



Standard Operating Procedures
Judge Cathleen Bubash
Family Law Center
Room 522, 440 Ross Street

Pittsburgh, PA 15219
Phone: 412-350-5798

COURT PERSONNEL

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***** 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

If you are representing yourself, you must prepare and submit your motion at the Information Desk in the rotunda in the Family Law Center, 440 Ross Street, Pittsburgh, PA 15219. Self-prepared motions may be dropped off any business day that the Court is open, generally Monday through Friday, from 8am to 11am. Please keep in mind that as a pro se client, you are acting as an attorney, who must comply with the legal process. Court staff in the Family Law Center are not permitted to provide you with legal advice. A resource sheet is available at the Information Desk with agencies that may be able to assist you. When submitting a completed pro se motion, please be aware of the following:

1. Your motion must be in the proper legal format, including a cover page (with a caption and your Family Division docket number), a motion asking for specific relief, a proposed order, and any relevant attachments (for example, if you are asking to change an order on your case, attach a copy of that order)
2. You will be asked to complete a demographic information sheet, and
3. You will be given a Notice Of Presentation after your motion is scheduled, with the date, time, and location of your motions hearing where you must appear before the Judge. You will be required to serve this motion on the other party, so they have notice of the court date. You will also be required to file your motion with the Department of Court Records, 1st Floor City-County Building, 414 Grant Street, Pittsburgh, PA 15219. Motions must be presented to the assigned judge. If the other party is represented by an attorney, you will also be required to notice and serve their attorney. If you are represented by an attorney, you will not be permitted to go through the Information Desk to submit

your prepared motion, as your attorney of record will be required to follow the guidelines outlined in these Standard Operating Procedures for attorney motions. If your motion is not properly and promptly served, promptly filed with the Department of Court Records, and/or not in the proper form, please be advised that the Judge may deny your motion. If you have an emergency (this is generally defined as a time-sensitive or child safety issue), you may submit and file your self-prepared motion on the same day to the Information Desk from 8am to 11am. The staff will provide you with further information about how your emergency motion will be heard. Please be advised that this means the other party will not have notice or time to contest your motion, which means the Judge is unlikely to grant the relief unless there are compelling and special circumstances. Except in rare situations, the Judge will likely deny the emergency same day motion and require you to re-present it with proper notice to the other party.

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 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.

Instructions on how to file a motion: changed the way these mailboxes are monitored so we do not need all the inboxes to be copied. <https://www.alleghenycourts.us/family/departments/pro-se-motions-department/>”

CASES WITH LAWYERS

Submit motions/Qdros/Consent orders/emergency motions etc. to the correct email address. SEE, BELOW

Refrain from copying all of our email addresses. We have changed how we are monitoring these boxes and do not need duplications across all of the email boxes.

Subject line shall contain the nature of the document and the case name. In example: “Emergency as to time” Smith v Jones

<u>QDROs:</u>	cbubash@allegheycourts.us
<u>REGULAR MOTION:</u>	motionsbubash@allegheycourts.us
<u>EMERGENCY MOTION:</u>	emergencybubash@allegheycourts.us
<u>CONSENT MOTION:</u>	cbubash@allegheycourts.us
<u>UNOPPOSED MOTION:</u>	cbubash@allegheycourts.us
<u>GROUND APPROVAL:</u>	motionsbubash@allegheycourts.us
<u>PRETRIAL STATEMENTS</u>	bubashchambers@allegheycourts.us
<u>PROPOSED ORDERS:</u>	bubashchambers@allegheycourts.us
<u>MARITAL A/L SUMMARIES:</u>	bubashchambers@allegheycourts.us

MOTIONS

Motions will be heard in person. You MUST bring a hard copy of your motion and responses to Court. There must be notice of presentation and a signed verification

SERVICE OF MOTIONS: you MUST email your motion to the Court at the **SAME TIME** you send it to the other side. If not, it is often the case, that we receive responses but do not have the underlying motion.

Matters requiring a hearing: 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. Please include an alternative Order for a hearing date.

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. Always bring a hard copy to Court.

EMERGENCY MOTIONS: emergencybubash@alleghenycourts.us

- Notice it for the Court's next motions date in the alternative in case it is deemed to be not emergent. If the Court deems the motion **not** to be an emergency, it will rule as such and then it will be heard on the next scheduled motions date. Try to avoid confusing the opposing party by making this clear. The Court understands that this is difficult due to the emergency nature. We are noticing that sometimes the opposing party assumes it will be heard on the next date and does not respond timely. This is particularly true with a self-represented litigant.
- Do not try to present motions to another Judge unless instructed. The court handles its own emergency motions.
- Always try to serve the other side even if by email or text.
- The Court handles its own emergency motions as they come in. There is no need to present to another Judge. If you are near a motions date, the Court will try to inform you if you should present the Motion at that time or if the Court will rule on the emergency on the pleadings.

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.

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: You should assume the Court will interview children in person in the AM of the first day of trial unless otherwise told. Counsel shall always 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 \(alleghenycourts.us\)](#)

PRETRIAL STATEMENTS/ PROPOSED ORDERS:

LABEL: Mother's or Father's proposed Order and **SHALL** be in word format.

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.

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

JUDICIAL DATES: The Docket clerk's email is patricia.harpur@alleghenycourts.us

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.

EQUITABLE DISTRIBUTION CONCILIATION:

JUDICIAL CONCILIATION: 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. 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@alleghenycourts.us. The documents submitted **must be named with case name 1st** followed by what it is (Smith, Fathers proposed order).

DHO 3 HOUR CONCLIATION: Requires consent.

DHO TRIAL: THE CASE MUST BE RIPE – Grounds must be formally established before you go to a DHO hearing. If no agreement, file a Motion with the court or file a Consent Motion directing the case to the DHO. Upon receipt of an Order to go to the DHO, follow the DHO's directions to get a date.

FEES: The Court will split the cost of the DHO conciliation and hearings unless otherwise requested/determined.

MISCELLANEOUS:

1. **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.
2. **Scheduling orders:** Please provide a SEPARATE/ALTERNATIVE order if you need to have something scheduled and you are also receiving an Order from the Court on other matters.
3. 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
4. **Docket Clerk’s email: Patricia Harpur:** patricia.harpur@alleghenycourts.us. **PLEASE REMEMBER TO FILE SCHEDULING ORDERS GIVEN TO YOU FROM THE DOCKETING CLERK.**

PRO SE INFORMATION ON NEXT PAGE

PRO SE INFORMATION

1. File your motion with:

- Support Motions – **Docketing**, Manor Building, 5th Floor, 564 Forbes Ave.
- All other Motions - **Department of Court Records**, City County Building, 414 Grant St.

Note - You may enter the building from Ross St.

2. Serve the opposing party via first-class mail, personal service, or serve their attorney via email.
3. Fill out your Certificate of Service and bring to court on the day of presentation.
4. Appear in court to present your motion.

Service of a Motion

- You are responsible for providing adequate notice of your motion to the opposing party by serving them via first-class mail or personal service.
- You are not allowed to personally serve the opposing party. It must be a competent adult who is not related to either party.
- You may serve their attorney (if they have one) via personal service, regular mail, fax, or email.
- You must complete service at least 7 to 10 days prior to the scheduled date of presentation.
- Fill out the certificate of service (attached) and bring to court on the day of presentation.

What is First-Class mail?

- First-Class mail, also known as “regular” mail, is mail sent in an envelope with a forever stamp.
- You may send your mail by placing it in your mailbox for your postal carrier to retrieve, dropping it in a blue collection box, or taking it directly to the Post Office.
- The closest Post Office to the Family Law Center is located at 336 Fourth Ave, Suite 1A, Pittsburgh, PA 15222.

What is personal service?

- Personal service is the act of physically handing someone the pleading. Leaving the paperwork in a mailbox, on their front porch, etc.... is **not** personal service.
- You are not allowed to personally serve the opposing party. It must be a competent adult who is not related to either party.

- The person serving must sign the certificate service after it is completed.

SAMPLE CERTIFICATE OF SERVICE ON NEXT PAGE

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
FAMILY DIVISION

_____,
Plaintiff

v.

Case Number: FD _____

_____,
Respondent

CERTIFICATE OF SERVICE

Filed on Behalf of:

Name: _____

Address:

Phone: _____

Email: _____

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
FAMILY DIVISION

_____,
Petitioner

v. Case Number: FD _____

_____,
Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion and Notice of Presentation or _____ was served upon Defendant/ Respondent by:

MAIL

_____ By First Class, postage prepaid on the _____ day of _____, 20__ to the following address: _____

PERSONAL SERVICE:

_____ By handing a copy of the pleading to the Respondent, _____, at the following address: _____ by _____ (Name), a competent adult, over eighteen years of age, not the moving party or related to the moving party, on the _____ day of _____, 20__ at ____am/pm.

_____ By handing a copy of the pleading to an adult member of the Defendant's family, _____ (Name) with whom the Defendant resides, at the following address _____ on the _____ day of _____, 20__ at ____am/pm.

_____ By handing a copy of the pleading, at the residence/workplace of the Respondent, to the manager/person in charge of the place of residence/business at which the defendant resides/works, _____ (Name) at the following address _____ on the _____ day of _____, 20__ at ____am/pm.

SERVICE TO ATTORNEY OF RECORD

_____ Respondent's attorney of record was served by _____ personal service, _____ by first class mail, postage prepaid, _____ by facsimile _____ email to _____ on the _____ day of _____, 20__.

I verify that the statements made in this Certificate of Service are true and correct. I understand that any false statements herein are made subject to the penalties of 18 PA.D.S. §4904 relating to unsworn falsification to authorities.

Date

Signature of the person serving the Pleading

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania:

Submitted by: _____

Signature: _____

Child Custody Glossary of Terms