

PETITION FOR CONTINUANCE/DISMISSAL OF A CUSTODY PROCEEDING

FORMS, FILING AND SERVICE PROCEDURES

1. Forms

Attached is a packet of all forms necessary to file a Petition for Continuance or Dismissal of Custody Order in the Monroe County Court of Common Pleas. The attached forms are as follows (the “packet”):

- a. Entry of Appearance;
- b. Blank Scheduling Order;
- c. Blank Dismissal Order;
- d. Form Petition for Continuance or Dismissal;
- e. Verification;
- f. Certificate of Service and Verification.

2. Preparing the Documents for Filing

- a. Complete the Entry of Appearance by filling in **ALL** blanks with accurate information;
- b. Complete the Petition for Continuance or Dismissal by filling in **ALL** blanks with accurate information;
- c. Sign the Verification;
- d. Complete and sign the Certificate of Service and Verification;
- e. Attach a copy of the most recent scheduling Order;
- f. Once you have completed and signed the Entry of Appearance, completed and signed the Petition for Continuance or Dismissal, signed the Verification, completed and signed the Certificate of Service and Verification, and attached a copy of the most recent scheduling Order, make 2 photocopies of the completed Entry of Appearance, blank scheduling Order, blank dismissal Order, completed Petition for Continuance or Dismissal, signed Verification, completed and signed Certificate of Service and Verification, and a copy of the most recent scheduling Order.

3. Filing

- a. Take the original completed packet and 2 copies to the Prothonotary's office located on the 3rd floor of the Monroe County Courthouse;
- b. Pay the filing fee to the Prothonotary in cash or by money order;
- c. File the original packet, which shall include in the following order:
 1. Completed Entry of Appearance;
 2. Blank Scheduling Order;
 3. Blank Dismissal Order;
 4. Completed form Petition for Continuance or Dismissal;
 5. Signed Verification;
 6. Completed and signed Certificate of Service and Verification.
- d. Ask the Prothonotary to time-stamp the 2 copies of the packet;
- e. You must file in person or by mail. Faxes and e-mails will not be accepted.

4. Service

Serve the other parent/party with a copy of the time-stamped packet which shall include the completed Entry of Appearance, blank scheduling Order, blank dismissal Order, completed form Petition for Continuance or Dismissal, signed Verification, completed and signed Certificate of Service and Verification, and a copy of the most recent scheduling Order.

a. You may serve the Petition for Continuance or Dismissal and accompanying documents by mailing a copy to the other parent/party by sending them a copy to their address listed on their most recently filed Entry of Appearance as a Self-Represented Party by First Class US Mail.

b. You may also serve the Petition for Continuance or Dismissal and accompanying documents in any of the following manners:

1. **Personal Service.** You may have the Monroe County Sheriff or an **adult individual, unrelated to any of the parties to the custody action**, personally serve the other parent/party by handing a time-stamped copy of the packet to the other parent/party or a household member or an adult individual who works at the other parent's/parties place of employment. The individual who serves the packet must fill out and sign the Certificate of Service. The Certificate of Service is included in the forms provided to you. The Certificate of Service must be filed prior to your court proceeding or custody conference. If you wish for the

Monroe County Sheriff to personally serve the other parent/party, you must pay the Monroe County Sheriff to serve the other parent/party. The Sheriff will then file an Affidavit of Service as proof that the Sheriff served the other parent/party.

2. **Mail.** The petition may also be served upon the other parent/party by regular mail. To serve the other parent/party by mail, you must send the entire packet, including the contempt petition, by regular US mail to the other parent's/party's address of record as listed in the other parent's/party's most recently filed Entry of Appearance as a Self-Represented Party.

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

_____ ,	:	NO. _____ DR 20 _____
Plaintiff	:	NO. _____ CV 20 _____
	:	
	:	
vs.	:	
	:	
	:	
	:	
	:	
_____ ,	:	
Defendant	:	

**ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY
PURSUANT TO Pa.R.C.P. No. 1930.8**

I, _____, Plaintiff or Defendant (circle one) represent myself in the within action.

REMOVAL OR WITHDRAWAL OF COUNSEL OF RECORD (if applicable)

Please remove _____, Esquire (attorney's name) as my attorney of record.

Please withdraw my appearance for the filing party: (to be completed by counsel if applicable)

_____, Esquire (print name) ID# _____

_____, Esquire (signature) Date: _____

I understand that I am under a continuing obligation to provide current contact information to the Court, to other self-represented parties, and to attorneys of record.

All pleadings and legal papers can be served upon me at the address listed below, which may or may not be my home address pursuant to Rule 1930.8:

(Print Name)

(Signature)

(Telephone Number)

(Fax Number)

(Address)

(Date)

**THE PARTY FILING THIS ENTRY OF APPEARANCE MUST PROVIDE NOTICE BY
SENDING A COPY TO ALL PARTIES AND ATTORNEYS, INCLUDING THE
ATTORNEY REMOVED FROM THE CASE.**

Note: This form cannot be used when filing for support through the Department of Public Welfare Bureau of Child Support Enforcement's E-Service program. An entry of appearance form is available on the E-Services site for individuals filing through that program.

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

Plaintiff	:	
	:	No. _____ DR _____
Vs.	:	No. _____ CV _____
	:	
	:	
	:	
	:	
Defendant	:	CUSTODY

ORDER

AND NOW, this ____ day of _____, 20____, upon consideration of Plaintiff's / Defendant's Petition for Continuance, the Conciliation Conference scheduled for the ____ day of _____, 20__ at _____ .m. is hereby re-scheduled to the ____ day of _____, 20____, at _____ .m. in the Conciliation Room, Second Floor, Monroe County Courthouse, Stroudsburg, PA.

BY THE COURT:

J.

Cc: _____, Custody Conciliator

Custody Conciliation

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

_____	:	No. _____ DR _____
Plaintiff	:	No. _____ CV _____
	:	
Vs	:	
	:	
	:	
	:	
_____	:	
Defendant	:	CUSTODY

ORDER

AND NOW, this ____ day of _____, 20____, upon consideration of the Plaintiff's/Defendant's Petition for dismissal, **IT IS ORDERED** that this custody action is **DISMISSED**.

BY THE COURT:

J.

cc: _____, Custody Conciliator

Custody Conciliation

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

_____, : No.____ DR____
Plaintiff : No.____ CV____
vs :
_____, :
Defendant : IN CUSTODY

PETITION FOR CONTINUANCE OR DISMISSAL (circle one)

The Petition of _____(name) respectfully
represents that on (date) _____, 20____, an Order of Court was entered
scheduling a Custody Conciliation Conference for _____ (date of
upcoming Custody Conciliation Conference), a true and correct copy of which is attached.

Plaintiff's

Mailing Address:

Plaintiff's

Phone Number and/ or Cell Phone Number:

Defendant's

Mailing Address:

Defendant's

Phone Number and/ or Cell Phone Number:

1. This Order should be (Continued/Dismissed) because (EXPLAIN).

(If additional space is needed- continue on back of page.)

2. Child(ren): If additional space is needed continue on the back of this page.

- 1) Name _____ DOB _____
2) Name _____ DOB _____
3) Name _____ DOB _____
4) Name _____ DOB _____

3. Legal Representation:

Plaintiff's Attorney: Name: _____

Address: _____

Pro-Se (filing on your own): Plaintiff _____

Defendant's Attorney: Name: _____

Address: _____

Pro-Se (filing on your own): Defendant _____

**WHEREFORE, Petitioner requests that the Court grant the Petition for
Continuance or Dismissal.**

Respectfully Submitted,

Dated: _____

Plaintiff/Defendant, pro se
(circle one above)

VERIFICATION

I verify that the statements made in the foregoing document are true and correct. I understand that false statements made are subject to the penalties of 18 Pa. C.S. 4904, relating to unsworn falsification to authorities. I am in agreement with said action as set forth above.

Respectfully Submitted,

Plaintiff, pro se

Dated: _____

Respectfully Submitted,

Defendant, pro se

Dated: _____

**IN THE COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

Plaintiff	:	No. _____ DR _____
	:	No. _____ CV _____
Vs	:	
Defendant	:	IN CUSTODY

CERTIFICATE OF SERVICE

I, _____ (name of person delivering or mailing document), hereby state that I have sent or will immediately send by US Mail or Personal Service (circle one) a true and correct copy of _____ (title of document being served) in the above-captioned action upon:

Name and address of party or their attorney to whom document was or will be delivered or mailed:

Date and time served: _____ (date) at ____ o'clock ____ . m. (time)

Dated: _____
Signature of person delivering or mailing document

VERIFICATION

I verify that the statements made in the foregoing document are true and correct. I understand that this statement is made subject to the penalties of 18 PA.C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: _____
Signature of person delivering or mailing document

*** (NOT TO BE USED IN CONJUNCTION WITH A COMPLAINT FOR CUSTODY-
USE AFFIDAVIT OF SERVICE)**