

# Standard Operating Procedures

*for*

**The Honorable Daniel L. Miller**

**Family Division – Allegheny County Court of Common Pleas**

## **Contact Information:**

<b>Judicial Chambers:</b> Family Law Center, 440 Ross Street, Room 535 Pittsburgh, PA, 15219  Phone: (412) 350-6037	<b>Chambers Email:</b> <a href="mailto:millerchambers@alleghenycourts.us">millerchambers@alleghenycourts.us</a>  <b>Motions Email:</b> <a href="mailto:millermotions@alleghenycourts.us">millermotions@alleghenycourts.us</a>  <b>Exhibits Email:</b> <a href="mailto:millerexhibits@alleghenycourts.us">millerexhibits@alleghenycourts.us</a>  <b>Exceptions Email:</b> <a href="mailto:millerexceptions@alleghenycourts.us">millerexceptions@alleghenycourts.us</a>	<b>Administrative Assistant:</b> Monique Boling  <b>Tipstaff:</b> B'nai Thomas  <b>Law Clerk:</b> Anna Hubacher Quinn, Esq.
---	---	--

### **I. Communication with the Court**

- Communication with chambers is limited to scheduling and administrative matters only. Neither the Court nor its staff can provide legal advice.
- If you do not have an attorney, you are strongly encouraged to contact the Allegheny County Lawyer Referral Service at (412) 261-0518.
- All opposing parties or their attorneys must be copied on any email or communication sent to the Court. The Court will not consider any document or communication unless it is verified that the opposing party or their attorney also received it.
- When submitting documents by email, use the whole case name and docket number in the subject line (e.g., John Doe v. Jane Doe, FD-24-xxxxxx-007).
- **Orders Affecting Scheduled Dates:** If an order schedules or changes a date before Judge Miller, immediately provide a courtesy copy to the Court's Administrative Assistant. This applies to all scheduling matters—conciliations, hearings, and trials—and is especially important for emergency matters.
- Requests for sheriff presence should be timely directed to Tipstaff.
- Familiarize yourself with local rules and administrative orders, including continuance restrictions within 30 days of a scheduled date. Local rules can be found here: [Local Rules - Fifth Judicial District of Pennsylvania](#)

- Information about court procedures and forms is available at: <https://www.alleghencourts.us/family/departments>

## **II. Submission of Documents**

- Any matter submitted to the court must: (a) include counsel's preferred email address and full mailing address on the cover sheet; and (b) list the full mailing address and email address of all parties in the Notice of Presentation.
- All pleadings must include the correct docket suffix (e.g., -007).
- Use full case name and docket number in email subjects and file names.
- Make sure to number all pages.
- Family terms (Mother, Father, Husband, Wife) should be used unless otherwise requested by the party. Please alert the Judge's staff as soon as possible if you or your client objects to the use of these terms or would prefer that the Court use a specific term.
- Pre-Trial Statements and Proposed Orders: These must be titled as Mother's (or Father's) Proposed Order for Custody and submitted in Word format to [millerchambers@alleghencourts.us](mailto:millerchambers@alleghencourts.us) (consent orders may be submitted as a pdf).

## **III. Court Conduct and Remote Proceedings**

- Proper courtroom decorum and professional demeanor are required at all times by counsel and litigants, whether appearing virtually or in-person before the Court.
- Before participating in any court proceeding or appearing before the Court, counsel must formally enter their appearance. Once entered, counsel is expected to represent their client in all matters until their appearance is withdrawn by praecipe, substituted by new counsel, or they are permitted to withdraw by Court order.
- Remote proceedings are conducted via Microsoft Teams.
- Recording of any proceeding is prohibited and criminally prohibited except for official transcripts.
- Participants must appear by video from a private, quiet location without children present.
- Virtual backgrounds and smoking during remote hearings are prohibited.
- Remote participation for in-person hearings requires Court pre-approval.
- Witnesses may appear remotely only with consent or Court permission.
- Please ensure that all cellular telephones, watches, and other electronic devices are silenced while in the courtroom. Use of headphones and/or earphones are prohibited while in the courtroom. During motions court proceedings, the court

will not object to counsel utilizing cellular phones or similar devices to monitor emails, text messages, or similar communications related to counsel's practice.

- Children are not permitted in proceedings, whether in person or remote, unless specifically ordered by the Court. Virtual backgrounds will not be permitted for TEAMS/ZOOM conferences or conciliations. If you must bring a child due to a lack of childcare, please utilize the Children's Room located on the first floor of the Family Court building.

#### IV. Motions

##### a. General Information

- Motion procedures vary depending on whether the filing party is an attorney or self-represented, or if the matter is an emergency.
- Review these procedures carefully to ensure timely consideration of your motion.
- **Do not deliver original motions directly to chambers. Parties are responsible for filing the motion with the Department of Court Records prior to the presentation of the motion. Motions should be emailed to [millermotions@allegheycourts.us](mailto:millermotions@allegheycourts.us).**
- All motions must be in proper legal format, including a cover page with caption and Family Division docket number (ending -007 suffix for Judge Miller), clearly stated and specific relief requested, any relevant attachments, and a proposed order in word format.
- ALL MOTIONS MUST HAVE THE EMAIL ADDRESS OF ALL COUNSEL/ PARTIES ON THE COVER SHEET.
- Pleadings without a properly formatted docket number may be returned.
- The Court retains discretion in determining the order in which motions are called. The timing of sign-up or submission does not guarantee the sequence of the call. In setting the order, the Court will strive to balance efficiency for both counsel and litigants.
- Consent orders and agreements are strongly encouraged. If your contested motion becomes consented to or uncontested, notify Court staff immediately upon arrival for Motions Court. *If a motion is not removed and no one appears in court, the motion will be denied with prejudice.*
- If counsel believes their client should attend motions, the client must remain in the hallway until the motion is called. Clients should not sit at counsel table and must remain in the gallery. Counsel must inform the Court of the client's presence and identify the client. If the Court wishes

to address the client directly, the client may then be seated at counsel table.

- Once the court has signed an order either granting or denying the motion, the Court will file the order with the Department of Court Records.
- Parties/counsel shall be responsible for electronically filing with or transmitting original motions and any responsive pleading to the Department of Court Records.
- **Motions at Conciliations.** Motions may be presented at a scheduled conciliation, but only upon proper seven (7) days' notice to opposing counsel. Motions may be accepted with less than seven (7) days-notice, but only with consent of all counsel.
- **Discovery Motions.** Discovery motions require submission of a completed chart of questions and responses, commonly referred to as the "discovery matrix". Failure to submit the discovery matrix may result in the Court's refusal to hear the matter. Motions regarding complex discovery matters will generally be referred to the appropriate Hearing Officer for a conciliation if they cannot be ruled on based on the pleadings. Attorneys should submit a proposed order with their motion directing the case to the Hearing Officer and, upon receipt of the signed order, follow the Hearing Officer's Standard Operating Procedures to get a hearing date. The Court will require the moving party to pay the full cost of the Hearing Officer's hearing subject to possible reallocation by the Hearing Officer. Hearing Officer procedures can be found at [www.alleghencourts.us/family/departments/divorce/hearing-officers/](http://www.alleghencourts.us/family/departments/divorce/hearing-officers/)

---

**b. Self-Represented Parties**

- A self-represented party who has an existing case in the Family Division and is seeking to file a motion with the Court should appear at the Information Desk in the Family Law Center at 440 Ross Street between 8:00 AM and 12:00 PM to meet with staff in the Client Service Center. In addition, self-represented parties may call (412) 350-5442 or email [1stFOP@pacses.com](mailto:1stFOP@pacses.com) with questions about court procedures. No legal advice will be given.
- Please keep in mind that as a self-represented person, you are acting as an attorney, who must comply with the legal process. 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:
  - 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)
  - You will be asked to complete a demographic information sheet.
  - 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.
- Self-represented persons may find assistance with preparing and filing motions by following the instructions posted at the first-floor

Information Desk in the Family Law Center for dropping off and signing up a motion.

- For assistance with a **Protection from Abuse (PFA)** motion, contact the PFA Department on the third floor of the Family Law Center or by calling 412.350.4441.
- For assistance with a **divorce** motion, contact the Divorce Department on the fourth floor of the Family Law Center or by calling 412.350.5600
- For assistance with a **child support** motion, contact the Client Services Department on the first floor of the Family Law Center or by calling 412.350.5600.
  - If there are questions about child support, you can email [1stFOP@PACSES.com](mailto:1stFOP@PACSES.com) with questions about court procedures. Please note legal advice will not be given.
- **Filing Motions:**
  - Support Motions – Docketing, Manor Building, 5th Floor, 564 Forbes Ave.
  - All other Motions - Department of Court Records, City County Building, 414 Grant St.
- **Service:** Once you have filed your motion you must *serve* the opposing party via first-class mail, personal service, or serve their attorney via email.
  - Fill out your Certificate of Service and bring it to court on the day of presentation.
  - 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 (see below) and bring it 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.
- Additional information regarding self-represented motions may also be found here <https://www.alleghenycourts.us/family/departments/pro-se-motionsdepartment/>
- **Responses to motions** must be dropped off at the Information Desk on the first floor of the Family Law Center (440 Ross Street, Pittsburgh, PA 15219) between **8:00 AM and 12:00 PM, Monday through Thursday**.
- Self-represented parties are responsible for filing their responses with the Department of Court Records before the scheduled presentation date. *Responses are optional but must be submitted by 12:00 PM two business days before presentation.*
- Responses are due by **12:00 PM two business days before the presentation date**.
- The Court will consider the motion on the date and time stated in the Notice of Presentation unless otherwise directed.
- Self-represented parties may also call the “pro se department” at 412.350.5600.
- Pro se litigants do not have to comply with the local “Meet and Confer Rule” in order to have a motion heard but are certainly encouraged to try to resolve matters with opposing party prior to coming to court.
- More detailed information on procedures and forms necessary are available on the 5<sup>th</sup> Judicial District website at [Departments of the Family Division - Fifth Judicial District of Pennsylvania](#)

### c. Attorneys

- Attorneys must submit motions and responses directly to the Judge via email at [millermotions@alleghecourts.us](mailto:millermotions@alleghecourts.us). Failure to follow these procedures may result in no action by the Court.
- The Court only accepts motions for the next scheduled motions day. The Motions Court schedule is available at [www.alleghecourts.us/family/calendar/](http://www.alleghecourts.us/family/calendar/)
- Motions must be submitted at least **seven (7) days** before the scheduled argument date, except for emergencies or good cause shown.
- Seven days' notice of presentation is required unless it is an emergency.
- Motions and responses submitted to the Judge must also be filed with the Department of Court Records (DCR) **without proposed orders** before the presentation date. Failure to do so may result in no action.
- Responses are not required to argue a contested motion. However, any answer or response must indicate specifically what you are admitting or denying.
- Responses are due by **12:00 PM two business days before the presentation date**.
- Once a motion and response have been submitted, additional replies are not permitted. Parties should avoid raising new issues in their response.
- If you are not contesting a motion, notify chambers by email at [millermotions@alleghecourts.us](mailto:millermotions@alleghecourts.us) as soon as possible.
- Counsel and self-represented parties on contested motions must appear for argument in person on the noticed Motions court day unless permitted to appear remotely.
- Represented parties need only appear upon advice of their counsel.
- The Court will leave it to the attorney's discretion as to whether or not to bring their client. When appearing, check in with the Judge's staff and remain in the courtroom until your motion is concluded.
- Notify the Court if a matter is uncontested or withdrawn before presentation.
- Attorney motions on uncontested or routine issues may be resolved before Motions Court, and the Court will issue an order prior to the scheduled presentation.
- Attorneys must comply with the Pennsylvania Rules of Civil Procedure and Local Rule 1930. Key reminders:
  - Motions must include a **Notice of Presentation and Certificate of Service**, unless presented by consent. These should appear on a separate page following the cover sheet and must state the date, time, and location of argument.

- Attorneys must **meet and confer** with the opposing party before filing a motion (see Administrative Order 225 of 2015).
  - Every contested motion filed MUST contain a standard certificate of compliance setting forth a brief statement of the extrajudicial means employed to meet this requirement.
  - Failure to comply with this rule may result in sanctions including refusal to entertain the motion. Good faith efforts toward amicable resolution shall be considered as a factor in determining whether or not the requested relief is appropriate, the propriety of sanctions, or in determining the exigency of circumstances, if relevant.
  - In the event that any party is self-represented in a matter where any party involved in the matter is either, a protected party in a PFA, or has been the subject of domestic violence allegedly perpetrated by the opposing party at any time within the past 24 months, the party must state so in their certificate and said reason shall be sufficient for purposes of this rule in excusing the requirement to confer in advance.
- Complete and submit the **Attorney Motion Submission Form** with every motion. Available on the 5<sup>th</sup> Judicial District website at [Forms - Fifth Judicial District of Pennsylvania](#)
- Include a proposed order as a separate file in **Microsoft Word (.docx)** format with a cover page. 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.

#### **d. Emergency Motions**

- The Court will determine whether a motion qualifies as an emergency. Lack of seven (7) days' notice does not make a motion an emergency. A true custody emergency involves an immediate, clear, and present danger to a child.
- *The Court will rule promptly.*
- **Attorney's submitting emergency motions:**

- To assist the Court in determining the validity of the emergency, attorneys shall provide specific detail as to its nature and immediacy.
- Attorneys filing an emergency motion must email it to [millermotions@allegheycourts.us](mailto:millermotions@allegheycourts.us) with “Emergency Motion” and the case caption in the subject line. A copy must also be sent to the opposing party.
- Attorneys responding to an emergency motion must promptly email their response to [millermotions@allegheycourts.us](mailto:millermotions@allegheycourts.us) with “Emergency Motion” and the case caption in the subject line, and send a copy to the opposing party.
- *In addition to emailing the motion, attorneys must notify the Judge’s chambers by phone at (412) 350- 6037.*

**V. Consent Orders**

- *Consent orders should be emailed to chambers.*
- The cover sheet for any consent order must set forth both the mailing address and the email address for each counsel and/or pro se litigant. Custody orders must specify schedules, holidays, and transportation.
- Please note that submitting a consent order does not guarantee automatic approval or signature by the Court. The Court retains full discretion to approve any consent order.
- The Court will not accept custody consent orders containing ambiguous or non-specific terms. All custody consent orders must clearly state the exact days and times for custodial periods, as well as detailed provisions for holidays and vacations. The Court will not approve custody arrangements that rely solely on “mutual agreement of the parties” without specific parameters.
- For all non-custody consent orders—such as those involving equitable distribution or other related matters—the Court will not accept stand-alone consent orders. Every proposed consent order must be accompanied by a motion, petition, or similar pleading that establishes the basis for the order.
- Qualified Domestic Relations Orders (QDROs) must be presented to the court with original signatures and may not be presented electronically. QDROs may be presented directly to chambers, or on any day the court conducts motions. The court will return the original of the QDRO to counsel only if provided with a self-addressed, stamped envelope. Otherwise, counsel will be responsible for retrieving the original directly from chambers.

## **VI. Conciliations**

- All conciliations—whether for custody or equitable distribution—will generally be conducted via Microsoft Teams or ZOOM. Occasionally, the Court may require an in-person conciliation.
- For Teams or ZOOM conciliations, counsel is expected to have their client available either in person at counsel’s office or by telephone. If the conciliation is in person, the client must attend to facilitate a more efficient and productive settlement discussion.
- A proposed resolution of issues, along with a proposed order, is required for every conciliation. Submission of additional pleadings, marital asset summaries, reports, and similar documents must comply with the conciliation scheduling order.
- The Court will not consider any materials submitted within 48 hours of the scheduled conciliation.
- Failure to comply with these submission requirements may result in the cancellation of the conciliation and the imposition of appropriate counsel fees.

## **VII. Use of Microsoft Teams/ZOOM**

- During virtual proceedings, unless otherwise directed by the court, only counsel or pro se litigants shall be present. No third parties shall be present off-camera. Virtual backgrounds are prohibited during Microsoft Teams/ZOOM proceedings. Smoking is prohibited during remote proceedings.
- The Court conducts much of its work, including most conciliations, through the Microsoft Teams and/or ZOOM applications. Microsoft Teams can be downloaded on most computers and mobile devices. For more information, visit: <http://www.microsoft.com/en-us/microsoftTeams/download-app>.
- **NOTICE:** Recording a remote proceeding is a crime unless done for the purpose of creating the official court record. Any violation will be referred to the District Attorney for prosecution.
- If you have a remote proceeding scheduled, you are expected to be familiar with Microsoft Teams and/or ZOOM and appear by video from a quiet, private location with no children present.
- Invitations for remote proceedings will be sent to the email addresses currently on file with the Court. It is the responsibility of the self-represented party or attorney to ensure the Court has an up-to-date email address and phone number for both themselves and their client well in advance of any remote proceeding. If you did not receive an invitation but believe you should have, check your junk or spam folder, as invitations often end up there.
- **Hybrid Hearings.** When a proceeding is scheduled to be in person, parties may use remote hearing technology in certain circumstances at the Court’s

discretion. The specifics—including who may appear remotely—will be determined on a case-by-case basis.

- A party may only appear remotely with the Court’s permission, which can be obtained by filing a motion or through a court order.
- Third-party witnesses may appear remotely only with the consent of all parties and by permission of the Court.
- Plan for your witnesses to join the trial by forwarding the Teams or ZOOM invitation to them or keeping them on standby so you can notify them to join. They should download Microsoft Teams and/or ZOOM in advance and be familiar with its use. It is the party’s responsibility to forward the Teams/ZOOM invitation. Witnesses appearing remotely should be prepared to appear by video in a private, quiet setting.
- It is the parties’ and counsels’ responsibility to download and familiarize themselves, and any witnesses, with Teams and/or ZOOM *prior* to the scheduled court event.
- The Court will decide whether an expert witness must appear in person or may appear remotely. Permission can be obtained by filing a motion or through a court order.

### **VIII. Trials and Hearings**

- A Pretrial Order will be issued for every trial scheduled before the Court. Counsel and self-represented litigants must comply with all requirements in the pretrial order, particularly the deadlines for filing pretrial statements. While parties may agree to extend the filing date, no pretrial statement will be accepted within five (5) days of trial.
- **Trial Exhibits:**
  - All exhibits must be submitted electronically to [millerexhibits@allegencourts.us](mailto:millerexhibits@allegencourts.us)
  - 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 [millerexhibits@allegencourts.us](mailto:millerexhibits@allegencourts.us)
  - The party proponent may email the labeled exhibit to [millerexhibits@allegencourts.us](mailto:millerexhibits@allegencourts.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 [millerexhibits@allegencycourts.us](mailto:millerexhibits@allegencycourts.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 Miller.
- Pay special attention to Rule 5103.4 as it relates to Special Provisions for certain exhibits.
- **Witness Testimony:** The Court will consider taking expert testimony out of order when necessary. All witnesses are expected to appear in person. If necessary, the Court may permit certain witnesses to testify via Microsoft Teams. Counsel must cooperate in scheduling expert testimony.
- **Settlement:** Do not rely on the trial date as an opportunity to settle. While the Court may attempt conciliation before trial begins, all parties must be prepared to proceed at the scheduled time. Settlement is strongly encouraged—if you reach an agreement before trial, notify the Court as soon as possible to allow efficient scheduling.
- **Time Allotment** Counsel should carefully plan their presentations within the time allotted for trial, especially in custody cases. Additional trial time may not be available for several months.
- **Start and End Times** Proceedings will begin promptly at the scheduled time. Trials conclude at approximately **4:30 PM**. After this time, sheriff deputies are unavailable, and the Court will not compromise participant safety due to delays.

## IX. Exhibits

- Parties should familiarize themselves with the Rule 5101.4 Family Division Custody of Exhibits [New-Local-Rule-on-Exhibits-Family-Divison.pdf](#)
- The party offering the exhibit is the custodian.
- 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 [millerexhibits@allegencycourts.us](mailto:millerexhibits@allegencycourts.us), if requested. Exhibits shall not be emailed or provided to the court in advance of any proceeding.

- The Court will not allow litigants to pull up photos, texts, etc. on their phones to present as evidence.
- The Court will not accept display of photos or texts on mobile devices.
- More detailed information as to the submission of exhibits will be detailed in the Pre-Trial Order if necessary.

## X. Divorce Grounds

- Before scheduling a hearing with the Divorce Hearing Officer, parties must first obtain an **Order of Court approving grounds for divorce** in accordance with **Pennsylvania Rule of Civil Procedure 1920.42**. The statutory requirements for establishing grounds are outlined in **23 Pa.C.S.A. §3323(9)**.
- A blank **Praecepte for Order Approving Grounds for Divorce** is available on the Fifth Judicial District's website at: <https://www.alleghenycourts.us/family/departments/divorce/court-orderapproving-grounds-for-divorce/>
- This form may be submitted along with a proposed **Order Approving Grounds for Divorce** by emailing it to [millerchambers@alleghenycourts.us](mailto:millerchambers@alleghenycourts.us). Please include **“Order Approving Grounds”** in the subject line along with the case caption.

## XI. Exceptions

- Parties wishing to file exceptions to a Hearing Officer's report and recommendation should review the procedures outlined on the Fifth Judicial District's website.
- **Custody Matters:** Instructions for filing custody cases are available at: <https://www.alleghenycourts.us/family/departments/child-custody/filingexceptions>.
- **Child Support Matters:** Procedures for filing in support cases can be found at: <https://www.alleghenycourts.us/family/departments/support/support-exceptions>.
- **Divorce Matters:** Guidelines for filing exceptions to a Divorce Hearing Officer's report are located at: <https://www.alleghenycourts.us/family/departments/divorce/hearingofficers/filing-exceptions-to-the-divorce-hearing-officer/>.

## XII. General Provisions

- These procedures provide a framework for practice before Judge Daniel Miller.

- The Court may deviate from these procedures when necessary.
- Scheduling orders and specific directives supplement these procedures and control in the event of conflict.
- Updates will be issued as circumstances necessitate.
  - In cases of uncertainty, contact court staff.

### **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.

**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.



*Sample Certificate of Service*

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. \_\_\_\_\_ ,

Respondent

Case Number: FD \_\_\_\_\_

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: \_\_\_\_\_

## Resources for Self-Represented Litigants

<p><b>Allegheny County Law Library:</b></p> <ul style="list-style-type: none"><li>• 414 Grant Street, #921 City-County Building, Pittsburgh, PA 15219</li><li>• 412-350-5353</li></ul>	
<p><b>Allegheny County Bar Association - Modest Means Program:</b></p> <ul style="list-style-type: none"><li>• 436 7th Ave., Pittsburgh, PA 15219</li><li>• Lawyer referral service: 412-261-5555</li><li>• Pro bono center: 412-261-5555</li></ul>	
<p><b>Neighborhood Legal Services:</b></p> <ul style="list-style-type: none"><li>• 928 Penn Ave., Pittsburgh, PA 15222</li><li>• 412-255-6700</li></ul>	
<p><b>Juvenile Court Project:</b></p> <ul style="list-style-type: none"><li>• Koppers Building, 11<sup>th</sup> Floor, 436 Seventh Avenue, Pittsburgh, PA 15219</li></ul> <p>412-391-4467</p>	
<p><b>Women's Center and Shelter</b></p> <ul style="list-style-type: none"><li>• 24/7 Hotline: 412-687-8005</li><li>• Text Hotline: 412-744-8445</li></ul>	
<p><b>Allegheny County Office of Children, Youth, and Families</b></p> <ul style="list-style-type: none"><li>• One Smithfield Street, Suite 400, Pittsburgh, PA 15222</li><li>• 412-473-2000</li></ul>	

<p><b>Resolve Crisis Center</b></p> <ul style="list-style-type: none"> <li>• 333 N. Braddock Ave., Pittsburgh, PA 15208</li> <li>• 1-888-796-8226</li> </ul>	
<p><b>Jewish Family and Children’s Center of Pittsburgh</b></p> <ul style="list-style-type: none"> <li>• 412-422-7200</li> <li>• 5743 Bartlett St, Pittsburgh, PA 15217</li> <li>• Family, Estate Planning, and Immigration</li> </ul>	
<p><b>Crisis Center North</b></p> <ul style="list-style-type: none"> <li>• 412-364-5556</li> <li>• 1006 Perry Hwy, Pittsburgh, PA 15237</li> <li>• Family and Domestic Violence</li> </ul>	
<p><b>North Hills Community Outreach</b></p> <ul style="list-style-type: none"> <li>• 412-487-6316</li> <li>• 1975 Ferguson Rd, Allison Park, PA 15101</li> <li>• Family, Consumer, and Real Estate</li> </ul>	
<p><b>Alle-Kiski Area Hope Center</b></p> <ul style="list-style-type: none"> <li>• 888-299-4673</li> <li>• PO Box 67, Tarentum, PA 15084</li> <li>• Family and Domestic Violence</li> </ul>	

**Education Law Center**

- 412-258-2120
- 429 Fourth Ave, Suite 1910,  
Pittsburgh, PA 15219

