to where to send them to school, you must file a modification of custody and include a request for sole legal custody to have the right to make the choice. **Be mindful** that it may take months to get in front of the Court in time to do so before the start of a new school year. If you are only seeking school choice you may need to file a motion seeking to waive the generations program participation in order to speed up the process.

If a hearing or a trial is scheduled, please review and comply with Rule 5101.4 Family Division Custody of Exhibits at the following link: [New-Local-Rule-on-Exhibits-Family-Divison.pdf \(alleghenycourts.us\)](#)

*See the information sheets at the end of these Standard Operating Procedures

Non-emergency questions: custodydepartment@alleghenycourts.us No motions should be filed here.

MOTIONS: Any self-represented (Pro Se/Litigant without an Attorney) who has an existing case in the Family Division and is seeking to file a Motion with the Court should appear at the front information desk at Family Law Center, 440 Ross Street to be directed to the appropriate department or procedure. In addition, self-represented litigants/pro se litigants may call 412-350-5600. If there are questions about child support, they can email 1stFOP@PACSES.com with questions about court procedures. **NO LEGAL ADVICE CAN BE GIVEN.**

Instructions on how to file a motion: <https://www.alleghenycourts.us/family/departments/pro-se-motions-department/>

CASES WITH LAWYERS

MOTIONS:

Submit *electronically* to motionsbubash@alleghenycourts.us or emergencybubash@alleghenycourts.us,

You MUST bring a hard copy of your motion and responses to Court.

If there is a time related motion, you should email it to Emergencybubash@alleghenycourts.us labeled in the subject line as an ‘emergency as to time.’

Cutoff for submission of motions is 12 noon the day prior to the scheduled Motions date.

Do not notice a Motion until you have vigorously worked to resolve the matter beforehand. You and opposing counsel must actively respond to each other and manage your clients to reach consensus. You will be on both sides of the table, so PLEASE, cooperate to resolve issues.

If a litigant has the right to have a hearing, then you should let counsel know that you do not oppose their motion or, even better sign a consent ORDER to be sent to the Court. Agreeing to go to a hearing does NOT mean that you agree you and your client have done anything wrong, it means you consent to their right to have a hearing to resolve a problem in the case. Refusing to consent to have a hearing when a matter cannot be resolved otherwise is unacceptable.

Remember that from the Court’s view and experience, the best practitioners, whom the Court knows have huge caseloads, rarely appear in motions court. Endeavor to run your practice as they do, not through motions court. Do not tell the Court that your client ‘demanded’ that you file a motion when you know better as a licensed practitioner and as an Officer of the Court.

Email motions to: motionsbubash@alleghenycourts.us

Always bring a hard copy of your motion to court.

ANSWERS/RESPONSES: Indicate specifically to what you are admitting or denying. The Court may not have the motion on paper and toggling b/n the filings electronically is burdensome. If you have a response/answer to a motion that you have not submitted electronically to the court before the deadline (12 noon the day before) bring a hard copy to the Court

CONSENT ORDERS and UNOPPOSED MOTIONS: PUT THE WORD ‘CONSENT’ or UNOPPOSED IN THE SUBJECT LINE OF YOUR EMAIL We do not open the emails in this mailbox until time for motions court arrives. If you do not receive your signed Order within a week or so, please contact the Court to inquire.

EXCEPTIONS: If you agree to the court hearing your exceptions on the briefs only (i.e., you do not need to appear), you should inform the Court.

CONCILIATIONS: Will always have a Teams invite but are remote unless noted otherwise in the invite as IN PERSON. The court will entertain the scheduling of a telephone conference call with counsel to handle discrete substantive matters or ministerial matters efficiently.

HEARINGS AND TRIALS: Attorneys and their Clients must be IN-PERSON in the courtroom during the trial. Ancillary witnesses may be via TEAMS. If there is a good reason for a Party to appear remotely, please request it of the Court.

CHILDREN: The Court will interview children in person in the AM of the first day of trial unless otherwise decided. Counsel shall bring written questions to Court for the Court to ask the Child.

EXHIBITS: Custody of Exhibits in Court Proceedings

Please review Rule 5101.4 Family Division Custody of Exhibits at the following link: [New-Local-Rule-on-Exhibits-Family-Divison.pdf \(alleghencourts.us\)](#)

This rule applies to all proceedings before Judge Bubash. The party proponent of the exhibit is the court designated custodian of the exhibit. The only exception to this is when the proponent of the evidence is a self-represented (Pro Se/Litigant without an Attorney) litigant, in which case judicial staff will serve as the custodian of the exhibit.

Any party seeking to admit evidence must have each exhibit clearly labeled PRIOR to the proceeding. The party proponent of the evidence must be prepared to provide a copy of the exhibit or email the exhibit at the time of admission to exhibitsbubash@alleghencourts.us. The party proponent may email the labeled exhibit to exhibitsbubash@alleghencourts.us upon admission. Exhibits shall not be emailed or provided to the court in advance of any proceeding.

The party proponent of the evidence must also keep an index of the exhibits. This index must list all of the party proponent's exhibits, must be filed with the Department of Court Records (DCR) within five (5) business days upon the conclusion of the hearing. This index list must indicate whether the exhibit was admitted or rejected into evidence and provide a description or identification of the exhibit. The proponent is required to mail court staff at exhibitsbubash@alleghencourts.us once this has been completed, as required by rule.

It is the responsibility of the proponent/custodian of the exhibits to maintain a copy of their exhibits, maintain a copy of the index/exhibit list, and to comply with this rule for all proceedings before Judge Bubash. Pay special attention to Rule 5103.4 as it relates to Special Provisions for certain exhibits.

WITNESSES- If a witness will be remote, plan to have them join the trial by forwarding the TEAMS invite to them or have them on standby for you to notify them to come in.

SETTLEMENT/ POSTPONEMENTS – Do not use your trial date as a place holder for you and your opponent to reach settlement. The Court CONTINUES to face a backlog and taking up a day of judicial resources when another case – one as important as yours – could be scheduled for that day is irresponsible.

RULES FOR OBTAINING DATES ON SCHEDULING ORDERS FOR DRO OR CUSTODY

HEARING OFFICER

1. Email your Order to custodydepartment@alleghencycourts.us to get a date.
2. File your original MOTION with the Department of Court Records – 1st Floor, City County Building AFTER YOU GET YOUR DATE.

LEGAL CUSTODY FOR DISCRETE ISSUES OR SCHOOL CHOICE:

These cases require a change in legal custody - ONE Party will be given legal custody to make the Decision. You MUST file a modification in order to begin the Generations process in these matters. DO NOT give the Court a consent Order asking it to schedule a school-choice hearing. Be aware, the filing of a mod and the Generations process may take more time than you have for the decision to be made. Please file the Mod at the earliest date you can. If you are out of time, you may file a Motion with the Court explaining why the filing is occurring so late or in a manner that does not allow the time for the Generations program to kick in after the Mod in explanation as to why you need to go directly to a hearing.

QDROs: Mail the QDRO to the Office with a self-addressed stamped envelope. Or email to motionsbubash@alleghencycourts.us for an electronic signature.

CUSTODY CONCILIATIONS AND TRIALS:

Pre-Trial Statements should be emailed to the Nancy Heidenreich, Administrative Assistant at bubashchambers@alleghencycourts.us as set forth in the pre-trial order you receive from chambers. **Follow the instructions in your pre-trial order.**

All other required documents should be emailed to the Court's secretary, Nancy Heidenreich at bubashchambers@alleghencycourts.us.

ORDERS: please ALWAYS send me your proposed order of custody in a WORD FORMAT.

EQUITABLE DISTRIBUTION CONCILIATION: If you believe a case is ripe for ED, submit a Praecipe to the Docket clerk. In your motion, you MUST demonstrate that the matter is ripe for conciliation. You may go directly to the DHO conciliation by using the consent form. Include a consent Order directing the case to the DHO and, upon receipt of the signed Order, follow the DHO's directions to get a date. The Court will split the cost of the DHO conciliation and hearings unless otherwise requested/determined. For a trial, THE CASE MUST BE RIPE – Grounds must be formally established before you go to a DHO hearing.

If need be, and the case is ripe, request a judicial conciliation. Any necessary documents such as Marital Asset Summaries etc., MUST be filed electronically five (5) days prior to the conciliation to bubashchambers@alleghencycourts.us. The documents submitted **must be named with case name 1st** followed by what it is (Smith, Fathers proposed order).

MISCELLANEOUS:

1. In the Subject line of any correspondence, name **EACH file and document** you send to the court with the **case name listed first**. I.E.: Smith, Mom's Motion for Special Relief.

2. If you know you will need a hearing, PLEASE just say so and ask for a date. Agreeing to a consent order to schedule a hearing during the ‘Meet and Confer’ process is a civil way to resolve the other party’s motion or request and DOES NOT mean that you are not defending your client.
3. **The MEET AND CONFER rule is still in effect.** If you will need a hearing to resolve a disagreement – such as a DHO’s Hearing – simply give me a scheduling Order directing you to that hearing. Do not engage in a battle of the motions when you know that, inevitably, you will need to be sent to a hearing. It is a waste of the Court’s energy and time. More often than not, counsel can consent to an Order sending the parties to a hearing. Attempt to do so.
Merely sending an email to opposing counsel is not considered a sufficient attempt to ‘meet and confer’. Not responding to opposing counsel’s email, is also totally inappropriate. Please work to actually meet and confer with an eye toward resolution.
4. **Scheduling orders:** Please consider providing a SEPARATE/ALTERNATIVE order if you need to have something scheduled and you are also receiving an Order from the Court on other matters.
5. If you request any Order from the Judge which POSTPONES/CANCELS any type of proceeding, inform the appropriate person/court of the cancellation and note the cancellation within the Order
6. **Docket Clerk’s email: Patricia Harpur:** patricia.harpur@alleghenycourts.us. **PLEASE REMEMBER TO FILE SCHEDULING ORDERS GIVEN TO YOU FROM THE DOCKETING CLERK.**

Child Custody Glossary of Terms

Custody: The legal right to keep, control, guard, care for, and preserve a child.

Custody Determination: A court decision and court order providing for the custody of a child. This term does NOT include a decision relating to child support or any other monetary obligation of any person. There are two main types of custody that are outlined in a custody determination: Physical and Legal Custody.

Physical Custody: Physical Custody can be defined as actual physical possession and control of a child. There are several different types of physical custody, and they include:

1. **Primary custody:** Also known as full custody; a request to have physical custody of the child(ren) for all or a majority of the time *and the other parent/party will have partial physical custody of the child(ren). This means your home would be the child’s primary residence.*
2. **Shared custody:** Generally, this means that both parents have time with the child that is equal or close to equal. For example, parents may alternate weeks with the child or split the weeks and alternate the weekends.
3. **Partial Custody:** Generally, this refers to defined period(s) of custody that total less than 50% of the time. Examples of partial custody schedules can include, but are not limited to, the following: every other weekend from Friday through Sunday or each Sunday from 12pm-8pm.
4. **Supervised:** A period of custody which requires that another adult or agency is present for the duration of the party’s time with the child to ensure safety or assist in the reunification of a parent and a child.

Legal Custody: Legal custody can be defined as the legal right to make major decisions affecting the best interests of a minor child, including, but not limited to, medical, religious, and educational decisions. Examples of these decisions can include, but are not limited to, whether the child attends private or public school, what religion the child will be exposed to, or if the child should enter therapy.

1. **Shared Legal Custody:** Parties must both agree on major decisions together.

2. **Sole Legal Custody:** One party may make major decisions without consulting the other party, but please note this is rare.

Terms

Plaintiff/Petitioner: Party who brings a custody action to the Court.

Defendant/Respondent: Party against whom the custody action is filed.

Jurisdiction: A geographic area within which a judge may enter an order. The child's home county determines jurisdiction in custody matters.

Home county: The county in which the child immediately preceding the time involved, lived with the child's parents, a parent, or person acting as a parent, or in an institution for at least six consecutive months, and in the case of a child less than six months old, the county in which the child lived from birth with any of the persons mentioned.

Pro se: Representing yourself in a court proceeding without the assistance of an attorney.

Service: Service refers to giving copies of all paperwork and court dates filed with the Court. The Petitioner on the case is responsible for ensuring that the Respondent(s) is properly served. The Court is not responsible for service of the other party on your behalf.

Service by Original Process: Original process requires the responding party to be served either by certified mail (with the signed green card attached), personal service, service to attorney of record, or both certified and regular mail. Serving the responding party by regular mail alone is not service of original process.

Standing: In Pennsylvania, standing requirements limit who may seek custody of a child to the following individuals:

1. A parent of the child
2. A person who stands in loco parentis to the child (A third party who acts as a parent)
3. A grandparent or great-grandparent of the child under certain conditions
4. Other individuals under certain condition

Court Process Definitions

Mediation: is a method of "alternative dispute resolution" (ADR). Mediation is a negotiation process in which an independent/neutral person, known as a mediator, assists the parties to identify and assess options and negotiate an agreement to resolve their dispute regarding custody. Mediation is a confidential court proceeding and no attorneys are present.

Memorandum of Understanding (MOU): a mutual agreement reached amongst the parties at mediation however, this agreement cannot be enforced through the courts unless the MOU is turned into a final order of court. take action to cause this to happen neutral party who conducts mediation and assess a situation objectively without any emotional involvement to help the parties independently resolve their dispute in their custody case.

Conciliation: a court appearance in which a Hearing Officer or Judge assists the parties to identify and assess options and negotiate an agreement to resolve their dispute regarding custody. Attorneys can be present at this court appearance.

Hearing Officer: a lawyer who conducts a record hearing on partial custody cases, interim relief hearings, and custody conciliations.

Pretrial Statement: is a statement to the Judge or Hearing Officer where you tell the judge or Hearing Officer what it is that you're asking for at trial.

Trial: when the parties are unable to settle their custody case by mutual agreement, you will go to trial. A trial gives you the opportunity to present arguments and evidence to the judge so they can issue a final custody order.

Interim Order: a temporary order of the court pending a hearing, trial, a final order, or mutual written agreement between the parties.

Final Order: is a court ruling that lasts until one of the following occurs: The child(ren) involved turns 18. The child(ren) is emancipated (legally declared independent of their parents). The parents reach an alternate agreement.

Motion: is a written special request filed in the proper legal format where you ask the Judge to make a decision outside of the normal process.

Psychological Evaluation: an evaluation is a process in which a mental health professional, typically a psychologist, evaluates you, your child, and your co-parent to make a recommendation to the court regarding custody and visitation.

The purpose of all custody evaluations is to ensure that the needs of children are being met as best as possible. **Reunification Counseling:** therapy or counseling sessions are held between one or both parents and the child to bridge the gap between an estranged or isolated parent and the child. The objective is to encourage a stronger relationship and reunify the child with that parent.