

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Proposed Rule 229.1 Governing Judgment of Non Pros for Inactivity; Proposed Recommendation No. 152

The Civil Procedural Rules Committee proposes that the Rules of Civil Procedure be amended by adding new Rule 229.1 governing Judgment of Non Pros for Inactivity. The recommendation is being published to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than March 1, 1999 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055, or E-Mail to civil.rules@supreme.court.state.pa.us.

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 229.1. Judgment of Non Pros for Inactivity.

(a) Not earlier than two years after the commencement of an action, a party may file a petition seeking the entry of a judgment of non pros for inactivity if the party has given at least ninety days written notice to every other party of the intention to file the petition. The written notice shall be in the form prescribed by subdivision (c) of this rule. A copy of the written notice shall be attached to the petition.

(b) The court may grant the relief sought if

(1) the party against whom judgment is sought has shown a lack of due diligence by failing to proceed with reasonable promptitude both before and after receiving the written notice required by subdivision (a);

(2) there is no compelling reason for the delay; and

(3) the delay has caused actual prejudice to the petitioner.

Official Note: Rule 229.1 is derived from *James Brothers Lumber Co. v. Union Banking and Trust*, 432 Pa. 129, 247 A.2d 587 (1968) as reaffirmed in *Jacobs v. Halloran, et al.*, 551 Pa. 350, 710 A.2d 1098 (1998).

The activity sufficient to demonstrate the diligent prosecution of a case may be on the docket, outside the record or both. For example, mediation or settlement negotiations between the parties are

activities that progress the case toward resolution but do not appear on the docket.

The prejudice to the defendant caused by the delay must be actual and not presumed.

“A party who seeks the equitable relief provided by the entry of a judgment of non pros must do so with clean hands,” *Jacobs v. Halloran, et al.*, 551 Pa. at ___, 710 A.2d at 1103 (1998).

(c) The notice required by subdivision (a) shall be substantially in the following form:

(CAPTION)

To: _____

(Plaintiff)

(NOTE: Serve on unrepresented plaintiff or on plaintiff's attorney)

Date of Notice: _____

IMPORTANT NOTICE

NINETY DAYS AFTER THE DATE OF THIS NOTICE, THE UNDERSIGNED INTENDS TO FILE A PETITION SEEKING THE ENTRY OF A JUDGMENT OF NON PROS PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE NO. 229.1 UNLESS YOU TAKE SUFFICIENT STEPS TO DILIGENTLY PROSECUTE THIS ACTION.

(Signature of Defendant or Attorney)

(Address)

Explanatory Comment

Proposed Rule 229.1 establishes the procedure for obtaining a judgment of non pros for inactivity. The rule incorporates the three prong test of *Jacobs v. Halloran, et al.*, 551 Pa. 350, ____, 710 A.2d 1098, 1103 (1998):

To dismiss a case for inactivity pursuant to a defendant's motion for non pros there must first be a lack of due diligence on the part of the plaintiff in failing to proceed with reasonable promptitude. Second, the plaintiff must have no compelling reason for the delay. Finally, the delay must cause actual prejudice to the defendant.

Two aspects of the rule should be noted. First, this rule contemplates activity which progresses a case toward resolution whether or not that activity is noted in a docket entry. Second, there is no presumption of prejudice arising from a specific time period of inactivity. A party must show actual prejudice to the ability to defend the case in addition to a lack of due diligence which is unexcused. This is in accord with the *Jacobs* case which held that “the equitable principles underlying the entry of a judgment of non pros must be recognized and the presumption of prejudice first enunciated in *Penn Piping, Inc., v. Insurance Company of North America*, 529 Pa. 350, 603 A.2d 1006 (1992), must be abandoned.” *Jacobs v. Halloran, et al.*, 551 Pa. at ____, 710 A.2d at 1100 (1998).

The rule introduces the concept of a ninety-day notice to be given to all parties of the intention to file a petition for the entry of a judgment of non pros after ninety days. This notice requirement is designed to alert the parties to

the lack of activity in the action. Under the proposed rule, due diligence after notice has been given is sufficient to avoid the entry of the judgment and, in many cases, it is likely that the notice will be sufficient to cause the parties to move the case forward, thereby avoiding the necessity of filing a petition.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 99-3. Filed for public inspection December 31, 1998, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of the Rules Relating to the Support Guidelines; No. 307 Doc. No. 5

Order

Per Curiam:

Now, this 18th day of December 1998, the Pennsylvania Rules of Civil Procedure are amended as follows:

- 1. Rules 1910.2, 1910.18, and 1910.50 are amended as follows.
- 2. Rule 1910.8 is rescinded as follows.
- 3. The Notes to Rules 1910.2, 1910.18, and 1910.50 are amended as follows.

This order shall be processed in accordance with Pennsylvania Rule of Judicial Administration 103(b) and shall be effective January 1, 1999.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.2. Venue. Transfer of Action.

(a) An action may be brought in **[any county in which]**

- (1) **the county in which** the defendant resides, or
- (2) **the county in which** the defendant is regularly employed, or
- (3) **the county in which** the plaintiff resides and that county is the county in which the last **[family] marital** domicile was located and in which the plaintiff has continued to reside, or
- (4) **the county in which the child resides if the relief sought includes child support.**

(b) Where jurisdiction is acquired over the defendant pursuant to the long arm statute, 23 Pa.C.S. [A] § 4342(c) [and d], the action may be brought in the county where the plaintiff resides **[whether or not the parties maintained a family domicile in that county]**.

Official Note: 23 Pa.C.S. § 7201 sets forth the specific bases for long arm jurisdiction over a non-resident defendant.

(c) If, at the time of the filing of the action, there is a divorce or custody action pending between the parties in an appropriate court in another county, the court upon good cause shown may transfer the support action to that county.

(d) For the convenience of the parties and witnesses the court may transfer an action to the appropriate court of any other county where the action could have been brought at the time of transfer.

Official Note: The standards for transfer of an action for the convenience of parties and witnesses are the same as the standards under Rule 1006(d).

(e) If neither party to an action presently resides in the county where the action is pending or a support order is in effect, and the defendant-obligor is not employed in that county, the court may transfer the action or order or both to any county where either party resides or where the defendant-obligor is regularly employed.

(f) It shall be the duty of the domestic relations section of the court in which the action is pending to forward to the domestic relations section of the court to which the action is transferred all papers filed in the action and a certified copy of the docket entries.

(g) A support order may be enforced in accordance with the Uniform Interstate Family Support Act, 23 Pa.C.S. § 7101 et seq., if the defendant resides outside the Commonwealth, or in accordance with the Intrastate Family Support Act, 23 Pa.C.S. § 8101 et seq., if the defendant resides in another county within the Commonwealth.

Rule 1910.8. [Transfer of Action] Rescinded.

Official Note: The provisions in this Rule now appear in Rule 1910.2(d) through (f).

Rule 1910.18. Support Order. Subsequent Proceedings.

(a) Subsequent proceedings to modify or terminate a support order pursuant to Rule 1910.19 shall be brought in the court which entered the order. If the action has been transferred pursuant to **[Rule 1910.8] Rule 1910.2** following the entry of a support order, subsequent proceedings shall be brought in the court to which the action was transferred.

* * * * *

Rule 1910.50. Suspension of Acts of Assembly.

The following Acts or parts of Acts of Assembly are suspended insofar as they apply to the practice and procedure in an action for support:

(1) Section 3 of the Support Law of June 24, 1937, P. L. 2045, 62 P. S. § 1973, insofar as it provides a procedure to enforce the liability of relatives for the support of an indigent person; **[and]**

(2) Section 4 of Act 1996-20, 23 Pa.C.S. § 4342, insofar as it provides that long arm jurisdiction shall be used in preference to proceedings under Part VIII-A relating to intrastate family support actions; and

[(2)] (3) All Acts or parts of Acts of Assembly inconsistent with these rules to the extent of such inconsistency.

ALL existing explanatory notes and comments pertaining to the rule listed below are replaced by the following:

Explanatory Comment—Rule 1910.2

The amendments to this Rule are intended to implement the Uniform Interstate Family Support Act (UIFSA) and the Intrastate Family Support Act (IFSA) to facilitate the fair and prompt establishment of child support by means of encouraging the support litigation to take place as a local action in one forum only. Under the former rule, venue in support matters was in the county where the defendant lived or worked, or in the county where the plaintiff lived if that county was the last family domicile. The amended Rule expands the circumstances under which venue lies in the county in which plaintiff resides. If the action is one for spousal and child support or child support only, plaintiff may bring the action in the county in which the child resides regardless of whether that county was the last family domicile. The defendant will be required to defend the action there unless he or she can establish sufficient grounds for transfer of the action pursuant to subdivisions (c) through (e) of the proposed rule. It is important to note, however, that the court may always permit a party or witness to testify by telephone, audiovisual or other electronic means at specially designated locations. 23 Pa.C.S. § 4342(j).

If plaintiff seeks spousal support only, then venue continues to lie in plaintiff's county only if that county was also the last marital domicile.

Subdivisions (c) through (e) identify the circumstances under which a support action may be transferred to another county. New subdivision (c) is designed to avoid multiple claims from being litigated in different counties. Subdivisions (d) through (f) are adopted verbatim from former Rule 1910.8 and were moved to Rule 1910.2 only for the convenience of the practitioner in resolving questions of venue.

Explanatory Comment—Rule 1910.18

Rule 1910.18 clarifies the question of jurisdiction which arises where parties wish to proceed for termination, modification or enforcement in counties other than the county which entered the order. Section 6710 of the Judicial Code provides that the county which entered the original order continues to retain jurisdiction for termination, modification or enforcement. Section 6710 also provides that this shall not limit the right of the plaintiff to "institute additional proceedings" in any county where the defendant resides or where his or her property is located. Additionally, Rule 1910.2(g) permits enforcement of a support order in accordance with the Intrastate Family Support Act, 23 Pa.C.S. § 8101 et seq., if the defendant resides in another county within the Commonwealth.

There will be instances where the parties no longer reside in the original county. In this situation, Rule 1910.18 permits a party to seek transfer of the entire matter under Rule 1910.2 and authorizes the transferee county to modify, terminate or enforce the order. There may be other instances where the parties retain some connection with the county which entered the order but circumstances require the enforcement of the order in another county. In such a case, the plaintiff, without an order of court may transfer the support order and seek enforcement under the Uniform Intrastate Family Support Act or the Transfer of Judgment Rule 3001 et seq.

Explanatory Comment—Rule 1910.50

Insofar as long arm jurisdiction is an issue that arises only in the context of interstate cases in which the

defendant resides outside of the Commonwealth, the language in 23 Pa.C.S. § 4342(c) implying that it has relevance to intrastate support cases is suspended.

[Pa.B. Doc. No. 99-4. Filed for public inspection December 31, 1998, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Rules of Court of Common Pleas; No. 3 of 1998 Rules Docket

Order Amending Local Rules of Court

And Now, to wit, this 15th day of December, 1998, pursuant to action of the Board of Judges and effective thirty days after publication in the *Pennsylvania Bulletin*, the following Allegheny County Rules of Civil Procedure are hereby amended:

General Docket: 1018.1 *(a). Notice to Defend Form.

Arbitration: 1303. Hearing. Notice.

By the Court

ROBERT E. DAUER,
President Judge

Rule 1018.1. Notice to Defend Form.

(a)*(1). Every complaint filed in the Arbitration Section of this Court, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Hearing Notice in substantially the form set forth in Local Rule 1303(a)*(2). The Hearing Notice shall immediately precede the Notice (to Defend) which is required by subdivision (b) of the state portion of this rule.

(2). This local rule does not apply to Small Claims, which include appeals from District Justices where the damages claimed, exclusive of interest, do not exceed the sum of \$3,000.00 and Civil Actions where the damages claimed, exclusive of interest, do not exceed the sum of \$3,000.00. The procedures governing Small Claims are set forth in Local Rule 1019*(b).

(b). See Form for Local Rule 1303(a)*(2).

(c)*(1). The agency to be named in the notice accompanying complaints filed in the Court of Common Pleas of Allegheny County, Pennsylvania, the agency to be named in the Notice of Praecepto to Enter Judgment of Non Pros required by Rule 237.4, and the agency to be named in the Notice of Praecepto to Enter Judgment by Default required by Rule 237.5 shall be:

Lawyer Referral Service
The Allegheny County Bar Association
920 City-County Building
414 Grant Street
Pittsburgh, PA 15219
Telephone: (412) 261-5555

Rule 1303. Hearing. Notice. Continuances.

(a)*(1) Hearings shall be held in the Court House or other County facility. The Prothonotary shall affix the date, time and place of hearing before a Board of Arbitrators by placing said information on the Complaint

which is filed and on the copies of the Complaint which are to be served upon all other parties.

(2) The written Hearing Notice required by paragraph *(1) of this rule, for cases that are not Small Claims shall be in substantially the form [on page ____.]

(3) The written Hearing Notice for Small Claims required by paragraph *(1) of this rule shall be in substantially the form [on page ____.]

ACBA Court Rules Committee Note: For the definition of Small Claims, see Local Rule 1018.1.

(b) Immediately before the time set for hearing, the Arbitration Clerk shall assign cases to each Board of Arbitrators and shall designate the room in which the cases are to be heard.

ACBA Court Rules Committee Note: As to Continuances, see Rule A249.

Form for Local Rule 1303*(a)(3) [Small Claims]:

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

_____ ARBITRATION DOCKET
 _____ NO. _____ - _____ - _____
 Plaintiff(s)
 HEARING DATE _____
 vs.

 Defendant(s)

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The Notice to Defend set forth below explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing on the Complaint and your defenses will take place in Room 523 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania, on the ____ day of _____, _____, at 9:00 a.m. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGEMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

If you file the response BUT FAIL TO APPEAR AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT YOU BEING PRESENT. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the attached copy of the suit papers, YOU MUST complete and detach two of the copies of the attached "Notice of Intention to Appear". One completed copy of the "Notice of Intention to Appear" must be filed or mailed to the Prothonotary's Office, First Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to:

_____ within TWENTY (20) days after these papers were served on 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:

LAWYER REFERRAL SERVICE
The Allegheny County Bar Association
920 City-County Building, 414 Grant Street
Pittsburgh, PA 15219
Telephone: (412) 261-5555.

YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF YOU DO NOT APPEAR FOR THE HEARING, THE CASE MAY BE HEARD IMMEDIATELY BEFORE A JUDGE. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

Form for Local Rule 1303*(a)(2):
IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

ARBITRATION DOCKET
NO. - -
Plaintiff
HEARING DATE
vs.
Defendant

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The Notice to Defend set forth below explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing on the Complaint and your defenses will take place in Room 523 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania, on the day of , at 9:00 a.m. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

If you file the response, BUT FAIL TO APPEAR AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT YOU BEING PRESENT. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and notice are served, by entering a written appearance personally or by 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:

LAWYER REFERRAL SERVICE
The Allegheny County Bar Association
920 City-County Building, 414 Grant Street
Pittsburgh, PA 15219
Telephone: (412) 261-5555.

YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF YOU DO NOT APPEAR FOR THE HEARING, THE CASE MAY BE HEARD IMMEDIATELY BEFORE A JUDGE. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

[Pa.B. Doc. No. 99-5. Filed for public inspection December 31, 1998, 9:00 a.m.]

Title 25—LOCAL
COURT RULES

BLAIR COUNTY

Local Rules for Custody Cases; No. 907, 1998

Order

Now, this 9th day of December, 1998, it appearing that this Court should establish procedures which will provide to parties involved in custody cases in the Court the opportunity for access to systems through which resolution of their controversies may be accomplished via mediation and agreement while providing full accessibility to the opportunity for litigation before the Court this Court concludes that the following Order is appropriate:

It Is Hereby Ordered, Directed and Decreed that this Local Rules for Custody Cases (following hereto and made

part hereof) are adopted and shall be applicable to all custody proceedings filed in this Court after the thirtieth (30th) day after the publication of said Rules in the Pennsylvania Bulletin as required by the Supreme Court of Pennsylvania.

By the Court

THOMAS G. PEOPLES, Jr.,
President Judge

Rule 1915.3. Commencement of Action. Complaint. Order.

All actions for custody, partial custody and visitation of minor children, including divorce complaints, shall be commenced by the filing of a verified complaint and scheduling order as required by Pa.R.C.P. 1915.3 and Local Rule 1915.3 (FORM 1).

Rule 1915.20. Custody Conciliation Process.

a) The parties and/or their counsel shall attend the intake conference which shall be conducted by the Intake

Officer or designated individual within approximately forty-five (45) days after the filing of the Complaint or Modification Petition so the parties will have had an opportunity to attend the Children First Program in accordance with Local Rule 1915.3.

Comment—1998

The Intake Conference is not a hearing, but an opportunity for parents to reach agreement early in the custody process. No evidence or testimony is presented. The goal of the Intake Conference is (1) to assist the parties in identifying areas of agreement and disagreement and sharing parenting responsibilities and (2) develop a parenting plan that best suits them and their children.

b) All agreements reached at Intake Conference shall be reduced to a Consent Agreement. (FORM 2).

c) If agreement on all issues is not reached, then a temporary agreement may be entered into by the parties and a Conciliation Conference scheduled to further address the unresolved issues.

d) The Conciliation Conference will be conducted by the Custody Conciliator, whose role is to actively engage the parties in reaching a custody agreement using mediation skills and techniques.

Comment—1998

A Conciliation Conference is informal, with no record created or testimony elicited from parties or witnesses and is scheduled for 1 1/2 hours for one (1) or two (2) sessions as needed. The parties are given the opportunity to present the issues or problems and explore all available options for resolution.

e) A Consent Agreement form will be completed and signed when reached. (FORM 2). Any unresolved issues are to be negotiated to a temporary agreement that the parties can live with or the Conciliator will forward a Referral for Temporary Order to the Court that shall become a final order unless a request for Evidentiary Hearing is filed. The Temporary Order will include all areas of prior agreement.

f) Participation will be limited to the parties and/or their counsel. All participants must act in a cooperative manner and comply with the directives of the person conducting the conference.

g) Any attorney who attends Intake and/or a Conciliation Conference with a client will participate consistent with the following:

1) The primary duty of the attorney will be to counsel and advise the client rather than to advocate.

2) Attorneys shall fully cooperate with the efforts of the Intake Officer and/or Custody Conciliator to facilitate the agreement of the parties.

3) Attorneys shall advise their clients in a manner not disruptive of the conciliation process, which will ordinarily require consulting with the client outside the conference room.

4) Counsel shall at all times behave in a professional manner and refrain from engaging in hostile or antagonistic conduct directed toward any conference participant.

5) Attorneys shall not engage in legal argument except that counsel may advise of legal issues relevant to the formation of a temporary or recommended order.

6) Counsel shall not attempt to question the other party, present evidence nor otherwise engage in conduct characteristic of an adversarial proceeding.

h) If at any time during the conciliation process a party and/or their counsel engages in conduct inconsistent with the rules or disrupts the conciliation process or interferes with the function of the Blair County Custody Office, the Intake Officer or Conciliator may recess the proceeding, remove the violator and reconvene if appropriate. If a party is removed, an order can be entered in their absence. If an attorney is removed, the party can continue in the process if they so desire. Any violator will be referred to a contempt proceeding.

Rule 1915.21. Custody Litigation Process.

a) Within ten (10) days from the date of service of a Custody Order, a party may file a request for Evidentiary Hearing form in the Blair County Prothonotary's Office (FORM 3).

1) There is no filing fee required. The request form must be served on the other counsel/party with the specific issues identified for consideration in the Evidentiary Hearing. The request form shall be forwarded by the Prothonotary to the Court Administrator's Office for a date to be assigned for a prehearing conference before the Hearing Officer.

2) Ten (10) days prior to the prehearing, the parties and/or counsel shall submit to the Court Administrator a prehearing narrative, including but not limited to the following:

(i) Names and addresses of all witnesses, including experts.

(ii) Summary of each witness's anticipated testimony.

(iii) Copies of all exhibits.

(iv) Anticipated length of trial.

(v) Proposed custody arrangement for both parties.

(vi) Requested stipulation of facts.

3) If no prehearing narrative is filed, the offending party may be fined or sanctioned otherwise by the Court.

Comment—1998

As to 2)(v) Each party shall prepare a parenting arrangement that encompasses time with both parents. The arrangements should be prepared from the perspective that each party would consider either side of the proposal reasonable were they in the position of the other party.

b) The prehearing conference will be conducted by the Blair County Prehearing Officer in preparation for a trial by the parties before a Blair County Judge. The prehearing focuses on identification of contested issues, witnesses to testify, exchange of medical reports, names of any expert witnesses to be called, exhibits and requests for an interview of a child. A time and date for the Evidentiary Hearing will be set and any requirement of the filing of any briefs will also be discussed. A summary will be forwarded by the Prehearing Officer to a Judge in preparation for trial.

c) Before a party can request Special Relief, a complaint for custody must be filed or a Court Order must be in effect. At any time during the custody process, a party may file a Motion for Special Relief setting forth facts as to why the child is in immediate danger of physical injury or serious emotional harm. Where such a motion is filed concerning a temporary or recommended order of custody,

the Petitioner must show why the custody arrangement is so harmful to the child to warrant Court intervention apart from the standard custody process.

Comment—1998

Motions for Special Relief will be screened prior to any hearing scheduled and may be denied without

hearing. Special Relief Motions will be scheduled by the Court Administrator. The Petitioner must provide service to the Respondent prior to the case being heard. Special Relief will be decided on oral argument only.

FORM 1

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

_____,
Plaintiff

NO: _____

VS:

_____,
Defendant

CUSTODY/VISITATION

CUSTODY SCHEDULING ORDER

You _____ (defendant) have been sued in court to obtain custody, partial custody or visitation of the child(ren).

Name

Date of Birth

_____	_____
_____	_____
_____	_____

(1) All parties and children ages six (6) to seventeen (17) of this custody action are hereby ordered to attend the Mandatory Parent Education, Children First Program and the Sandcastles Program within forty-five (45) days of this Order.

All parties are required to contact the Children First Program of the Altoona Hospital Drug and Alcohol Program at telephone number of (814) 946-2209 within five (5) days of receipt of this Order to register for said program.

Should the moving party fail to pay fees, fail to appear for the Education Program, or fail to insure that any child within that party's physical custody appears for Sandcastles, the Custody action shall be dismissed without prejudice, and any fees paid by such party shall be forfeited.

Should the nonmoving party fail to pay fees, fail to appear for the Educational Program, or fail to insure that any child within that party's physical custody appears for Sandcastles, an immediate Rule to Show Cause why such party should not be held in contempt shall be issued by the Court.

(2) You are hereby ordered to appear in person on _____, 19 ____ at _____ o'clock ____ M. for an Intake Conference with _____, at the Benton Building, 513 Allegheny Street, Rear, Hollidaysburg, Pa. 16648.

NO CHILDREN SHALL ATTEND THE INTAKE CONFERENCE

If you fail to appear for the Intake Conference 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.

THE COURTS

IF YOU CANNOT AFFORD
A LAWYER

SOUTHERN ALLEGHENYS LEGAL
AID, INC., 1107 13TH AVE.
SUITE 508
ALTOONA, PA. 16601
(814) 943-8139

IF YOU DO NOT HAVE
A LAWYER

BLAIR COUNTY LAWYER REFERRAL
LAW LIBRARY, 2ND FLOOR
COURTHOUSE
HOLLIDAYSBURG, PA. 16648
(814) 693-3090

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Blair County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact (814) 693-3050. 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

FORM 2

_____ : IN THE COURT OF COMMON PLEAS OF BLAIR
COUNTY, PENNSYLVANIA
-vs- :
_____ : NO.

CONSENT AGREEMENT

We have agreed to the following parenting plan for the custody of our child(ren):

1. The parents shall share the legal and physical custody of their child(ren). The names of the child(ren) are as follows:
(Names/DOB)

2. The child(ren) shall reside with his/her/their Mother/Father at _____

3. Both parties agree that the time arrangements between the Father/Mother with the child(ren) are as follows:

a. Weekdays — _____

b. Weekends — _____

c. Summer/Vacation periods — _____

d. Holidays —

Thanksgiving — _____

Christmas (Eve) — _____

New Year's (Eve) — _____

Easter — _____

Non-festive holidays of Memorial Day, Fourth of July and Labor Day

e. Other holidays — _____

4. Transportation — _____

5. The child(ren) shall be with the Mother on Mother's Day and with the Father on Father's Day.

I verify that the statements made in this demand for Court hearings are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date: ____ / ____ / ____

(Petitioner or Petitioner's Attorney)

NOTE: Prior to the scheduling of a hearing date, both parties will be required to attend a Pre-Hearing Conference, scheduled for: ____ / ____ / ____, before _____ Hearing Officer, in _____ Blair County Courthouse.

[Pa.B. Doc. No. 99-6. Filed for public inspection December 31, 1998, 9:00 a.m.]

CLARION COUNTY

Order Amending Local Rules of Procedure for Civil Actions; No. 1505-1998

Order

And Now December 15, 1998, Rule L1301 (Scope of Arbitration) of the rules of procedure for civil actions in the Court of Common Pleas of Clarion County is hereby amended so that all references to the amount of \$10,000.00 are changed to \$25,000.00. In all other respects Rule L1301 shall remain unchanged. This increase in the scope of compulsory arbitration from \$10,000.00 to \$25,000.00 is being made pursuant to the authority set forth at 42 Pa.C.S.A. § 7361.

The Court Administrator is directed to comply with Rule 239 of the Pennsylvania Rules of Civil Procedure

and this amendment will become effective 30 days after compliance with Rule 239 has been completed and a copy of the new rule has been published in the *Pennsylvania Bulletin*.

The Prothonotary shall include a copy of the newly adopted local Rule L1301 with all copies of local rules of procedure for civil actions when those rules are delivered to any person requesting a copy.

By the Court

CHARLES R. ALEXANDER,
President Judge

[Pa.B. Doc. No. 99-7. Filed for public inspection December 31, 1998, 9:00 a.m.]