

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Philadelphia Family Court; Administrative Order No. 99-04

In order to effectuate a more efficient and effective system of court appointment of counsel in Dependent Court cases, the following procedure is to be effective as of 11/15/99:

When counsel is needed to be appointed, all judges assigned to Dependent Court work (Courtrooms E, G, H, I), with the exception of Model Court, shall mark the file as follows: COURT TO APPOINT COUNSEL. The Dependent Court liaison representative will notify the Dependent Court operations office of the need for counsel to be appointed. All appointments will be made on a rotation basis by the office of the Dependent Court management from the Dependent Court list of qualified attorneys.

If there is a need to appoint counsel on an emergency basis in the courtroom, the Dependent Court manager will have available a list of attorneys assigned each day for this purpose. These assignments shall be for one day only. All Dependent Court counsel will be notified in advance by the manager of Dependent Court operations to ensure counsel is available in the courtroom.

Any exceptions to the foregoing procedure must be approved in writing by the Administrative Judge or his designee.

PAUL P. PANEPINTO,
Administrative Judge
Family Court Division

[Pa.B. Doc. No. 99-1998. Filed for public inspection November 24, 1999, 9:00 a.m.]

PHILADELPHIA COUNTY

Philadelphia Family Court; Administrative Order No. 99-05

All appointed counsel in Dependent Court proceedings must submit petitions for payment within one year from the date of appointment regardless if the case is still pending.

All attorneys who have counsel fee petitions outstanding under the hourly rate system (old system) for Dependent Court matters, must file counsel fee petitions with the Office of the Administrative Judge of Family Court by no later than December 31, 1999 for review and authorization of payment. This includes petitions involving cases over one year old from the date of appointment that are still open.

If a petition is not timely filed, counsel may lose the right to payment of counsel fees.

PAUL P. PANEPINTO,
Administrative Judge
Family Court Division

[Pa.B. Doc. No. 99-1999. Filed for public inspection November 24, 1999, 9:00 a.m.]

PHILADELPHIA COUNTY

Philadelphia Family Court; Administrative Order No. 99-06

Effective December 1, 1999, the cap authorization of fees for Dependency Attorney Fee Petitions on all cases under the hourly rate system (old system) shall be \$450.00. This is compatible with the Guaranteed Fee System (new system) which authorizes payments of \$300.00 for the first year and \$150.00 for the second year. The previous cap of \$750.00 is hereby rescinded.

All requests for fees over \$450.00 shall be made to the Administrative Judge of Family Court for review and disposition. Judges may make recommendations, in support of requested fee petitions in excess of \$450.00, to the Administrative Judge for consideration.

PAUL P. PANEPINTO,
Administrative Judge
Family Court Division

[Pa.B. Doc. No. 99-2000. Filed for public inspection November 24, 1999, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Amendment of Local Rule L1915.1 Scope— Definitions and Adoption of Local Rule L1915.4 Mandatory Education Program for Parents in Custody Matters; No. 99-1590

Administrative Order No. 11-1999

And Now, this 12th day of November, 1999, it is hereby

Ordered and Decreed, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, that the Carbon County Court of Common Pleas hereby *Amends* Local Rule L1915.1 governing the Scope and Definitions for custody actions and *Adopts* Local Rule L1915.4 establishing the Mandatory Education Program for Parents in Custody Matters.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

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

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary's Office.

By the Court

JOHN P. LAVELLE,
President Judge

Rule L1915.1. Scope—Definitions.

(1) (A) These rules govern local practice and procedure in all actions for custody, partial custody, visitation, modification of existing orders and contempt of court, including all actions heretofore commenced by petition for writ of habeas corpus and all claims for custody, partial custody or visitation asserted in an action of divorce or support.

(B) If a claim for custody, partial custody, visitation or modification of an existing order is raised during the course of an action for divorce or for support, the court shall enter an order directing that the determination of the claim shall be referred to a hearing officer appointed by the Court for an expeditious resolution of the claim.

(2) As used in these Rules, unless the context of a Rule indicates otherwise,

“Conference” means a pre-hearing negotiating session conducted under the auspices of the Court by a hearing officer appointed by the court.

“Court”, shall mean the Court of Common Pleas of Carbon County.

“De novo hearing”, means a hearing before a judge of the Court of Common Pleas of Carbon County.

“Hearing Officer”, means an attorney engaged in the practice of law who is duly licensed to practice law in the Commonwealth of Pennsylvania; who shall conduct pre-hearing conferences at such times and places as the court shall direct; shall encourage and supervise the formulation of consent orders; shall, in cases where consent orders cannot be obtained, conduct evidentiary hearings at which the hearing officer may examine the parties and all other witnesses whom the hearing officer may have reason to believe have knowledge of any facts relevant and material for the just and proper examination of the case; may recommend counseling and conduct oral examination of the child(ren) who is (are) the subject of the action and request investigation reports from social services agencies; shall submit a report to the Court which shall include a comprehensive opinion reflecting a thorough analysis of the record as a whole and specifying the reasons for the Hearing Officer's recommended order; and shall perform such other duties relating to actions involving custody of children and visitation rights as the Court may from time to time direct.

“Joint custody”, in the context of any report or opinion and order means shared custody as that term is defined in Pa.R.C.P. 1915.1(b).

“Program”, means the mandatory “Education Program for Divided Families” in custody and divorce matters.

“Provider”, means the qualified educators, counselors, and trainers selected by the Court of Common Pleas to present the “Education Program for Divided Families”.

Rule 1915.4. Mandatory Education Program for Parents in Custody Matters.

1. In all custody proceedings filed on or after May 1, 1999, as the Court may direct after the Preliminary Conference, where the interests of children under the age of eighteen (18) are involved, the parties shall attend and complete one 4-hour session entitled “Education Program for Divided Families”, referred to in these local rules as “Program”.

2. In all custody proceedings filed on or after May 1, 1999, each complaint or petition shall contain an order in accordance with Local Rule L1915.15 and shall be in compliance with Local Rule L206.1 or Local Rule L205.3.

3. If the parties are unable to agree at the Preliminary Conference, the Hearing Officer shall provide the parties with a copy of a Court Order requiring attendance at the Program, a registration form, and Program description with the applicable pleading upon the defendant.

4. The parties shall register for the Program within fifteen (15) days after he or she is served with the Court Order.

5. Every party shall attend the Program within sixty (60) days from the date of the Order requiring attendance. Any request for an extension of time to complete the Program shall be made to the Court.

6. The fee for the Program is \$25.00 per party and must be submitted with the registration form. Certified check, money order, or cash will be accepted for payment. Checks and money orders shall be made payable to the Carbon County Extension Special Fund. NOTE: NO PERSONAL CHECKS WILL BE ACCEPTED.

7. No conference or final hearing shall be held or order entered, until all parties have attended and completed the Program, unless the Court waives the requirement upon petition filed for good cause shown. Refusal of the non-moving party to attend the Program shall be considered good cause by the Court.

8. Failure to comply with the Order may result in the dismissal of the action, striking of pleadings, or other appropriate action, including sanctions for contempt.

9. Upon receipt of the Certificate of Completion, the Prothonotary shall advise the Court Calendar Officer to schedule a hearing.

10. Copies of this Rule, Program Registration Form, and Program Description shall be available in the Prothonotary's Office of the Court of Common Pleas of Carbon County.

[Pa.B. Doc. No. 99-2001. Filed for public inspection November 24, 1999, 9:00 a.m.]

SUPREME COURT

Schedule of Holidays for Year 2000 for Staffs of
the Appellate Courts and the Administrative Of-
fice of Pennsylvania Courts; No. 214, Judicial
Administration Doc. No. 1

Order

Per Curiam:

And Now, this 9th day of November, 1999, it is hereby ordered that the order of this Court of March 26, 1999 establishing the holidays for calendar year 2000 be amended as follows:

January 3, 2000	New Year's Day (Observed)
November 10, 2000	Veterans Day (Observed)

[Pa.B. Doc. No. 99-2002. Filed for public inspection November 24, 1999, 9:00 a.m.]
