

THE COURTS

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

Administrative Order Establishing Fees for Domestic Relations Services

Order

And Now, this 18th day of September, 1977, the following fees shall be assessed for services rendered by the Lehigh County Domestic Relations Section:

Audit Fee—	\$25.00	(refundable if DRS is in error)
Costs—	\$21.00	
Duplication and Copying Fee—	\$.25	per copy
Petition for Modification—	\$10.00	
Returned Check Fee—	\$25.00	
Subpoena—	\$ 2.00	
Superior Court Appeal Filing Fee—	\$30.00	

By the Court

EDWARD D. REIBMAN,
Administrative Judge

[Pa.B. Doc. No. 97-1889. Filed for public inspection November 28, 1997, 9:00 a.m.]

LEHIGH COUNTY

Administrative Order Establishing Fees for Domestic Relations Services

Order

And Now, this 22nd day of September, 1997, It Is Ordered that the following order for Establishing Fees for Domestic Relations Services in the 31st Judicial District composed of Lehigh County be, and the same is, promulgated herewith, to become effective thirty (30) days after the publication of the rules 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*; that one (1) certified copy shall be filed with the Civil Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of Common Pleas of Lehigh County.

By the Court

JAMES KNOLL GARDNER,
President Judge

[Pa.B. Doc. No. 97-1890. Filed for public inspection November 28, 1997, 9:00 a.m.]

b. Distribute two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. File one (1) certified copy of this order with the Civil Procedural Rules Committee.

d. Forward one (1) copy of this order to the *Lycoming Reporter* for publication therein.

e. Keep continuously available for public inspection copies of this order.

By the Court

CLINTON W. SMITH,
President Judge

L1914. Mandatory Seminar For Separating Families. In all divorce, custody and visitation proceedings filed after the effective date of this rule and in such other cases as the court shall direct, where the interests of children under the age of eighteen (18) years are involved, the parties shall attend the "Lycoming County Parent Education Program." The program will be conducted by a service provider designated by the court, which shall be charged with implementing the program in accordance with guidelines issued by the court. This course must be completed once only, even if subsequent custody matters are filed involving the same children.

Note: A great deal of valuable research has been conducted to determine the nature of psychological impacts of divorce/parental separation upon children and their parents. This research has yielded specific and consistent results in terms of common reactions, stages and problematic behaviors, as well as successful psychoeducational models and prevention techniques designed to minimize the short and long term negative impacts associated with the divorce. This parent education program utilizes such knowledge in a proactive-prevention approach in order to minimize the negative psychological impact of divorce upon children in particular, as well as parents. This model provides critical education to parents regarding what to anticipate in terms of their children's adjustment process as well as their own. The fact that the parent's behavior and adjustment is very critical to the child's

LYCOMING COUNTY

Amendments to Rules of Civil Procedure; No. 97-00100

Order

And Now, this 9th day of October, 1997, it is hereby Ordered and Directed as follows:

1. Lycoming County Rule of Civil Procedure L1914 is hereby promulgated as indicated in the following.

2. The Prothonotary is directed to:

a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.

adjustment is emphasized. The model serves to help prevent severe long-term maladaptive reactions and to minimize more immediate negative emotional fallout which occurs in children as a result of the divorce/separation of parents. Another potential indirect benefit of the program would be the reduction in the use of the courts to resolve issues regarding children.

Court mandated parent education classes are becoming very common in the United States as the preventative value and effectiveness of such program are recognized. Throughout the divorce process parents usually become very self absorbed with diminishing abilities to parent effectively (or even adequately). This occurs at a time when children's needs are tremendous for both proper parenting in terms of guidance and emotional support. For many of these couples, a court mandated parenting education class will be the only modality in which they receive critical information or assistance in the divorce process. Most families will not receive or seek professional psychotherapy or community counseling-educational programs.

This parent education model utilizes a two part class (two hours each class), and a detailed (and understandable) handbook or "manual" is distributed for parents to utilize in class and keep. In addition to reviewing the handbook, the classes consist of a lecture, video and discussion period. Classes will be scheduled at various times to avoid conflicts with work schedules.

A. When a proceeding to which this rule applies is commenced, the moving party shall include in the complaint or petition:

1. in the case of a divorce, where the parties have minor children, in addition to the information required by Pa.R.C.P. no. 1920.12, the following averments:

a. Plaintiff avers that there are children of the parties under the age of eighteen (18), namely, to-wit: (list names and dates of birth); and,

b. Plaintiff has been advised of the requirement to attend the "Lycoming County Parent Education Program" [or the parties have previously attended the "Lycoming County Parent Education Program as evidenced by the certificates of attendance contained in court file, docket number _____]; and,

2. in the case of a custody or visitation matter the following averment:

Plaintiff has been advised of the requirement to attend the "Lycoming County Parent Education Program" [or, The parties have previously attended the "Lycoming County Parent Education Program as evidenced by the certificates of attendance contained in court file, docket number _____].

B. In all cases to which this rule applies, the moving party shall include in the order required by Pa.R.C.P. no. 1915.15(c) the following language:

Both parties are directed to attend the "Lycoming County Parent Education Program" conducted by (Name,

address and telephone number of service provider). You are required to register for the program in person or by mail within seven (7) days after you are served with this order. A registration form, program brochure and instruction sheet has been served herewith.

C. Service. The moving party shall serve the order containing the language required by sub-section "B", as well as a copy of the program brochure, registration form and instruction sheet, contemporaneously with service of the complaint or petition which first raises the custody or visitation issue. Proof of service shall be filed, with a copy of the proof of service served upon the service provider designated to conduct the seminar.

D. Within seven (7) days after service of the order containing the language required by sub-section "B", both parties are required to register for the seminar by mailing or personally presenting the pre-printed "Lycoming County Parent Education Program" registration form, along with a registration fee of fifty dollars (\$50) or, an order granting in forma pauperis status, to the service provider at the address set forth on the registration form. Any parent who obtains an order to proceed without payment of costs will automatically have the costs of the program waived. If the service provider determines that it cannot waive the fees, for any reason, it shall issue a notice excusing the parent from the program.

E. The parties shall complete the seminar within sixty (60) days of the service of the order containing the language required by sub-section "B". Court approval is required for an extension of time to complete the seminar.

F. Where attendance under this rule would cause undue hardship, a party may contact the service provider for possible alternative program attendance.

G. Upon completion of the seminar, each parent will receive a copy of a certificate verifying compliance with this rule. The original certificate shall be filed with the court. No custody pre-trial conference shall be held or final order in divorce entered until both parties have completed the program, and the certificate has been filed. The court may waive this requirement upon cause shown. Cause may include, but is not limited to, a finding by a preponderance of the evidence that one party is purposely delaying the process by not attending the seminar. Failure to register for and complete the program may result in a finding of contempt and the imposition of sanctions.

H. The seminar requirements of this rule do not apply to petitions filed pursuant to Lyc. Co. R.C.P. L1915.13-1 or L1915.13-2, where the moving party has alleged either a clear and present danger to the child(ren) or a belief of a clear and specific intent that the child will be moved by the other party outside the jurisdiction of the court and that such move is not in the best interests of the child(ren); nor does this rule apply to cases commenced under the Protection From Abuse Act, 23 Pa.C.S. § 6101 et seq., unless otherwise ordered by the court.

[Pa.B. Doc. No. 97-1891. Filed for public inspection November 28, 1997, 9:00 a.m.]

LYCOMING COUNTY

Amendments to Rules of Civil Procedure; No. 97-00100

Order

And Now, this 3rd day of November, 1997, it is hereby Ordered and Directed as follows:

- 1. Lycoming County Rule of Civil Procedure L218 is hereby rescinded.
2. Lycoming County Rule of Civil Procedure L1007 is hereby promulgated as indicated in the following.
3. The Prothonotary is directed to:
a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.
b. Distribute two (2) certified copies of this order to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

c. File one (1) certified copy of this order with the Civil Procedural Rules Committee.

d. Forward one (1) copy of this order to the Lycoming Reporter for publication therein.

e. Keep continuously available for public inspection copies of this order.

By the Court

CLINTON W. SMITH,
President Judge

L1007. Commencement of Action. Case Scheduling.

A. This rule applies to all civil actions, except domestic relations cases and those types of actions excepted under subsection B of this rule, whether commenced by complaint or writ of summons.

1. When filed, every complaint, writ of summons or appeal from the decision of a local administrative agency, shall be accompanied by two copies of a civil action cover sheet which shall be substantially in the following form:

Plaintiff; : IN THE COURT OF COMMON PLEAS
: LYCOMING COUNTY, PENNSYLVANIA
vs. :
: NO.
Defendant; : CIVIL ACTION—LAW

CIVIL ACTION COVER SHEET

1. The above captioned civil action should be processed as follows for purposes of civil case management and the issuance of a case scheduling order;

(Check one of the following)

- _____ ARBITRATION (Damages of \$25,000 or less)
_____ NORMAL TRACK
_____ COMPLEX TRACK
_____ ADMINISTRATIVE TRACK—List for trial under rule L1007B.

2. This matter was commenced by _____ Complaint _____ Writ of Summons.

(Date)

(Filing party or attorney)

Order

AND NOW, this _____ day of _____, _____, the case scheduling conference is scheduled for _____, at _____ AM/PM, in courtroom number _____. PLAINTIFF SHALL IMMEDIATELY SERVE A COPY OF THIS ORDER UPON ALL DEFENDANTS OR THEIR ATTORNEYS. PLAINTIFF SHALL INITIATE DISCUSSIONS ON A CASE SCHEDULING ORDER, IN COMPLIANCE WITH LYC. CO. R.C.P. L1007. A PROPOSED CASE SCHEDULING ORDER MUST BE FILED NO LATER THAN FOURTEEN DAYS BEFORE THE SCHEDULED CONFERENCE. [Or, where the case is governed by rule 1007B1 use the following language: AND NOW, this _____ day of _____, _____, the court administrator is directed to place this case on the next trial list occurring more than 90 days after the date of this order.]

By the Court,

J.

cc: Court Scheduling Technician

2. After the cover sheet is filed the prothonotary shall note the docket number thereon and immediately forward one copy to the court administrator who shall, within thirty (30) days,

a. assign a judge,

b. set a case scheduling conference for no sooner than ninety (90) days after the filing of the complaint or writ of summons and have a judge execute the order on the civil action cover sheet, and

c. return the executed scheduling order to the prothonotary for transmission of a copy of the order to plaintiff's

lawyer (or plaintiff if unrepresented). The order shall set forth the date of the conference and detail the party's obligations under this rule.

3. Upon receiving the executed order plaintiff's attorney (or plaintiff if unrepresented) shall immediately serve a copy of the order upon all counsel or unrepresented parties.

4. In a case where all parties are represented by counsel, counsel shall make every effort to agree to a case scheduling order prior to the date of the case scheduling conference. Any such agreed upon order shall be filed,

along with a Rule L206 Cover Sheet, no later than fourteen (14) days prior to the date scheduled for the case scheduling conference. The attorney for plaintiff shall be responsible to initiate the effort to secure agreement on an order.

5. If a case scheduling order is agreed upon, it shall establish a proposed trial date, as well as deadlines for discovery, dispositive motions and for the exchange of expert reports. The proposed order shall be substantially in the following form:

Plaintiff;	:	IN THE COURT OF COMMON PLEAS
	:	LYCOMING COUNTY, PENNSYLVANIA
vs.	:	
	:	NO.
Defendant;	:	CIVIL ACTION—LAW

AND NOW, this _____ day of _____, _____ upon agreement of the parties, it is hereby ordered and directed as follows:

1. This jury _____, non-jury _____ case will be processed as a normal _____ complex _____ track case. [or] This is an arbitration limits case _____.
2. The case will be placed on the _____ trial list [or] listed for arbitration on _____.
3. The cut off date for discovery is _____.
4. Expert reports to be exchanged by: plaintiff _____; defendant _____.
5. The last day to file dispositive motions is _____.
6. The parties agree _____, do not agree _____ to use alternative dispute resolution.
7. The case scheduling conference scheduled for _____ is canceled.

By the Court,

J.

cc: Court Scheduling Technician

6. The agreed upon trial date shall ordinarily comply with the following guidelines:

a. Arbitration limits case—the arbitration to occur within six (6) to twelve (12) months after the first defendant is served.

b. Normal track—the trial to occur between twelve (12) and fifteen (15) months after the first defendant is served. Most cases will be considered normal.

c. Complex track—the trial to occur between eighteen (18) and twenty-four (24) months after the first defendant is served.

7. Case Scheduling Conference.

a. The case scheduling conference will occur as scheduled if:

- a. the parties can not agree to a case scheduling order;
- b. the court does not accept the parties' proposed case scheduling order; or
- c. the proposed order is not filed in a timely manner.

After the case scheduling conference, the court shall issue a case scheduling order.

b. Any party may, at any time, file a written request for a case scheduling conference if it appears that a revision of the case scheduling order is required.

B. Exceptions—Administrative Track. The procedures set forth in subsection A above shall not apply to mortgage foreclosure cases, landlord/tenant cases appealed from a decision of a district justice or appeals from administrative agencies. Actions of this type shall be governed by the procedures set forth in this subsection.

1. In all actions governed by this subsection, the parties shall comply with the requirements of subsection A.1. The "Civil Action Cover Sheet" shall include a request for the court to list the action for trial and shall include an order directing the court administrator to list the case in accordance with this subsection.

2. When directed to list an action for trial under this subsection, the court administrator shall place the action on the list for the first trial term occurring more than ninety (90) days after the order is executed.

[Pa.B. Doc. No. 97-1892. Filed for public inspection November 28, 1997, 9:00 a.m.]

SCHUYLKILL COUNTY

Amendment of Civil Rules of Procedure No. 206 and Rule 205.3

And Now, this 12th day of November, at 1:08 p.m., the Court hereby amends Schuylkill County Civil Rules of Procedure No. 206 and Rule 205.3 and adopts amended Rules No. 206 and No. 205.3 for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). These rules shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

JOSEPH F. MCCLOSKEY,
President Judge

Rule 206. Petitions.

Petition and answer practice shall comport with Pa.R.C.P. 206, and the rule provisions of Pa.R.C.P. 206.6 and Sch.R.C.P. 1019, setting forth the authority on which the Petition is based. Each petition shall be accompanied by a praecipe pursuant to Sch.R.C.P. 205.3 indicating that the movant seeks issuance of a Rule to Show Cause. Upon filing, an Order in the form set forth herein shall be issued as of course and the parties shall thereafter proceed pursuant to the provisions of Pa.R.C.P. 206.

Rule 205.3. Praecipe to Transmit.

All filings which require action by a judge, or an assignment by the Court Administrator (except certificates of readiness for arbitration or trial) shall be accompanied by a praecipe to transmit on Prothonotary Form 205.3, and shall indicate the nature of the filing and what

action is being sought to move the matter forward. The purpose of the praecipe is to advise the Court of what may be necessary for a disposition (i.e., when a hearing is required; when a matter is ripe for disposition on the record; matters that can be immediately addressed) and to expedite action on the filing. When a non-jury trial or a hearing involving witnesses is being requested, then the moving party shall list the witnesses to be presented and include an estimate as to the time required to present the case. In matters requiring a non-jury trial or hearing, opposing counsel is required to submit a report in WRITING to the Court Administrator within 10 days of the moving party's filing of the praecipe to transmit, (1) listing the names of the witnesses they will use at trial or hearing; and (2) an estimate of time required to present their case. Failure to file the praecipe to transmit or to indicate what action is required from the Court may result in denial of the relief sought. Failure to list witnesses may result in the preclusion of their testimony.

[Pa.B. Doc. No. 97-1893. Filed for public inspection November 28, 1997, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Walter V. Waltz, who resides outside the Commonwealth of Pennsylvania, having been disbarred from the practice of law in State of New Jersey, the Supreme Court of Pennsylvania issued an Order dated November 13, 1997, disbaring Walter V. Waltz from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney has never practiced in Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER
*Secretary,
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 97-1894. Filed for public inspection November 28, 1997, 9:00 a.m.]