

General Information

ESTABLISHMENT OF CUSTODY OR PARTIAL CUSTODY

The Custody Conciliator's Office is located within, but is not a part of, the Domestic Relations Section.

The position of the Custody Conciliator was established to attempt to mediate disputes between parties concerning custody or partial custody of their minor child/ren.

In this connection, the Custody Conciliator does not represent either party. It is inappropriate for the Conciliator to meet separately with either party inasmuch as this would jeopardize the concept of the conciliator as mediator between the parties.

The Conciliator's Office is not an intake office for custody cases. That is, the Conciliator's Office is unable to file a pleading on behalf of either party and unable to accept pleadings. Custody pleadings are filed at the Prothonotary's Office.

You will find contained in this pamphlet the procedures to either establish, modify, or enforce a custody or partial custody Order. The Custody Conciliator's Office provides the following procedures and suggestions for parties when they are in dispute concerning custody, or partial custody.

- **Custody Complaint**

If you do not have an established Agreement or Order of Court concerning custody or partial custody, you must file a Complaint for Custody to obtain an initial Custody Order.

- **Modification**

If you are seeking a change to your existing Custody Order, you will need to file a Petition for Modification. The Custody Conciliator is not empowered to change an existing Custody Order without the agreement of both parties.

- **Enforcement/Contempt**

If you believe that a party to your action is not following your Custody Order, you may file a Petition for Civil Contempt. In such a case, it is advisable for you to contact an attorney.

- **Special Relief**

If you believe a special circumstance exists with regard to custody that warrants Court action, you may file a Petition for Special Relief. In such a case, it is advisable for you to contact an attorney.

If you believe the welfare of the child/ren is in danger, you may want to contact Children and Youth Services.

- **Procedure for filing pleadings**

To proceed with any of the mentioned pleadings, you may either contact an attorney or you may proceed on your own (Pro se). A list of attorneys is available in the Prothonotary's Office. You may also contact Neighborhood Legal Services Association (724-282-3888) or the Butler County Bar Association (724-841-0130).

If you proceed Pro se you must follow the PA Rules of Civil Procedure and the Butler County Local Family Court Rules, which can be found at the Law Library or online at a legal website. The Rules concerning custody begin at Rule 1915.1. You may also find pre-printed forms at the Prothonotary's Office or online at the Butler County Court website (www.butlercountypa.gov), the state of Pennsylvania's Court website (www.pacourts.us/learn/representing-yourself/custody-proceedings), or www.palawhelp.org.

It will be your responsibility to insure the forms are completed correctly, the proper filing fees are paid, and the appropriate procedures are followed.

Other information:

If the Conciliator's Office was involved in establishing your present Custody Order, the Custody Conciliator is empowered to aid parties in clarifying or interpreting the Order through correspondence.

It will be necessary for you to briefly inform the Conciliator of the problem areas in writing. You may utilize the form titled **Custody Correspondence**, which is available at the Domestic Relations Office, or you may send a letter to the Custody Conciliator's Office. These are the only two acceptable methods of contacting the Conciliator.

The Conciliator will then review your correspondence and the existing Court Order, and will respond accordingly.

If your custody arrangement was established through a Protection From Abuse Order, a Marital Settlement Agreement, or privately, you will need to contact an attorney regarding enforcement, interpretation, or clarification.

Custody Conference Procedures

- Once a Complaint or Modification has been filed, it will be scheduled for a Custody Conference before the Conciliator.
- Once a Contempt or Special Relief is presented, it will be addressed appropriately before the Judge.
- If you file any pleading yourself, it will be your responsibility to ensure the Rules of Civil Procedure are followed and that all other parties are properly served with appropriate copies of the pleadings and the Court Order scheduling the conference or Court date. You should review the PA Rules of Civil Procedure and the Butler County Local Family Court Rules for further information.
- At the Conciliation Conference, the parties must be present. If you have an attorney, they can, and perhaps should, be present.
- The purpose of the conference is to attempt to work out an agreement between the parties. If an agreement is reached, it will be reduced to writing. Thereafter, it will be presented to the Court for a Judge's signature. There will be no need for the parties to appear before a Judge.
- If no agreement is reached an appropriate recommendation shall be made to the Judge and if certain evaluations are appropriate, the Conciliator can direct them to be undertaken.



**Butler County
Domestic Relations**
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Custody Conciliation



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