

ADMINISTRATIVE ORDER OF COURT

AND NOW, this 19th day of December, 2007, it is hereby ORDERED and DECREED that the Lawrence County Court of Common Pleas hereby adopts new local rules of civil procedure, L.1915.1, L.1915.3, L.1915.4, L.1915.7 and L.1915.10, as attached hereto and incorporated herein by reference.

The Lawrence County District Court Administrator is ORDERED and DIRECTED to do the following:

1. File seven (7) certified copies of this Administrative Order and Rules with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
3. File one (1) certified copy with the Pennsylvania Procedural Rules Committee
4. Forward one (1) copy for publication in the Lawrence Law Journal.
5. Forward one (1) copy to the Lawrence County Law Library.
6. Keep continuously available for public inspection copies of this Administrative Order and Rules in the Office of the Prothonotary of Lawrence County.

The effective date of this Order shall be thirty (30) days after the date of publication in the Pennsylvania Bulletin.

BY THE COURT:
Dominick Motto, P.J.

**ACTION FOR CUSTODY, PARTIAL CUSTODY,
VISITATION AND RELOCATION OF MINOR CHILDREN**

L.1915.1 Scope – Definition

(a) These rules govern all actions for custody, partial custody and visitation, including original actions, petitions for relocation, petitions to modify orders and petitions for contempt.

(b) These rules supplement the Pennsylvania Rules of Civil Procedure governing custody actions, Pa.R.C.P. No. 1915.1 et seq.

L.1915.3 Commencement of Action, Complaint, Order

(a) A conference before a court-appointed Custody Conciliation Conference Officer shall be held in all cases involving claims for custody, partial custody, visitation or relocation. All custody complaints or petitions shall include the scheduling order required by Pa.R.C.P. No. 1915.3.

(b) The moving party shall deliver the custody complaint or petition with the scheduling order to the Office of the Court Administrator. The Court Administrator shall assign the date and time for the conciliation conference before the conciliation conference officer. The Court Administrator's Office will present the complaint or petition to the family court judge to whom the case is assigned for signature and return the signed complaint or petition to the moving party. The moving party will file the complaint or petition with the Prothonotary's Office.

L.1915.4

(a) The custody complaint or petition and order of court scheduling the conciliation conference shall be served by the moving party in accordance with the Pennsylvania Rules of Civil Procedure.

(b) Proof of service of the custody complaint or petition and order of court shall be filed with the Prothonotary prior to the custody conference.

L.1915.4-1 Continuances of conciliation conferences or custody hearings

Custody matters scheduled before the court shall be continued only by leave of court, with good cause shown. Custody matters scheduled before the Custody Conciliation Conference Officer may be continued by either the Court or by the Conciliation Conference Officer for good cause shown. For such a request to be considered, the motion for continuance shall be submitted to the court in accordance with local civil motions practice and procedure.

L.1915.5 Jurisdiction, Venue, Standing and Relocation Issues

- (a) Objections to jurisdiction, venue, or standing motions concerning discovery, joinder of parties, psychological or psychiatric examinations, and appointment of counsel for minors shall be presented to the family court judge to whom the case is assigned.
- (b) The court may direct that issues pertaining to jurisdiction, venue and standing be referred to custody conciliation.
- (c) Alternatively, the court may schedule a hearing before the court for disposition of the jurisdiction, venue or standing issue or the court may take such action as may be prescribed by statute, compact or treaty.

L.1915.7 Custody Conciliation Conference Consent and Recommendation

- (a) All parties named in an action for custody shall be present at the custody conciliation conference unless excused by the court or the Custody Conciliation Conference Officer. Failure of a party to appear at the conference may result to the entry of a custody or visitation order by the court on the recommendation of the Custody Conciliation Conference Officer in the absence of that party. Unless ordered by the court or the Custody Conciliation Conference Officer for good cause shown, children shall not be brought to the conciliation and shall not be heard on the issues by the Custody Conciliation Conference Officer.
- (b) The Custody Conciliation Conference Officer shall encourage consent agreements on the custody issues pending between/among the parties. If agreements are reached, they shall be reduced to writing and submitted to the court for adoption as an order.
- (c) In the event that the parties are unable to resolve their differences in cases involving disputes over primary physical custody, or relocation and/or visitation, the Conciliation Conference Officer shall file a report and a proposed order of court with the court within five (5) days of the conference which may contain the following:
 - (1) Recommendation that custody investigations, such as physical or mental evaluations, home studies, drug and alcohol evaluations, counseling, education seminars to be undertaken, and appointment of a guardian ad litem, as well as equitable division of the fees for the same. In order to ensure that all studies and evaluations ordered, expert testimony supplied, and seminar attendance occur without delay, the Order directing such activities shall provide that each party's share of the relevant fees be paid as allocated in the order, subject to reallocation at a later stage of the case. A non-paying or non-participating party relative to such an Ordered activities shall be subjected to the contempt powers of the Court.

(2) The Custody Conciliation Conference Officer's review of jurisdiction, venue, standing and relocation issues;

(3) Progress, if any, on issues before the Custody Conciliation Conference Officer, as well as any recommendations for interim custody/visitation orders, including the need for any expedited hearing in emergency cases.

(4) Recommendations that the parties and children engage in counseling.

(5) Scheduling of pretrial conferences and/or trial dates.

(d) As part of the order resulting from the initial conciliation conference, custody cases will ordinarily be scheduled for a pretrial conference within 120 days after service of the initial pleading, and those cases in which an evaluation is ordered by which time the evaluations are expected to be completed and available. The initial conciliation order shall also provide that the cost of any evaluations, home studies, or tests, including the costs of in-court testimony needed to authenticate and explain expert reports or the results thereof, shall be shared by the parties, initially as allocated by the court in the post-conciliation order, but subject to reallocation as part of the pretrial conference order and the final order in the case as the equities in the case may dictate.

(e) In cases where no agreement is reached, and no evaluations are ordered, and the case is not diverted to counseling in the Custody Conciliation Conference Officer's recommendation, the conciliation conference order shall constitute a final order of court unless either party requests a pretrial conference within twenty (20) days of the date that the conciliation conference order is docketed.

L.1915.10 Request for custody pretrial conference. Pretrial Conference. Decision.

(a) A party may request a custody pretrial conference within twenty (20) days of the date that a custody order issued as the result of a conciliation conference is docketed, in cases where a comprehensive agreement is not reached at the conference and the conciliation conference order does not itself schedule a custody pretrial conference. The moving party shall file the request for custody pretrial conference with the Prothonotary and serve a copy on the judge that issued the conciliation conference order as well as opposing counsel or unrepresented parties.

(b) The request for custody pretrial conference and scheduling order shall be substantially as follows:

(CAPTION)

REQUEST FOR CUSTODY PRETRIAL CONFERENCE

I, _____, hereby request a pretrial conference before the Court of Common Pleas. This request is being filed within twenty (20) days of the date that the conciliation conference custody order is docketed.

Date

Counsel for the requesting party or
unrepresented requesting party

(CAPTION)

SCHEDULING ORDER

The above named parties and trial counsel are hereby ORDERED to appear in person on the _____ day of _____, 20____ at _____ o'clock _____ .m. in Courtroom # _____ for a pretrial conference. Counsel for the parties, if represented, or any unrepresented parties, shall file a pretrial narrative at least seven (7) days prior to the pretrial conference. The parties are required to attend the pretrial conference.

A copy of the pretrial narrative shall be served on the assigned judge, all counsel of record and any unrepresented parties. The pretrial narrative shall include:

- (1) Names and addresses of all witnesses, including experts;
- (2) Summary of each witnesses' anticipate testimony;
- (3) Copies of all exhibits;
- (4) Proposed custody arrangement;
- (5) Requested stipulation of facts;
- (6) A copy of the report of any expert that is expected to be called to testify.

BY THE COURT:

Date

Judge

(c) All parties and trial counsel shall be present at the pretrial conference unless otherwise provided by order of court. Failure of a party to appear at the pretrial conference may result in the entry of a custody/visitation order by the court.

(d) Any agreement reached at the pretrial conference shall be reduced to writing and entered as an order of court.