

THE COURTS

Title 255—LOCAL COURT RULES

CARBON COUNTY

DNA Detection of Sexual and Violent Offenders Act; No. 89MI96 328JV96

Administrative Order No. 11-1996

And Now, this 18th day of December, 1996 pursuant to Act 14 of 1995, DNA Detention of Sexual and Violent Offenders Act, it is hereby

Ordered and Deceed that, effective immediately, the Carbon County Correctional Facility be and is hereby APPOINTED as the facility to draw, handle and submit blood samples from offenders convicted of or adjudicated delinquent for felony sex offenses or an attempt, conspiracy or solicitation to commit a felony sex offense under Title 18, Pa.C.S. Chapter 31 (relating to sexual offenses), Title 18, Pa.C.S. § 6312 (relating to sexual abuse of children) and from offenders convicted of or adjudicated delinquent for other specified offenses or an attempt, conspiracy or solicitation to commit an offense under Title 18 Pa.C.S. § 2502 (relating to murder), Title 18 Pa.C.S. § 2709(c)(2)(ii) (relating to harassment and stalking) and Title 18 Pa.C.S. § 3126 (relating to indecent assault).

By the Court

JOHN P. LAVELLE,
President Judge

[Pa.B. Doc. No. 97-1. Filed for public inspection January 3, 1997, 9:00 a.m.]

CARBON COUNTY

Use of Force Policy; No. 083MI95

Amended Administrative Order 9-1996

And Now, this 18th day of December, 1996, in order to establish and maintain lawful control in a timely manner to minimize the potential for injury to parties directly involved as well as others, the Court of Common Pleas of Carbon County hereby *Approves* and *Adopts* the Amended Use of Force Policy, applicable to the Carbon County Adult Probation/Parole Department, Carbon County Juvenile Probation Office, Carbon County Sheriff's Department, Carbon County Correctional Facility and Carbon County Park Services. This Amended Use of Force Policy is following and made a part hereof and the same is promulgated herewith to become effective thirty (30) days after publication in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee.

By the Court

JOHN P. LAVELLE,
President Judge

General Policy

The consideration in the use of force is the preservation of life and physical safety.

The objective of the use of force by authorized personnel is to establish and maintain lawful control in a timely manner to minimize the potential for injury to parties directly involved as well as others.

Control must be established:

for the safety of the officer and others in response to perceived danger.

when necessary to accomplish duties authorized by law.

The degree of force authorized is that degree necessary to establish lawful control in a timely manner. This degree of force depends upon the degree of danger or resistance perceived by the officer.

Deadly force is that degree of force likely to cause serious physical injury or death. Officers may employ deadly force as a last resort, when they perceive an immediate danger of loss of life or serious bodily injury.

Guidelines

Applicability

All policies, procedures, directives and requirements set forth in this policy statement shall be applicable to the following Court offices: Carbon County Adult Probation/Parole Department and Carbon County Juvenile Probation Office, and the following County offices: Carbon County Sheriff's Department, Carbon County Correctional Facility and Carbon County Park Services.

Identification

If circumstances permit, the officer must make his/her identity as an enforcement officer known.

Warning

Whenever possible, the officer must exercise persuasion, advice and warning before using force. If such verbal control would be (or is found to be) ineffective, the officer may use physical force to accomplish a lawful purpose.

Timeliness

Timely means "on time" and "not late." Officers need not wait for injury to occur to themselves or others before taking appropriate action to prevent it.

Use of Excessive Force

The use of excessive force is prohibited by Federal and State laws. Violation of these laws can carry both civil and criminal penalties. Officers will be held accountable for the use of force.

Purpose of Force

The purpose of any level of force shall be control and maintaining a level of advantage as defined by the Pennsylvania Crimes Code, 18 P.S. § 508, Use of Force in Law Enforcement.

Use of Force Model

"The Use of Force Paradigm for Enforcement and Corrections," as developed by John Desmedt of the Police Safety System, is formally adopted, subscribed and employed.

Use of Force Considerations

- a. Subject's immediate threat to safety.
- b. Subject's active resistance or attempt to escape
- c. Severity of crime involved.
- d. An officer's ability to disengage.
- e. The circumstances existing at the moment force is used.
- f. The tactics employed by an officer that may have caused a use of force decision to become necessary.

Reasonable Control Guidelines

- a. Matching force to their resistance.
- b. Correctly applying techniques and equipment appropriate to that force level.
- c. Applying alternative options if tactics fail to establish control.

Less Than Lethal Weapons Policy

Less than lethal weapons may be used to overcome subjects who attack and/or resist attempts to establish lawful control by the officer.

Qualification to Carry Less Than Lethal Weapons

Intermediate weapons are authorized for carrying and use if:

1. Such weapons comply with standards established for such authorized weapons and
2. Each officer carrying such weapons has met the established training standard.

The dates and number of hours of all intermediate weapons training will be made a matter of permanent record.

Authorized Less Than Lethal Weapons

Less than lethal weapons are weapons other than firearms, designed to supplement or replace weaponless control methods. Less than lethal weapons allow the officer to lessen the possibility of direct violent contact with subjects. Less than lethal weapons are not intended to replace firearms because they may not be effective when the use of lethal force is necessary.

Impact Weapons

Impact weapons are weapons designed to establish control by means of mechanical impact.

Impact Weapons Guidelines

Do not direct impact weapon techniques to the head, neck, or spine unless the use of deadly force is appropriate.

As a general rule, do not draw an impact weapon in the presence of the public except when its use is expected.

An impact weapon can also be used as a control instrument when appropriate.

Control Instruments

Control instruments are instruments used in conjunction with weaponless control techniques to apply mechanical pressure to pain sensors, thereby effecting control. A control instrument is not intended to replace either a firearm or an impact weapon; it may not suffice to establish control when the use of an impact weapon or firearm is appropriate.

Control Instrument Guideline

Do not direct control instruments use to the neck unless the use of deadly force is appropriate.

Oleoresin Capsicum (OC)

Oleoresin Capsicum is a ground pepper mixture designed to temporarily render an individual incapable of continuing attack or resisting lawful authority.

OC Guidelines

OC should only be directed at the person to be controlled for the amount of time required to establish control.

The training standard for the use of OC will include instruction in:

1. The proper and improper use of the specific chemical agents as determined by statute, regulation and manufacturer recommendation.
2. Expected results of the use of OC
3. Exposure to the effects of OC
4. Procedure and first aid following the use of OC.

Handcuffing/Transporting

When an arrest is planned, two officers should be available for every subject that is to be arrested, when possible.

If a subject is handcuffed behind his back, officers shall not allow the subject to remain or wait on his abdomen. The subject should wait on his side or in other than the abdominal prone position. This is a precaution to prevent possible positional asphyxiation. Officers will check the handcuffs for appropriate fit, not too loose or too tight, prior to transporting. Transportation belts and/or leg irons may be used if the officer feels they are appropriate.

Officers are responsible for continuously monitoring arrestee for security and signs or symptoms of illness or injury while in custody.

Deadly Force

Deadly force is defined in the Pennsylvania Crimes Code, 18 P. S. § 501 as:

"Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury."

Serious Bodily Injury Definition

a. The legal definition of serious bodily injury is defined in the Pennsylvania Crimes Code, 18 P. S. § 2301 as:

"Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ."

b. The operational definition of serious bodily injury shall be as defined by the use of force model as:

- i. An open gash or wound;
- ii. Major broken bones; and/or
- iii. Damage to internal organs.

Deadly Force Policy

The use of deadly force by officers shall be strictly limited to defensive situations.

If appropriate, officers shall exhaust all other types of force before resorting to the utilization of deadly force.

When the use of deadly force is justified, officers discharging weapons shall not shoot to kill nor shoot to wound, but rather to stop the action by causing the instant incapacitation of the subject. For maximum stopping effectiveness and to minimize the danger to innocent bystanders, officers should shoot at center body mass.

Firearms shall not be drawn or displayed routinely during arrests, nor should they be used for any other reason other than as described above.

Officers shall not utilize deadly force in an offensive posture to effect the apprehension of those persons who commit violations of probation or parole, fail to pay child support, or any other law amounting to summary, misdemeanor or felony offenses, which do not present the threat of death or serious bodily injury. Nothing contained in this policy shall preclude the use of deadly force for self defense, when warranted.

Warning

Where practical in a deadly force situation, officers shall identify themselves as peace officers and give some type of warning prior to the use of deadly force, if the time and opportunity exists.

Requirements for Righteous Deadly Force

Accurately assessing a subject's imminent potential for attacking in a life threatening manner; the immediate and simultaneous existence of intent, weapon, delivery system and target.

Articulating why an officer feared for his/her life or the life of another when deadly force action was taken.

Explaining why a lower level of force was inappropriate and ineffective, and why disengagement was not possible.

Warning Shots

Warning shots are strictly prohibited under all circumstances.

Target Identification and Isolation

Officers facing a decision to use deadly force must be aware of any innocent third parties that may be present in or near the line of fire.

Officers are prohibited from discharging firearms when they cannot identify their target and it appears reasonably and likely that an innocent person(s) may be injured, unless the prohibition in discharging a weapon is likely to result in the immediate death or serious bodily injury of the officer or another person.

Officers shall establish target identification and target isolation.

Shooting and Moving Vehicles

a. Officers shall not discharge a firearm at or from a moving vehicle except under the following conditions:

I. As a last resort measure of self-defense when the subject is using deadly force by means of other than the vehicle.

ii. As a last resort measure of self-defense when a vehicle is being driven in a manner deliberately intended to kill or injure an officer or other party.

b. In deciding to shoot at a moving vehicle, officers must take into account the following limitations and consequences:

I. The difficulty of hitting a moving target.

ii. The possibility of ricochets striking unintended targets.

iii. Population densities.

iv. The difficulty in penetrating the automobile body and/or steel belted radial tires.

v. The inability to stop a vehicle's momentum even when the target actor is hit.

vi. The possibility of damage or injury which might result from causing the vehicle to go out of control.

Firearms Policy

Home Safety

It is essential that the officer assigned to carry a firearm instruct his/her family members in the proper use and handling of the firearm. It should be made perfectly clear that the firearm is not to be handled by any one other than the officer or a mature adult. The officer is responsible to educate his family members on the safety and proper handling of the firearm. All firearms should be kept out of the reach of children and immature or irresponsible adults and stored in a secure area. Older children may be given gun instruction with the extent of the training being dependent on the child's maturity and judgement of the parents.

Immediately upon entering your residence, the firearm should be unloaded, the magazine removed from the firearm and the firearms and equipment stored in a secure area. Officers are encouraged to store the ammunition, magazines and the firearm in different areas. The firearm must not be left unattended and accessible while in the residence. It shall be the responsibility of the officer to ensure that the firearm is properly secured in his/her residence.

The firearm should be kept beyond the reach of small children. A locked cabinet or drawer would be acceptable. Also, the firearm and its ancillary equipment should be stored in separate areas, but always in the same location.

Firearms shall not remain loaded while in the residence. The officer shall immediately unload the weapon when he/she enters the residence. All ammunition should be kept in a safe location away from the weapon. Also, the ammunition should be stored in a cool, dry place to prevent deterioration.

As a suggestion, a trigger guard lock will secure the firearm from accidental discharge. The key to the trigger guard should be kept on the officer's person at all times.

The officer shall not leave his duty weapon unattended while in his residence. The weapon must be secured at all times.

Requirement to Notify the Department of Physical and Pharmacological Conditions Affecting the Ability to Carry a Firearm

Officers shall notify their immediate supervisor of any physical or pharmacological conditions causing physical and/or emotional impairment. Impairment shall be defined as a condition which can affect judgement, reaction time or motor skills as it may affect the ability to handle a firearm safely.

In those instances where an officer believes and/or medical personnel indicate that a medication may affect judgement and/or reaction time, authorization to carry a firearm shall be suspended. Authorization shall be reinstated upon the cessation of the medication and its effects or with a physician's ruling that the medication's potential contraindications would not be aversive to handling a firearm safely and proficiently.

Prohibited Use of Officially Issued Firearm

Issued firearms may be used only for official purposes. Employees who use issued firearms for other than officially authorized purposes shall be subject to disciplinary action.

Display of Firearm

A firearm may be displayed or drawn only when the employee must prepare for its immediate use. Employees will not unnecessarily display firearms in the presence of the public. Personnel will guard against accidentally exposing firearms, whether worn or carried in a bag or case.

Carrying Firearms While on Duty

Personnel authorized to carry firearms shall carry only firearms which were issued or with which they have qualified.

Firearms Standards and Specifications

Agency issued handguns will be left to the discretion of each department. Officers may carry personal handguns, providing they meet the qualification standards necessary and the handgun is approved by the firearms training officer.

Carrying/Deploying Shoulder Weapons

Employees are authorized to carry only shoulder weapons when officially assigned or permitted to do so. Shoulder weapons are not authorized for off duty use.

Holsters and Other Firearms Carrying Devices

Personnel who are authorized to carry handguns may carry them in holsters of their choosing providing that the holster:

1. is designed for that handgun to be carried,
2. has a keeper with a positive retaining device, and
3. is positively secured to the employee's area.

Personnel will not carry handguns in briefcases or purses while on duty except when necessary to accomplish their assignment.

Firearms Security and Accountability

Employees are directly responsible for the safety and security of authorized firearms. Employees may be required to reimburse the County for the costs of lost or damaged firearms if:

1. an official investigation establishes that the employee is negligent or otherwise at fault, and
2. it is administratively decided that reimbursement is to be made.

Failure to safeguard or otherwise secure firearms may result in disciplinary action.

Procedures Following Discharge of Firearms

Employees shall report all discharges of firearms (except for training or qualification purposes) to their immediate supervisor.

Employees shall file a written incident report immediately following the discharge.

The police that have jurisdiction over the area where the firearm was discharged will be notified immediately.

The employee shall immediately surrender the firearm involved to their supervisor or requesting police officer.

Storage of Firearms

Firearms will be stored unloaded in a locked container. Ammunition will be stored separately from firearms. This applies to storage both in the office, the employee's place of residence, and any other location that the employee may have need to store a firearm.

Procedures for Loss, Theft, and Disposal of Firearms

Employees must report the loss or theft of an issued or auxiliary firearm to their immediate supervisor.

This report must be made within 24 hours of the loss by telephone or in person. The initial notification will be followed immediately by a written report describing the circumstances surrounding the loss or theft of the firearm.

The employee should take immediate reasonable action to recover the firearm and to obtain all information available to aid in the investigation and recovery of the firearm. Employees must seek assistance from the appropriate law enforcement agency as soon as possible.

Inspection and Maintenance of Firearms

Cleaning of Firearms

Employees are responsible to clean and lubricate handguns issued to them after each use or whenever the handgun has been subjected to moisture or dirt. Employees who carry a handgun other than the issued handgun, must ensure that the firearm is cleaned and functional.

Firearms with mechanical problems that cannot be corrected by routine cleaning must be taken out of service and sent to a qualified armorer for repair.

Ammunition Standards

Employees will carry only ammunition that is issued.

Security and Storage of Ammunition

Ammunition should be secured separately from firearms in a locked, cool, dry cabinet, vault or storeroom accessible only to authorized personnel.

Employees are issued a box of ammunition upon successful qualification. This box is to be used for the next year's qualification to ensure minimal deterioration.

Firearms Training

Firearms Training and Qualification Standards

All firearm carrying personnel are required to score at least 75% on all qualification courses.

Initial Firearms Qualification Requirements

Newly hired employees do not have authority to carry or discharge firearms until successfully completing basic firearms training.

Upon successful completion of the relevant basic training course, employees will be authorized to carry and discharge firearms in accordance with Carbon County policies.

Firearms Requalification Standards

All firearms carrying personnel are required to score at least 75% on all qualification courses. All firearms carrying personnel must requalify with firearms they are authorized to carry annually.

Firearms Training Records

Firearms instructors will record all firearms training scores in a permanent file.

Body Armor

Firearms carrying personnel are encouraged to use body armor during planned arrest, warrant service and other activities which present risk of subjects possessing firearms. However, authorizing officials or their designees may make the wearing of body armor mandatory under conditions they deem appropriate. Firearms carrying personnel should be familiar with the ballistic protection capability of their body armor.

Reports

A Subject control report will be completed whenever an officer is compelled to use force on a subject who, on the use of force model, is a resister or assailant; or upon the request of a supervisor.

A Subject control report will be completed within 24 hours of occurrence of the incident when practical. If circumstances do not permit the report to be completed within 24 hours, it should be completed as soon as circumstances permit.

Debriefing

A debriefing is a structured meeting held after the incident, either in a one on one situation or in a small group. The individual or group should evaluate the performance of the officer and take corrective action as needed. Debriefing is a concise review of an event, conducted by all participating department and ancillary agencies (as required). The process of reviewing all aspects of an event, by all participants, to assess strengths, weaknesses, problems and concerns relevant to the actions employed in correlation to anticipated and actual outcomes.

[Pa.B. Doc. No. 97-2. Filed for public inspection January 3, 1997, 9:00 a.m.]

LACKAWANNA COUNTY

Divorce and Custody Rule Changes: Mandatory Parent Education; Parenting Plan; and Parenting Conference; 94 CIV 102

Order Supplementing the Lackawanna County Rules Relating to Divorce and Custody/Visitation

Now, this 11th day of December, 1996, we hereby *Order* that the following sections shall supplement the appropriate Lackawanna County Rules of Civil Procedure. Through these changes we intend to: (1) provide for the best interests of minor children by effecting more efficient and reasonable resolution of disputes regarding those children; (2) assure that parents are better educated about how to help their children cope with divorce and separation; (3) provide families with efficient, swift, and timely relief in custody and support conflicts; and, (4) give parents an alternative choice other than litigation.

We direct the Lackawanna County Court Administrator to file seven (7) certified copies of this Rule with the Administrative Office of the Pennsylvania Courts; send two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy to the Domestic Relations Committee; and, one (1) copy to the *Lackawanna Jurist*. The rule changes shall be effective thirty (30) days from publication in the *Pennsylvania Bulletin*.

By the Court

JAMES J. WALSH,
President Judge

Rule 1915. Custody.

I. Rule 1915.1. Scope; Definitions.

1. "Kids First." A four hour orientation and education program established to help parents understand the effects of their actions and parenting decisions on their lives and the lives of their children.

2. "Mediation." An elective process which allows parents, with the help of a skilled and neutral mediator, to negotiate their differences. A mediator is a trained professional who works with parents in a safe, structured environment to help them develop an agreement on a detailed parenting plan. The mediator can help parents articulate their positions in a way that helps the parents reach their own resolution. The mediator should also help parents put the interests of their children first and help parents develop conflict resolution skills. We feel very strongly that parents who negotiate their parental responsibilities through mediation will be much more satisfied with the process and the outcome than those who choose to proceed through the litigation process.

3. "Parenting Conference." A fast-track session under the auspices of a master appointed by the court. Both parents and their attorney must attend. The parents must complete a parenting plan and file it two days prior to the parenting conference.

4. "Parenting Plan." The court requires parents to attempt to complete a parenting plan prior to attending the parenting conference. A parenting plan is a written description of what the parent believes would be the best residential living arrangement for his/her child/children. The plan should also reflect parental decision making and parenting time. The process of developing the parenting plan will help parents think through and address issues that are important to their continual relationship with their children.

II. Rule 1915.3. Prosecution of Action.

1. In addition to the information required by Pa.R.C.P. 1915.15, every Complaint for Custody, Partial Custody, or Visitation shall contain the following averments:

(a) "Plaintiff has been advised of the requirement to attend the seminar entitled 'Kids First'."

(b) "Defendant has been advised of the requirement to attend the seminar entitled 'Kids First'."

2. A completed order shall be attached to the complaint which includes the dates of the Kids First seminar(s) and the parenting conference. [See Rule 1915.15(a)].

3. Both parents must attend Kids First within twenty (20) days of the initial filing.

III. Rule 1915.3a. Kids First/Parenting Conference.

1. The Court Administrator will provide the dates for the Kids First seminar and the Parenting Conference at the time of the filing of the Custody and/or Divorce Complaint.

2. Brochures and registration forms will be available from both the Clerk of Judicial Records and Court Administrator.

3. The moving party is responsible for ensuring that the opposing party receives both the Kids First Brochure and the registration form.

4. The parents must submit the registration form and payment for Kids First no later than three (3) days prior to the Parenting Conference.

5. Parents residing outside of Lackawanna County may contact the presenter for possible alternative programs if unable to attend Kids First.

6. The Court has authorized the seminar presenter to approve individual changes to the Kids First registration, only upon a showing of good cause.

7. Parents must attend the Kids First and the Parenting Conference. A parent's visitation or custody may be affected by their failure to comply.

8. Parents proceeding in forma pauperis or on public assistance must provide proof of such to the presenter.

9. Upon successful completion of the Kids First seminar, the presenter will issue a certification of completion to the parties, and provide the Clerk of Judicial Records with a seal of completion which shall be affixed by the Clerk of Judicial Records to the front inside cover of the file.

10. The presenter shall provide the Family Court with a list of non-attendees against whom the Court may issue contempt proceedings.

11. Parenting conferences will be held every Tuesday on the Third Floor of the Courthouse before Masters appointed by the Court. Parents MUST attend the conference within ten (10) days of Kids First.

12. The parenting conference will not be rescheduled without prior Court approval, and only in an emergency situation with proof.

13. At least two (2) days prior to the parenting conference, the parents MUST complete and file a "Parenting Plan" with both the Clerk of Judicial Records and the Court Administrator, and serve the opposing party by mail.

14. The Court shall appoint an attorney(s) who is duly licensed to practice law in the Commonwealth of Pennsylvania, as an official of the Court who may:

(a) conciliate custody cases filed with the Court which specifically includes meeting with the parties, counsel, and children, if appropriate;

(b) take limited testimony, if necessary; and,

(c) issue recommendations for temporary relief and any additional actions which the Masters deem appropriate. The Court shall immediately approve such orders.

15. Both parents and their attorneys, if represented, MUST attend the parenting conference.

16. If the parents agree on a parenting plan, at or prior to the conference, the plan may be entered as an order of Court effective the date of conference.

17. If the parents cannot reach an agreement at the conference, the Master will issue a recommendation which will serve as the temporary order, and remain in effect until further order of Court.

18. During the conference, the parents will receive information regarding mediation. If desired by the par-

ties, the parents may choose an appropriate mediator from a provided list, or the Court may appoint the mediator.

19. If the parents choose not to mediate, but litigate, the attorneys and/or pro se litigant MUST discuss the need for a home study, psychologicals, drug and alcohol testing and guardian ad litem within ten (10) days of the conference. [See Rule 1915.15(b)].

20. In addition, if the parties choose to litigate, they MUST file a Pre-Hearing Certificate of Readiness [See Rule 1915.15(b)] with both the Clerk of Judicial Records and the Court Administrator.

21. The moving party must file, with both the Clerk of Judicial Records and the Court Administrator, a Certificate of Service showing service of the Certificate of Readiness upon opposing counsel or pro se litigant.

22. The Certificate of Readiness shall contain the following language:

"FAILURE TO RESPOND WITHIN FIVE (5) DAYS FROM DATE OF SERVICE OF THIS NOTICE SHALL BE DEEMED AN ADMISSION OF THE ABOVE STATED FACTS."

23. If opposing counsel or pro se litigant fail to respond, an Order will be entered as follows:

"A hearing will be held on the ___ day of ____, 19__, at ____ M. at the Lackawanna County Family Court, Third Floor, Lackawanna County Courthouse.

24. (a) If counsel agree on the need for the testing/studies, they will submit the Certificate of Readiness to the Court stating that they agree to such testing/studies. The Court will then issue an order stating that counsel agree and the case is ready for listing.

(b) If counsel agree on the need for psychologicals, etc., but cannot agree on the psychologist, etc., the Court will issue an Order appointing the psychologist.

(c) If counsel cannot agree on the need for psychologicals, etc., counsel requesting the psychologicals, etc., shall present a motion (with appropriate notice to opposing counsel or pro se litigant), which shall be heard in Motion Court. The Court will either grant or deny the motion whereupon the case shall be listed for a hearing.

25. The Certificate of Service shall include a statement that the opposing party had been served with the:

(a) Kids First brochure;

(b) Date of seminar;

(c) Date of parenting conference; and

(d) Complaint in divorce or custody.

IV. Rule 1915.15. Forms for Action in Custody.

The following forms shall be used in custody actions:

(a) Order requiring mandatory Kids First Seminar and Parenting Conference:

IN THE COURT OF COMMON PLEAS

OF LACKAWANNA COUNTY CIVIL DIVISION—LAW IN CUSTODY

97 CIV _____

: PLAINTIFF
: V.
: DEFENDANT

THE COURTS

ORDER

You, _____, (defendant) (respondent), have been sued in court to (OBTAIN) (MODIFY) custody, partial custody, or visitation of your children: _____.

You, as a parent, are directed to attend the "Kids First" seminar on the dates listed below:

Plaintiff _____

Defendant _____

FAILURE TO REGISTER AND COMPLETE THE PROGRAM WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS.

You are ordered to appear in person at Family Court, Lackawanna County Courthouse, 3rd Floor on _____, at _____ M., for

_____ a conciliation conference

_____ a hearing before the court

If you fail to appear as provided by this order, an order for custody, partial custody, or visitation may be entered against you or the court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO, OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

NORTHERN PA LEGAL SERVICES, INC.
12th Floor—SNB Plaza
108 N. Washington Avenue
Scranton, PA 18503
(717) 342-0184

LAWYER REFERRAL SERVICE
Lackawanna Bar Association
204 Wyoming Ave., Suite 205
Scranton, PA 18503-1410
(717) 969-9600

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lackawanna County is required by law to comply with the American with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

DATE: _____, J.

(b) Pre-Hearing Certification:

_____:
PLAINTIFF
V.
DEFENDANT
IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY
CIVIL DIVISION—LAW
IN CUSTODY
97 CIV _____

PRE-HEARING CERTIFICATION

(To be filed within ten (10) days from date of custody conciliation conference with both the Clerk of Judicial Records and the Court Administrator, with copies to Family Court and opposing counsel or pro se litigant).

- 1. Parties agree/disagree, case is ready for hearing.
2. If parties disagree, the following matters must be resolved prior to the scheduling of any hearing:
(a) Home Studies:
agree needed
disagree needed
(b) Person/agency to perform home studies:
agree upon person/agency
disagree upon person/agency
(c) Psychologicals:
agree needed
disagree needed

- (d) Person/agency to perform psychologicals: _____
 _____ agree upon person/agency
 _____ disagree upon person/agency
- (e) Guardian ad Litem: _____
 _____ agree
 _____ disagree
- (f) Other issues: (e.g., drug/alcohol, etc.)
 _____ agree
 _____ disagree

3. Hearing expected to take _____hours/days.

DATED: _____

ATTORNEY FOR MOVING PARTY

RULE 1920. Actions of Divorce or for Annulments of Marriage.

I. Rule 1920.1. Definitions.

The definitions set forth in Rule 1915.1 shall apply equally to this section.

II. Rule 1920.3. Commencement of Action.

1. In addition to the information required by Pa.R.C.P. 1920.12, every Complaint in Divorce shall contain one of the following averments:

- (a) "Plaintiff avers there are NO children under the age of eighteen (18) years born of the marriage"; or,
- (b) "Plaintiff avers there are children under the age of eighteen (18) years born of the marriage, namely: (List names and dates of birth)."

2. All divorce and custody complaints containing an averment that there is a child/children under the age of eighteen (18) years shall include the following averments:

- (a) "Plaintiff has been advised of the requirement to attend the seminar entitled 'Kids First'."
- (b) "Defendant has been advised of the requirement to attend the seminar entitled 'Kids First'."

3. The pleadings which shall be attached to the complaint must include: the "Notice to Defend and Claim Rights"; and, the "Order" including the dates of the Kids First seminar(s) and the parenting conference. [See Rule 1920.3b(a)(b)].

4. Both parents must attend Kids First within twenty (20) days of the initial filing.

III. Rule 1920.3a. Kids First/Parenting Conference.

The requirements set forth in Rule 1915.3a shall apply equally to this section.

IV. Rule 1920.3b. Forms for Actions in Divorce.

The following forms shall be used in divorce actions:

(a) Notice to Defend and Claim Rights:

	:	
PLAINTIFF	:	<i>IN THE COURT OF COMMON PLEAS</i>
V.	:	OF LACKAWANNA COUNTY
	:	CIVIL DIVISION—LAW
DEFENDANT	:	IN CUSTODY
	:	97 CIV _____

NOTICE TO DEFEND AND CLAIM RIGHTS

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take prompt action within twenty (20) days after receipt of this Complaint and Notice by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you.

YOU ARE WARNED that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO, OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

NORTHERN PA LEGAL SERVICES, INC.
12th Floor—SNB Plaza
108 N. Washington Avenue
Scranton, PA 18503
(717) 342-0184

LAWYER REFERRAL SERVICE
Lackawanna Bar Association
204 Wyoming Ave., Suite 205
Scranton, PA 18503-1410
(717) 969-9600

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lackawanna County is required by law to comply with the American with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

(b) Order requiring mandatory Kids First Seminar and Parenting Conference:

_____	:	IN THE COURT OF COMMON
	:	PLEAS
PLAINTIFF	:	OF LACKAWANNA COUNTY
V.	:	CIVIL DIVISION—LAW
_____	:	IN CUSTODY
DEFENDANT	:	97 CIV _____

ORDER

AND NOW, this _____ day of _____, 1997, a Complaint in Divorce being filed herewith which avers that there are children of the marriage under the age of eighteen (18) years of age, the Court directs the parties shall attend the Kids First seminar on one of the two dates listed below:

Plaintiff _____

Defendant _____

You, _____, (defendant) (respondent), the children: _____.

You are ordered to appear in person at Family Court, Lackawanna County Courthouse, 3rd Floor on _____, at _____ M., for

- _____ a conciliation conference
- _____ a hearing before the court

If you fail to appear as provided by this order, an order for custody, partial custody, or visitation may be entered against you or the court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO, OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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BY THE COURT:

DATE: _____, J.

[Pa.B. Doc. No. 97-3. Filed for public inspection January 3, 1997, 9:00 a.m.]

MONTGOMERY COUNTY
Amendment to Local Rule of Civil Procedure
1568*(a): Public Sale; Notice; No. 96-00001-5

Order

And Now, this 9th day of December, 1996, the Court approves and adopts the following amendment to Montgomery County Local Rule of Civil Procedure 1568*(a)—Public Sale, Notice. 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 Pa.R.C.P. 239, seven (7) 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 Civil Procedure Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (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 1568*(a). Public Sale, Notice.

(a) Except as otherwise provided by act of assembly or special order of Court, notice of the time and place of the sale of a property at public auction by a Master in partition shall be given by publication once a week for three successive weeks immediately preceding such sale in the legal periodical designated by Rule *404 and in one daily newspaper of general circulation, in each county where any part of the property lies, such publications to appear in all editions of such newspapers published on the days the same appears; by posting the property to be sold, and by the circulation of at least fifty (50) handbills among those who may be known to be interested in buying the property and in the neighborhood in which it is situate. Whenever a property or properties so sold lie in different counties the first publication shall be made at least sixty (60) days before the date of the sale.

[Pa.B. Doc. No. 97-4. Filed for public inspection January 3, 1997, 9:00 a.m.]

NORTHAMPTON COUNTY

Rules of Criminal Procedure Re: Bail; Misc 340-1996

Order of Court

And Now, this 11th day of December, 1996, Northampton County Rule of Criminal Procedure N4007.1, is hereby rescinded effective as of the date that Rule N4011, adopted December 3, 1996, becomes effective.

Seven (7) certified copies of the within order shall be filed 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* and one (1) certified copy shall be filed with the Pennsylvania Criminal Procedural Rules Committee. One (1) copy of this order shall be kept available in the Office of the Clerk of Courts. A copy is directed to be published in the *Northampton County Reporter*.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 97-5. Filed for public inspection January 3, 1997, 9:00 a.m.]
