

Standard Operating Procedures
Judge Heather Schmidt Bresnahan
City-County Building
CCB 710, 414 Grant Street
Pittsburgh, PA 15219
Telephone: 412-350-5502

COURT PERSONNEL

Judicial Law Clerk: Sara Steimer (412) 350-5565 SSteimer@alleghenycourts.us
Judicial Administrative Assistant: Melissa Reyes (412) 350-5502 MReyes@alleghenycourts.us
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EFFECTIVE October 20, 2026

***** 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 when the Court is open, generally Monday through Friday, from **8am to 12pm**. 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. Tell the Judge what your current Order is, what you want to change and specifically why?
2. 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)
3. You will be asked to complete a demographic information sheet, and

4. 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 at the days/times stated above. 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 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)

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

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

CASES WITH LAWYERS

Note: Please do not try to file Orders with unfilled blanks at the DCR- they will not take them, and this is leading to much confusion and extra work for staff and for the scheduling office.

MOTIONS: See below, changes to consent/unopposed motions

Submit **electronically** to **MotionsSchmidt@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 **EmergencySchmidt@alleghenycourts.us** labeled in the subject line as an 'emergency.'

Cutoff for submission of Answers to motions is 12 noon the day prior to the scheduled Motions date unless you plan to argue against the motion orally.

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: MotionsSchmidt@alleghenycourts.us

Always bring a hard copy of your motion to court.

Always make sure to file your motion with the Department of Court Records if presented.

Always provide the court a Word version of your proposed Order.

ANSWERS/RESPONSES: Indicate specifically 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.

****** NEW **** All consent or unopposed motions shall be emailed to schmidtconsent@alleghenycourts.us**. ******Consent Requests for continuances as a result of the new scheduling procedures shall also be sent to: schmidtconsent@alleghenycourts.us.

As the new scheduling protocol does not permit counsel to select particular dates when filing, we have adopted the following procedures for continuance.

MATTERS SCHEDULED DIRECTLY BEFORE JUDGE SCHMIDT BRESNAHAN, INCLUDING CONCILIATIONS, HEARINGS AND TRIALS

1. Uncontested/Consented requests for continuances

   A consent order should be emailed to **schmidtconsent@alleghenycourts.us** and shall include all counsels' **mutually** available dates for a month before and after the original date or within the timeframe requested for the new hearing. Counsel should confer ahead of time to provide **ONLY** mutually convenient dates.

2. Contested requests for continuances

   A motion setting forth the reason(s) for the continuance shall be filed at **MotionsSchmidt@alleghenycourts.us** Let the court know if the matter was scheduled without any consultation for availability.

   B. Counsel shall attach their available dates for a month before and after the original date. The fact that the party opposing the continuance provides dates does not affect the parties right to oppose, however, failure to provide available dates may result in a new date where counsel may be unavailable.

MATTERS ASSIGNED TO JUDGE SCHMIDT BRESNAHAN, BUT PENDING BEFORE DRO'S, HEARING OFFICERS OR OTHER COURT OFFICERS.

Counsel may use the same procedures as above, however, there is no guarantee any new dates will be scheduled during counsel's available dates. In signing the continuance, at least the other department will have your bad dates or your mutually agreed upon dates.

If you do not receive your signed Order within a week or so, please contact the Court to inquire.

EMERGENCY MOTIONS: EmergencySchmidt@alleghenycourts.us

*Always your subject line and motion 'EMERGENCY' or 'EMERGENCY AS TO TIME' to alert us and send it to the Emergency email.

* Call chambers and let us know you filed an emergency motion asap after filing the motion.

*Always try to serve the other side even if by email or text.

*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.

* **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 by emailing SchmidtExceptions@alleghenycourts.us

CONCILIATIONS: For Attorneys on both sides will always have a Teams invite but are remote unless noted otherwise in the invite as IN PERSON. If either side is pro se they will be in person, unless ordered otherwise.

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 (alleghenycourts.us)

This rule applies to all proceedings before Judge Schmidt Bresnahan. 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 submit the exhibit to opposing counsel/opposing party at the time pretrial statements are filed. Exhibits shall not be emailed or provided to the court in advance of any proceeding**. The parties must bring hard copies of all exhibits to the court at the time or the hearing or trial.**

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 SchmidtChambers@alleghenycourts.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 Schmidt Bresnahan. 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@alleghenycourts.us to get a date with the Custody Hearing Officer or to alleghenycountydivorcedepartment@pacses.com for the DHO.

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 modification and the Generations process may take more time than you have for the decision to be made. Please file the modification 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 modification 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 SchmidtChambers@alleghenycourts.us for an electronic signature.

CUSTODY CONCILIATIONS AND TRIALS:

Pre-Trial Statements should be emailed to the Administrative Assistant, Melissa Reyes, at schmidtchambers@alleghenycourts.us or MReyes@alleghenycourts.us as set forth in the pre-trial order you receive from chambers. **Follow the instructions in your pre-trial order.**

ALWAYS provide a word version of your proposed Order.

PLEASE NOTE: If you have a trial coming up and you have not received a Pre-Trial Order please note that Pre-Trial statements must always be filed 10 days prior to any trial. If you did not receive a Pre-Trial Order within 15 days of your trial being scheduled, contact my judicial administrator Melissa Reyes at MReyes@alleghenycourts.us. If you do not receive a pretrial order, the court still expects pretrial statements 10 days prior unless ordered otherwise.

EQUITABLE DISTRIBUTION CONCILIATION: If both parties agree a case is ripe for ED, submit a DHO Praecipe to the Docket clerk**.** If you file a motion to schedule an ED conciliation 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 via praecipe. Any necessary documents such as Marital Asset Summaries etc., MUST be filed electronically five (5) days prior to the conciliation to SchmidtChambers@alleghenycourts.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.: date (year month day) Smith v. 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 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.
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:** adultjudicialscheduling@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 conditions

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.