

THE COURTS

Title 255—LOCAL COURT RULES

CARBON COUNTY

Revision of Rule of Civil Procedure L1915.4-1 Alternative Hearing Procedures for Partial Custody or Visitation Cases; No. 01-1115

Administrative Order 22-2001

And Now, this 27th day of September, 2001, it is hereby *Ordered and Decreed* that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Court of Common Pleas of Carbon County *Amends* Local Rule of Civil Procedure L1915.4-1 governing Alternative Hearing Procedures for Partial Custody and Visitation Cases.

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 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 in the Prothonotary's Office.

By the Court

RICHARD W. WEBB,
President Judge

Rule L1915.4-1. Alternative Hearing Procedures for Partial Custody or Visitation Cases

1. Upon the filing of any claim for partial custody or visitation, the moving party shall deposit with the Prothonotary the sum of \$300.00 unless excused by the Court.

2. All actions commenced under these rules shall be scheduled for a pre-hearing conference. The pre-hearing conference shall be held to focus on issues of fact and law and to explore the possibility of a negotiated settlement and consent order.

3. A continuance of the pre-hearing conference may be granted by the Court upon good cause shown.

4. If the parties agree on a custodial arrangement, two hundred dollars shall be refunded to the depositing party and a consent order shall be entered in substantially the same form as set forth in "Form A" following Carbon County Local Rule L1915.7.

5. If the parties are unable to agree, the hearing officer shall immediately contact Court Administration for a hearing date, insert this date on a Hearing Notice as set forth in "Form A", file the original with the Prothonotary, and deliver a copy of same forthwith to the parties, counsel, and Court Administration.

6. Where no agreement is reached, the hearing officer shall prepare a recommended Interim Order which said officer believes is in the best interest of the child(ren) and forward it to the Court within 10 days of the pre-hearing conference. The Interim Order shall require the parties to file a Pre-Trial Memorandum with the Prothonotary's Office within five (5) days prior to hearing, and shall contain the following:

(A) A clear concise statement of the principal custody issues to be resolved by the Court;

(B) Principles of law to be applied;

(C) List of witnesses to be called and exhibits;

(D) Listing of any evidentiary disputes; and Legal Argument.

(E) Proposed Findings of Fact

(F) Proposed Custody Order

7. The moving party shall be responsible to secure the services/attendance of an outside court reporter for said hearing and shall be responsible for the payment of said outside court reporter unless the Court places the payment responsibility on the other party.

8. Within 10 days of the conclusion of the hearing, the hearing officer shall file and serve a copy upon all parties a report stating the reasons for the recommendation along with a proposed order including a specific schedule of partial custody or visitation.

9. If exceptions are filed, no exceptions shall be argued before the Court unless written briefs have been filed. The moving party shall file three (3) copies of a brief and exceptions with the Prothonotary's Office no later than ten (10) days after filing of the hearing officer's report, and forthwith serve one (1) copy of the brief upon each adverse party or counsel of record. Each adverse party or his counsel of record shall file in the appropriate filing office three (3) copies of a brief in answer, not later than five (5) days after receipt of moving party's brief and forthwith serve a copy thereof upon all opposing parties or their counsel of record. All briefs shall be prepared in conformity with Local Rule L210. Transcription of the proceedings shall be filed of record by the party raising the objections. The cost of transcription shall be borne by the party filing the original exceptions unless otherwise ordered by the Court.

10. Argument shall be held within 45 days of the date that the last party files exceptions.

11. In all custody proceedings 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."

12. In all custody proceedings, each complaint or petition shall be in compliance with Local Rule L206.1 or Local Rule L205.3.

13. At the time of the filing of the Complaint/Petition, the attorney and/or unrepresented party shall attached to the Complaint/Petition and provide all parties with the Court Order requiring attendance at the Program as set forth in Form "B," a registration form, and Program description.

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

15. 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.

16. The fee for the Program is \$25.00 per party and must be submitted with the registration form. Certified check or money order will be accepted for payment. Checks and money orders shall be made payable to the Kathryn James. NOTE: NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

17. No final hearing shall be held or final order entered until all parties have attended and completed the Program, unless the Court waives the requirement upon

petition filed for good cause shown or by leave of Court. Refusal of the non-moving party to attend the Program shall be considered good cause by the Court. 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.

18. Upon filing of the Certificate of Completion, the Prothonotary shall provide a copy to Court Administration.

19. 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.

"FORM A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW

_____	:	
Plaintiff	:	
vs.	:	NO. _____
_____	:	
Defendant	:	
_____	-	Attorney for Plaintiff
_____	-	Attorney for Defendant

NOTICE OF HEARING

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

You are ordered to appear in person at the 1st floor Conference Room, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on _____, 20____ at _____ A.M./P.M., prevailing time, for a hearing. If you fail to appear as provided by this order, an order for partial custody or visitation may be entered against you or the court may issue a warrant for your arrest.

PLAINTIFF SHALL DEPOSIT THE SUM OF _____ DOLLARS (\$0.00) WITH THE PROTHONOTARY OF CARBON COUNTY NO LATER THEN TEN (10) DAYS PRIOR TO DATE OF HEARING.

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.

LEGAL SERVICES OF NORTHEASTERN PENNSYLVANIA, INC.
122 IRON STREET
LEHIGHTON, PA 18235
(610-377-5400)

COUNSEL IS ATTACHED FOR THESE PROCEEDINGS.

Dated: _____, 20____ Esquire - Hearing Officer
I/We hereby acknowledge receipt of the Notice of Hearing.

_____	_____
Plaintiff	Defendant
_____	_____
Attorney for Plaintiff	Attorney for Defendant

“FORM B”
IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

:
:
vs. : NO.
: CUSTODY ACTION

ORDER OF COURT

You are ORDERED to attend a program entitled “Education Program for Divided Families” in connection with the above-captioned custody action. You must register for the Program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the Program within sixty (60) days from the date of this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

No final hearing shall be held or final order entered where there are children under the age of eighteen (18) until all parties have attended the Program or by leave of Court.

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.

Legal Services of Northeastern Pennsylvania, Inc.
122 Iron Street
Lehighton, PA 18235
(610) 377-5400

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Carbon 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 the District Court Administrator’s Office at (570) 325-8556. All arrangements must be made at least seventy-two (72) hours prior to any hearing or business before the Court. You must attend the scheduled Program.

BY THE COURT:

DATED: _____
J.

EDUCATION PROGRAM FOR DIVIDED FAMILIES

In cases involving custody of minor children, mandatory attendance at one 4-hour session entitled “Education Program for Divided Families” is required. MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM.

PROGRAM CONTENT

The Program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child’s emotional health and well being during the periods of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

- A. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do’s and don’ts of parenting.
- B. Identifying and dealing with feelings such as anger toward your children, from your children, and toward your ex-spouse, as well as the healing process.

C. Open Discussion: explaining divorce, visitation problems, new relationships, parents at war with co-parent, etc.

WHO

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheadsville, PA 18322
Telephone: (570) 992-2027

WHEN

The Program is offered every month on one (1) Saturday from 9:00 A.M. until 1:00 P.M.

WHERE

The Program will be presented at the Carbon County Conservation District building located at 5664 Interchange Road, Lehighton, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North - building is between Gensis Day Care and the PA State Police Barracks). Directions: From the south (Palmerston, Lehighton), take 209 North (about 5 miles past the

Turnpike entrance); From the northwest (Jim Thorpe, Lansford, Summit Hill) take 209 North; and from the north (Weatherly, Beaver Meadows) take 93 South to 209 North.

ATTENDANCE

Attendance at the Program is required of parties in a custody case where the interests of children under the age of eighteen (18) years are involved and is ordered by the Court. Additional interested persons may attend the seminar upon prior approval of the provider with the payment of ten (\$10.00) dollars.

PRESENTERS

A qualified counselor selected by the Court of Common Pleas of Carbon County will present the program.

NOTIFICATION

A copy of the Order requiring the parties to attend the Program, a Registration Form, and Program Description will be provided to the parties by the Attorney or unrepresented party upon filing of a custody action.

FEES

A fee of \$25.00 per party is required and will be used to cover all program costs. The fee must be submitted with the registration form directly to the Provider. Certified check or money order will be accepted as payment. **NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.**

REGISTRATION

Register by MAIL, only. The provider must receive the registration form and program fee at least seven (7) days prior to the selected date. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through the provider.

VERIFICATION OF ATTENDANCE

Upon presentation of photo identification, the provider will record the party as "present" and shall provide to the Prothonotary of Carbon County a Certificate of Completion, which shall be filed of record. The Provider will give a Certificate of Attendance to each person who successfully completes the Program.

EVALUATION

Each participant shall complete a written evaluation of the Program upon the conclusion of the session. Said evaluation forms shall be presented to the Court upon request.

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheads ville, PA 18322
Telephone: (570) 992-2027

REGISTER BY MAIL, ONLY: Choose the date you want to attend, complete the attached form, and send it with your certified check or bank money order payable to Kathryn James to: Kathryn M. James, P. O. Box 184, Brodheads ville, PA 18322. If you have any questions regarding the program or scheduling, call: (570) 992-2027.

2001 Registration Form—Education Program for Divided Families Carbon County, Pennsylvania

The Program is held at the Carbon County Conservation District building located at 5664 Interchange Road, Lehigh ton, PA 18235 (located next to the Pennsylvania

State Police Barracks on Route 209 North- building is between Gensis Day Care and the PA State Police Barracks).

You are required to attend one 4-hour Saturday session. The cost of the Program is \$25.00 per party.

Other guests can attend for an additional \$10.00 fee.

Photo identification is required.

Parking is available on site.

Register at least seven (7) days prior to the date you want. **IF TEN (10) PARTICIPANTS ARE NOT REGISTERED, THE CLASS WILL BE CANCELLED AND YOU WILL NEED TO RE-SCHEDULE. CONFIRMATIONS ARE NOT SENT.** Come to the program you choose, unless notified that the class is full. Class may be cancelled due to snow. You will be informed of this cancellation by telephone.

If you cannot attend the class you registered and paid for, you must call Kathryn James at (570) 992-2027 to let her know of the change in plans. If the cancellation is made a week prior to the scheduled date, you may attend the next scheduled class at no additional charge. **IF NO NOTICE OF CANCELLATION IS GIVEN OR IT IS NOT MADE ONE WEEK PRIOR TO CLASS, YOU MUST PAY AN ADDITIONAL \$10.00 TO TAKE THE NEXT CLASS.**

Children **SHALL NOT** be brought to the Program.

Please be prompt. Latecomers are not admitted and must reschedule.

In case of a snowstorm, listen to the radio and/or television for cancellations —WYNS 11.60 A.M., WLSH 14.10 A.M., or TV WYOU—News 22. Call (570) 992-2027 to reschedule.

Docket Number: of custody case _____ Docket Number **MUST** be filled in for attendance credit. Please indicate County of jurisdiction: _____

Your Name: _____

Guest: _____
(Name and Relationship to Child)

Your Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ (Home) _____ (Work)

Saturdays—9:00 a.m. to 1:00 p.m.

Jan. 5, 2002 _____

Feb. 2, 2002 _____

March 2, 2002 _____

April 13, 2002 _____

May 4, 2002 _____

June 2, 2002 _____

July 6, 2002 _____

August 3, 2002 _____

Sept. 7, 2002 _____

Oct. 5, 2002 _____

Nov. 2, 2002 _____

Jan. 5, 2002 _____

Dec. 7, 2002 _____

Send completed registration form and fee by certified check or money order payable to Kathryn James to:

Kathryn M. James
P. O. Box 184
Brodheadsville, PA 18322
Telephone: (570) 992-2027

**NO PERSONAL CHECKS OR CASH WILL BE
ACCEPTED. NO REFUNDS GIVEN.**

[Pa.B. Doc. No. 01-1833. Filed for public inspection October 12, 2001, 9:00 a.m.]
