

TIOGA COUNTY, PENNSYLVANIA

CUSTODY CONTINUANCE REQUEST SELF-HELP PACKAGE

*Prepared by the Tioga County Bar Association for use by indigent pro se litigants
in Tioga County, Pennsylvania*

**THIS PACKAGE IS FOR USE WHEN ASKING THE COURT TO
RESCHEDULE A CUSTODY PROCEEDING**

INSTRUCTIONS:

NOTE: IF YOU ARE IN AN EMERGENCY SITUATION AND IT IS NOT POSSIBLE TO FILE A WRITTEN CONTINUANCE REQUEST, THEN YOU SHOULD IMMEDIATELY CONTACT TIOGA COUNTY COURT ADMINISTRATION AT (570) 724 – 9380 TO NOTIFY THE COURT ABOUT YOUR EMERGENCY AND REQUEST ADDITIONAL INSTRUCTIONS. OTHERWISE YOU MUST COMPLETE THE FOLLOWING STEPS:

STEP 1: COMPLETE THE CONTINUANCE REQUEST FORM

Complete the fill-in-the-blank Continuance Request form included in this package. On the top of the first page, fill in the names of the Plaintiff and the Defendant and the docket number exactly as they appear on the scheduling order you received from the court. Whoever is listed as the Plaintiff in any prior legal papers is still the Plaintiff, and whoever is listed as the Defendant in prior legal papers is still the Defendant. However, for the purposes of this Continuance Request, you are the ‘Applicant.’

The caption at the top of the page should look something like this:

IN THE COURT OF COMMON PLEAS OF TIOGA COUNTY, PENNSYLVANIA	
<u>Jane Q. Doe</u> <i>Plaintiff</i>	:
v.	:
<u>John X. Doe</u> <i>Defendant</i>	:
	NO: <u>799 FS 2018</u>
	CIVIL ACTION - CUSTODY
	:
:.....:	
<u>CONTINUANCE REQUEST</u>	

How to fill out the rest of the Continuance Request:

Page 1, Question 1 – Insert the date of the court proceeding you are asking the court to reschedule and check the appropriate box for the nature of the court proceeding. Here is an example:

1. I have been ordered by the court to appear on <u>01/10/2021</u> for the following:	
<input checked="" type="checkbox"/> Custody conference	<input type="checkbox"/> Custody pre-trial conference
<input type="checkbox"/> Custody relocation hearing	<input type="checkbox"/> Custody trial
<input type="checkbox"/> Custody contempt hearing	<input type="checkbox"/> Other: _____

Page 1, Question 2 – Explain why you are asking the court to reschedule your court appearance. Please remember that court proceeding are serious matters and will not be rescheduled without good reason. Please also be aware that court proceedings will normally not be rescheduled just because of a conflict with your regular work schedule. Some common examples of legitimate reasons for requesting a continuance include (1) medical emergencies or previously-scheduled medical appointments, (2) previously-planned out-of-town travel, (3) scheduling conflicts with other courts, or (4) ongoing efforts to engage the services of an attorney. However, if you are asking for a continuance in order to obtain the services of an attorney, you should explain what efforts you have already made to find an attorney. If you have not already made reasonable efforts to find an attorney, then the court will probably deny your request. The court may also deny a continuance request even if a good reason is provided when there is an urgent issue in your case that needs to be addressed without further delay. **Please note that non-emergency continuance requests should normally be filed at least ten (10) days prior to the scheduled court proceeding unless there is a legitimate reason you were not able to file your request in a timely manner.**

Here is an example of a potentially acceptable reason for a continuance request:

2. I am requesting that the above court proceeding be rescheduled for the following reasons(s): <u><i>I called three attorneys immediately after I received the scheduling order and none can see me until after the date of the custody conference</i></u>
--

Page 1, Question 3 – Except during an emergency, you have a legal obligation to contact all other parties (or their attorneys – if they have an attorney) and seek their consent before filing a Continuance Request. In fact, one of your legal obligations when filing a Continuance Request is to let the court know whether or not any other party objects to the Continuance Request. If you fail to make reasonable attempts to contact any other party before filing your Continuance Request, then the court may reject your request for that reason alone. This is true even if you otherwise have a good reason for asking for a continuance. **If your case has a Guardian Ad Litem, you must also indicate whether or not the Guardian Ad Litem consents to the Continuance Request.**

Please also note that if another party is represented by their own attorney, you *must* attempt to contact their attorney to seek consent to your Continuance Request instead of contacting the other party directly.

Here is an example:

<u>Names of other party:</u> Jane Q. Doe	<u>Represented by an attorney?:</u> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes: Clarence S. Darrow , Esquire
I attempted to contact <input type="checkbox"/> the party, or <input checked="" type="checkbox"/> their attorney, on <u>01/05/2021</u> by the following means: <input checked="" type="checkbox"/> telephone <input type="checkbox"/> text message <input type="checkbox"/> email <input type="checkbox"/> other: _____.	
I received the following response:	
<input checked="" type="checkbox"/> This party or their attorney DOES NOT OBJECT to my request for a continuance	
<input type="checkbox"/> This party or their attorney DOES OBJECT to my request for a continuance	
<input type="checkbox"/> I have not received a response regarding my request for a continuance	

Question 3 has spaces for up to two other parties. Most custody cases involve disputes between parents and therefore only have one other party. If in your case there are more than two other parties, then you will need to attach an addition sheet to your request with the required information for all other parties.

Page 2, Certificate of Compliance with Public Access Policy – By signing and filing the Continuance Request, you are certifying that it complies with the Public Access Policy of the Unified Judicial System of Pennsylvania and does not contain any (1) social security numbers, (2) financial account numbers, (3) driver’s license numbers, (4) state identification numbers, (5) minor’s names or dates of birth, (6) abuse victim’s addresses or other contact information, as defined by Pa.R.C.P. No. 1931(a), except for victim’s name. That policy is the reason why children can only be referred to by their initials in most court documents. For more information, visit:

<http://www.pacourts.us/public-records/public-records-policies>

Page 2, Praeceptum for Self-Representation – In the ‘Praeceptum for Self-Representation,’ check the first box if you have never been represented by an attorney in connection with this custody case and check the second box if you previously had an attorney represent you in connection with this case (Note: If you currently have an attorney representing you in connection with this custody case and wish to keep your attorney then you should not use the packet - your attorney should file a continuance request for you). The address you include below the signature line on Page 2 is the address the court and the other party are supposed to use to send legal papers to you. **Make sure the court and all other parties always have your current mailing address for legal papers because you will be treated as if you received any mail sent to you at the address you provide. If you do not keep your mailing address updated, you may miss important notices and fail to receive important legal documents.** The court provides a separate stand-alone ‘Praeceptum to Update Contact Information’ form that you can use later on to inform the court and other parties of any changes in your contact information.

Page 2, Verification and Signature – After you have filled out the rest of the Continuance Request, sign and date the last page. **By signing the Continuance Request and filing it with the court you are asserting that the information you provide is true and correct to the best of your knowledge,**

information, and belief. If you intentionally provide false information in a document you submit to the court, you may be subject to criminal charges under 18 PA. C.S.A. § 4904.

STEP 2: PREPARE THE PROPOSED ORDER

You will need to submit a proposed order along with the Continuance Request. This is the form that the judge uses to either grant or deny the request. You should fill out the caption on the Proposed Order the same way you filled out the caption on the Continuance Request. **YOU SHOULD NOT FILL OUT ANYTHING ELSE ON THE PROPOSED ORDER. COURT PERSONNEL WILL FILL OUT THE REST OF THE PROPOSED ORDER AND THE JUDGE WILL SIGN IT.**

STEP 3: PREPARE COPIES OF YOUR DOCUMENTS

Before you go to court, you will need to make several copies of the Continuance Request. When you go to the courthouse you will need to bring with you the original Continuance Request and a separate copy for each other party in the case. You should also bring a copy for your own records. You will also need to bring the Proposed Order.

STEP 4: FILE YOUR CONTINUANCE REQUEST

Now you can go to the Prothonotary's office in the courthouse. Tell the staff that you are there to file a Continuance Request and give them your papers. The Prothonotary's Office will take your original Continuance Request and keep it for the court file, and will forward the Proposed Order to the court for the judge to review and sign. They will also timestamp your copies of the Continuance Request and give the copies back to you. **In a true emergency, you can contact Tioga County Court Administration at (570) 724 – 9380 to request instructions for filing a Continuance Request by facsimile or email.**

STEP 5: SERVE YOUR CONTINUANCE REQUEST ON THE OTHER PARTIES

It is your responsibility to send each other party (1) a copy of your Continuance Request by regular first-class mail. If the scheduled court proceeding is within the next two weeks, then you should also take reasonable steps to directly notify the other party of your Continuance Request at the earliest possible opportunity in order to give them as much notice as possible that the proceeding may be rescheduled. This can include notifying the other party, or their attorney, by email, text message, facsimile, telephone, or any other means that may be reasonable in the circumstances.

STEP 6: WAIT FOR INSTRUCTIONS FROM THE COURT

After the court makes a decision regarding your Continuance Request you will receive additional instructions. If the request is granted, the court will set a new date and time for the court proceeding. The court may also require that you attempt to notify the other party about the continuance to save them the inconvenience of appearing in court at the originally-scheduled time. You can ask about the status of your Continuance Request by calling Tioga County Court Administration at (570) 724 – 9380.

NOTE: NEVER JUST ASSUME THAT YOUR CONTINUANCE REQUEST WILL BE GRANTED. YOU ARE STILL LEGALLY REQUIRED TO ATTEND THE COURT PROCEEDING AT THE ORIGINALLY-SCHEDULED TIME *UNLESS* THE COURT EXPRESSLY GRANTS YOUR CONTINUANCE REQUEST. IF THE COURT DENIES YOUR REQUEST AND YOU FAIL TO APPEAR AT THE ORIGINALLY-SCHEDULED TIME, THEN THE COURT PROCEEDING MAY TAKE PLACE WITHOUT YOU, AND YOU MAY LOSE IMPORTANT LEGAL RIGHTS.

This Self-Help Continuance Request Package is provided by the Tioga County Bar Association for the benefit of pro se custody litigants in Tioga County, Pennsylvania and may be reproduced without restriction. No warranties of any kind are made in connection with these instructions or the included documents, nor is this package intended as a substitute for individualized legal advice. For further assistance, please contact North Penn Legal Services at (877) 953 – 4250.

ADDITIONAL CONTENTS OF THIS PACKAGE:

1. CONTINUANCE REQUEST
2. PROPOSED ORDER

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

:
:
:
:
:
:
:

NO: ____ FS ____

CIVIL ACTION - CUSTODY

.....

CONTINUANCE REQUEST

1. I have been ordered by the court to appear on ____/____/____ for the following:
 Custody conference Pre-trial conference Contempt hearing
 Relocation hearing Custody trial Other: _____
2. I am requesting that the above court proceeding be rescheduled for the following reason(s):

3. I understand that, except during an emergency, I must seek the consent of all other parties before filing a continuance request. I therefore certify that I have made the following attempts to seek the consent of all other parties:

<u>Names of other party:</u> _____	<u>Represented by an attorney?:</u> <input type="checkbox"/> No <input type="checkbox"/> Yes: _____, Esquire
I attempted to contact <input type="checkbox"/> the party, or <input type="checkbox"/> their attorney, on ____/____/____ by the following means: <input type="checkbox"/> telephone <input type="checkbox"/> text message <input type="checkbox"/> email <input type="checkbox"/> other: _____. I received the following response: <input type="checkbox"/> This party or their attorney DOES NOT OBJECT to my request for a continuance <input type="checkbox"/> This party or their attorney DOES OBJECT to my request for a continuance <input type="checkbox"/> I have not received a response regarding my request for a continuance	

<u>Names of other party:</u> _____	<u>Represented by an attorney?:</u> <input type="checkbox"/> No <input type="checkbox"/> Yes: _____, Esquire
I attempted to contact <input type="checkbox"/> the party, or <input type="checkbox"/> their attorney, on ____/____/____ by the following means: <input type="checkbox"/> telephone <input type="checkbox"/> text message <input type="checkbox"/> email <input type="checkbox"/> other: _____. I received the following response: <input type="checkbox"/> This party or their attorney DOES NOT OBJECT to my request for a continuance <input type="checkbox"/> This party or their attorney DOES OBJECT to my request for a continuance <input type="checkbox"/> I have not received a response regarding my request for a continuance	

(Use additional sheets if there are more than two other parties)

CERTIFICATION OF COMPLIANCE WITH PUBLIC ACCESS POLICY

I, the undersigned Applicant, certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

PRAECIPE FOR SELF-REPRESENTATION

I, the undersigned Applicant, represent myself in this action.

I have not previously been represented by an attorney in this action, *or*

I was previously represented by _____, Esquire, but am no longer represented by any attorney and wish said attorney removed as my attorney of record (Note: The Applicant must send a copy of this document to the attorney removed from this case).

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

All pleadings and legal papers can be served on me at the address provided below.

VERIFICATION

I, the undersigned Applicant do verify that the statements made in the foregoing Continuance Request, Certificate of Compliance with Public Access Policy, and Praecipe for Self-Representation are all true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Applicant's Signature (pro se)

Address: _____

Phone: _____

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

:
:
:
:
:
:
:

NO: ____ FS ____

CIVIL ACTION - CUSTODY

.....

CONTINUANCE ORDER

AND NOW, this ____ day of _____, 20____, upon consideration of the Motion for Continuation submitted by _____, it is ORDERED and DECREED as follows:

- The Motion for a Continuation is DENIED.
- The Motion for a Continuation is GRANTED and the Custody conference
 - Pre-trial conference Contempt hearing Relocation hearing
 - Custody trial Other: _____
 previously scheduled for ____/____/____ is hereby rescheduled for:

The ____ day of _____, 20 ____ at ____ .m.

All parties and their counsel, if any, are directed to appear at the Tioga County Courthouse, 118 Main Street, Wellsboro, Pennsylvania 16901 at that date and time and should be prepared to proceed.

- The party who applied for the continuance is directed to immediately notify all other parties of this order.
- Other: _____

BY THE COURT,

_____ J.

Distribution:

1. _____ (Plaintiff)
2. _____ (Defendant)