

THE COURTS

Title 255—LOCAL COURT RULES

CAMBRIA COUNTY

Adoption of Rules Relating to Actions for Support

Order

Now, this 21st day of October, 1996, Cambria County Local Rules 120, 130 and 140 are hereby rescinded and the following Rules are hereby adopted.

RULES GOVERNING ACTIONS FOR SUPPORT, CUSTODY, PARTIAL CUSTODY, VISITATION OF MINOR CHILDREN, DIVORCE, OR ANNULMENT

1910. ACTIONS FOR SUPPORT

1901.1 Procedures. Standing Hearing Officers.

(a) Actions for support shall proceed in accordance with the Pennsylvania Rules of Civil Procedure. The conference/hearing procedures set forth in Pennsylvania Rule of Civil Procedure 1910.12 shall be utilized.

(b) The court will select, appoint, and establish the duties of standing hearing officers in support actions. The compensation of the standing hearing officers shall be set by the Cambria County Salary Board.

1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY, AND VISITATION OF MINOR CHILDREN

1915.1. Commencement of Action. Standing Hearing Officers. Fees.

(a) Any party filing a complaint in an action for custody, partial custody and visitation of minor children, or a pleading requesting modification of an existing court order pertaining to the same, shall file an original and one copy of the pleading in the Prothonotary's Office. The Prothonotary shall immediately forward a certified copy of the pleading to the Cambria County Court Administrator.

(b) The court may appoint a hearing officer to hear the matter. (Pa.R.C.P. 1915.4-1) When a hearing officer is appointed, the matter shall thereafter proceed in accordance with Pennsylvania Rule of Civil Procedure 1915.4-2.

(c) In addition to the filing fee assessed for the filing of a complaint, a nonrefundable administrative fee in the amount of \$500.00 shall be paid to the Prothonotary simultaneously with the filing of a complaint in an action for custody, partial custody, or visitation of minor children, or a petition for modification of an existing order involving custody, partial custody, and visitation of minor children. The initial fee of \$500.00 shall entitle the parties to two hours of the appointed hearing officer's time. Should the hearing officer's time exceed two hours, an additional fee of \$100.00 per hour will be assessed and paid by the parties in proportions to be determined by the hearing officer.

(d) The court will select, appoint and establish the duties of standing hearing officers in actions involving custody, partial custody, and visitation. The compensation of the standing hearing officers shall be set by the Cambria County Salary Board.

1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

1920.1. Commencement of Action. Standing Mas- ters. Fees.

(a) Any party filing a complaint or counterclaim in an action of divorce or for annulment of marriage shall file an original and one copy of the pleading in the Prothonotary's Office. The Prothonotary shall immediately forward a certified copy of the pleading to the Cambria County Court Administrator.

(b) The court will, on its own motion, appoint a master with respect to those matters contained in the action in those instances where the appointment of a master is permitted. The matter shall thereafter proceed in accordance with Pennsylvania Rule of Civil Procedure.

(c) In addition to the filing fee assessed for the filing of a complaint, a nonrefundable administrative fee in the amount of \$500.00 shall be paid to the Cambria County Prothonotary simultaneously with the filing of a divorce complaint or counterclaim which raises for the first time any issue other than a count for divorce under sections 3301(c) and/or (d) of the Divorce Code. The initial fee of \$500.00 shall entitle the parties to two hours of the master's time. Should the master's time exceed two hours, an additional fee of \$100.00 per hour will be assessed and paid by the parties in proportions to be determined by the master.

(d) The court will select, appoint and establish the duties of standing masters. The compensation of the standing masters shall be set by the Cambria County Salary Board.

The foregoing Rules shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

GERARD LONG,
President Judge

Explanatory Comment

The new rules eliminate the fragmented procedure which previously existed in family law matters. Under the new rules, in divorce and annulment actions, a master, who in most instances will be a standing master, will be appointed by the court on its own motion except in matters where the appointment of a master is prohibited by the Divorce Code. The master will attempt conciliation. If conciliation efforts fail, the master will conduct a hearing and will file a report. (Pa.R.C.P. 1920.51, 1920.53, 1920.54, 1920.55-2)

Most actions for custody or visitation, including modification of an existing order, will be referred by the court to a hearing officer (who, in most instances, will be one of the standing masters). The hearing officer will attempt conciliation. If those attempts are unsuccessful, the officer will conduct a hearing and file a report. (Pa.R.C.P. 1915.4-1, 1915.4-2)

Cases involving support only, which are filed with the Domestic Relations Section, will, as in the past, first be referred to a domestic relations conference officer who will conduct an office conference. Following the conference, the conference officer will submit a report and an interim order will be entered by the court. (Pa.R.C.P. 1910.11) Thereafter, if necessary, a hearing will be held

before a hearing officer (one of the standing masters) who will submit a report. (Pa.R.C.P. 1910.12)

A \$500.00 administrative fee must be paid at the time of filing the pleading which triggers the appointment of a master or hearing officer in all cases, except cases involving support only, where no administrative fee will be required. The fee will entitle the parties to two hours of the master's/hearing officer's time. No refund will be made if less than two hours is required.

Exceptions to the report and recommendation of the master or hearing officer may be filed in accordance with the appropriate Pennsylvania Rules of Civil Procedure. If exceptions are filed, the matter will proceed in accordance with said Rules. It should be noted that in most custody and visitation actions, hearings will not be held by a judge—only argument on exceptions will be heard. (Pa.R.C.P. 1915.4-1, 1915.4-2)

[Pa.B. Doc. No. 96-1922. Filed for public inspection November 8, 1996, 9:00 a.m.]

MONTGOMERY COUNTY

Amendment to Orphans' Court Rule 7.1 Governing Exceptions

Order

And Now, this 15th day of October, 1996, the Court approves and adopts the following amendment to Montgomery County Local Rule of Orphans' Court 7.1—Exceptions. This Amendment shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Supreme Court Orphans' Court Rule 1.2 and Pa.R.J.A. 103(c), ten (10) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Rules of Orphans' Court Committee. One (1) copy shall be filed with the Register of Wills, one (1) copy with the Clerk of the Orphans' Court, one (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

By the Court

WILLIAM T. NICHOLAS,
President Judge

Rule 7.1A Exceptions—Generally.

(1) All orders and decrees shall be final and not subject to exceptions or post-trial motions, including those to

reconsider or clarify, except (a) adjudications of fiduciary accounts and (b) orders and decrees which the Court specifies are not final.

(2) An order or decree which the Court specifies is not final, or an adjudication, shall be confirmed absolutely as of course, unless written exceptions thereto are filed with the clerk, within ten (10) days after the date of the filing of such order, decree or adjudication.

(3) If timely exceptions are filed by a party, any other party may file exceptions with the clerk within ten (10) days after the date on which the first exceptions were filed.

(4) Exceptions shall raise questions relating only to the adjudication, order or decree to which exceptions are filed, and shall in no event raise questions which could have been raised previously, by claim or objection.

Note: This rule does not deal with the question of what orders or decrees are interlocutory and not appealable, such as for example, those dealing with discovery (see Local Rule 3.6A), rulings on preliminary objections, grant of jury trial and preliminary decrees directing issuance of citation. As to these issues, see *Hunter's Orphans' Court Commonplace Book*, Appeals §§ 6 & 8, Orphans' Court § 16. This Rule is intended to make Pa.R.C.P. 1517(a) inapplicable in this Court. *Cf. Adoption of CRV*, 408 Pa. Super. 386; *Hamilton Adoption*, 362 Pa. Super. 249. Before an order or decree granting a nonsuit can be appealed, a motion for removal of the nonsuit must be filed and ruled upon. See *Hunter*, Orphans' Court § 11(n).

Rule 7.1B. Exceptions—Form and Service.

(1) Exceptions shall be filed in writing with the clerk, numbered consecutively, signed by the exceptant or the exceptant's attorney and each exception shall:

(a) be specific as to description and amount;

(b) raise but one issue of law and fact, but if there are several exceptions to items included in or omitted from the adjudication, order or decree relating to the same issue, all such exceptions shall be included in the same exception; and

(c) set forth briefly the reason or reasons in support thereof.

(2) A party filing exceptions shall serve a copy thereof no later than the day of such filing upon all parties in interest affected thereby. The attorney for the exceptant, or the exceptant, shall certify to the clerk in writing that a copy of the exceptions has been served as required by this rule and shall attach a list of those on whom service was made.

Local Rule 7.1C.—deleted.

[Pa.B. Doc. No. 96-1870. Filed for public inspection November 8, 1996, 9:00 a.m.]