

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 21]

Order Adopting Pa.R.A.P. 2117; No. 149 Appellate Procedural Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 18th day of February, 2004, upon the recommendation of the Appellate Court Procedural Rules Committee, the proposal having been published before adoption at 33 Pa.B. 4552 (September 13, 2003),

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that the amendment to Pa.R.A.P. 2117 is adopted.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall become effective immediately.

Annex A

Title 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF BRIEFS

Rule 2117. Statement of the Case.

* * * * *

(d) *Appeals from [case stated] cases submitted on stipulated facts.*—When the appeal is from an order on a case [stated, in the nature of a special verdict] submitted on stipulated facts, the statement of the case may consist of the facts as [agreed upon] stipulated by the parties.

Official Note:

* * * * *

The 2004 amendment replaces references in subdivision (d) to appeals from a “case stated” because this procedure was abolished pursuant to Pa.R.C.P. 1038.2. In its place, the Supreme Court adopted Pa.R.C.P. 1038.1 providing for a “case submitted on stipulated facts.” The statement of the case under subdivision (a)(1) of this rule may now only consist of those facts stipulated to by the parties.

[Pa.B. Doc. No. 04-363. Filed for public inspection March 5, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY Judicial and Related Account

Order

And Now, this 13th day of February, 2004, the original Order of November 9, 1978 establishing the Judicial and Related Account and subsequently amended August 6, 1993, September 9, 1999, March 5, 2002 and March 21, 2003, is hereby amended as follows:

The Judicial and Related Account shall be composed of the following budget accounts:

1. 0135 Domestic Relations
2. 0139 Law Library
3. 0140 Main Courts
4. 0141 Grand Jury
5. 0142 Judge Commissioners
6. 0147 Court Reporters
7. 0151 Adult Probation and Parole
8. 0152-0153 Juvenile Probation
9. 0325-0375 Youth Detention Center (County)
10. 0330-0380 Juvenile Reimbursable Administration
11. 0334-0384 Juvenile Counseling
12. 0335-0385 Juvenile Day Treatment
13. 0336-0385 Juvenile Life Skills
14. 0337-0387 Juvenile Protective Services General
15. 0338-0388 Juvenile Protective Services Planning
16. 0339-0389 Juvenile Alternative Treatment
17. 0340-0390 Juvenile Community Residential (Group Home)
18. 0341-0391 Juvenile Foster Family
19. 0342-0392 Juvenile Detention (Out of County)
20. 0343-0393 Juvenile Residential (Non Group Home)
21. 0344-0394 Juvenile Revenue (Act 148 Related)
22. 0201 Magisterial District 07-1-01
23. 0202 Magisterial District 07-1-02
24. 0203 Magisterial District 07-1-03
25. 0204 Magisterial District 07-1-04
26. 0206 Magisterial District 07-1-06
27. 0207 Magisterial District 07-1-07
28. 0208 Magisterial District 07-1-08
29. 0209 Magisterial District 07-1-09
30. 0210 Magisterial District 07-1-10
31. 0211 Magisterial District 07-1-11
32. 0212 Magisterial District 07-2-01

33.	0213	Magisterial District 07-2-02
34.	0214	Magisterial District 07-2-03
35.	0215	Magisterial District 07-3-01
36.	0216	Magisterial District 07-2-05
37.	0217	Magisterial District 07-3-03
38.	0218	Magisterial District 07-2-07
39.	0219	Magisterial District 07-2-08
40.	0220	Supplemental Judicial Clerks
41.	2540	Court's Capital
42.	2640	Court's Capital
43.	0130	Register of Wills
44.	0131	Sheriff
45.	0133	Prothonotary
46.	0134	Clerk of Courts

and such other accounts as the Court may from time to time direct.

In all other respects, Administrative Order No. 1 dated November 9, 1978, remains in full force and effect.

This Order to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

DAVID W. HECKLER,
President Judge

[Pa.B. Doc. No. 04-364. Filed for public inspection March 5, 2004, 9:00 a.m.]

BUTLER COUNTY

Local Rules of Court; CP-10-AD0000001-2004

Administrative Order of Court

And Now, this 18th day of February, 2004, it is hereby ordered and decreed that the Butler County local rule of criminal procedure (L-507) is hereby approved and adopted and is herewith made a part of the Butler County Local Rules of Criminal Procedure for use in the Court of Common Pleas of Butler County, Pennsylvania, the 50th Judicial District of Pennsylvania, effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*.

It is further ordered and decreed that the Court Administrators Office of Butler County shall:

1. File seven (7) certified copies of this Administrative Order & Local Rule and the District Attorney's Certification with the Administrative Office of the Pennsylvania Courts.

2. File two (2) certified copies of this Administrative Order & Local Rule and one (1) diskette in the required format with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy of this Administrative Order & Local Rule and the District Attorney's Certification with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy of this Administrative Order to the administrative office of the *Butler County Legal Journal* for publication.

5. Keep continuously available for public inspection copies of this Administrative Order in the Office of the Butler County Clerk of Courts, in the Office of the Court Administrator and the Butler County Law Library.

By the Court

THOMAS J. DOERR,
President Judge

L-507. Approval of Police Complaints by the Attorney for the Commonwealth

The District Attorney of Butler County having filed a certificate pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure charging:

Criminal Homicide in violation of 18 Pa.C.S.A. § 2501;
Murder in any degree in violation of 18 Pa.C.S.A. § 2502;
Voluntary Manslaughter in violation of 18 Pa.C.S.A. § 2503;

Involuntary Manslaughter in violation of 18 Pa.C.S.A. § 2504;

Rape in violation of 18 Pa.C.S.A. § 3121;

Statutory Sexual Assault in violation of 18 Pa.C.S.A. § 3122.1;

Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. § 3122.2;

Aggravated Indecent Assault in violation of 18 Pa.C.S.A. § 3125;

Indecent Assault in violation of 18 Pa.C.S.A. § 3126;

Homicide by Vehicle in violation of 75 Pa.C.S.A. § 3732;

Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. § 3735;

and/or

Criminal Attempt in violation of 18 Pa.C.S.A. § 901;

Criminal Solicitation in violation of 18 Pa.C.S.A. § 902;

Criminal Conspiracy in violation of 18 Pa.C.S.A. § 903 to commit any of the above enunciated crimes;

shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

[Pa.B. Doc. No. 04-365. Filed for public inspection March 5, 2004, 9:00 a.m.]

INDIANA COUNTY

Adoption of New Local Rules of Court Nos. L-1915.1, L-1915.2, L-1915.3 and L-1920.51; No. 188 Misc. 1994

Order of Court

And Now, this 19th day of February 2004, it is hereby Ordered and Directed, pursuant to Rule 239 of the Pennsylvania Rules of Civil Procedure, that Indiana County Local Rules L-1915.1, L-1915.2, L-1915.3 and L-1920.51 are adopted and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and shall apply to all civil proceedings pending at that time.

It is hereby *Ordered* and *Directed* that the Prothonotary:

(1) File seven (7) certified copies of said rules with the Administrative Office of Pennsylvania Courts;

(2) Furnish two (2) certified copies and a diskette of said rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) Distribute and file one (1) certified copy of said rules with the Civil Procedural Rules Committee of the Pennsylvania Supreme Court; and,

(4) Distribute and file one (1) certified copy with the Indiana County Law Library.

It is further *Ordered and Directed* that these Local Rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Indiana County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary of Indiana County shall furnish to any person a copy of any Local Rule.

By the Court

WILLIAM J. MARTIN,
President Judge

Actions for Custody, Partial Custody and Visitation of Minor Children

Rule L-1915.1. Initial Custody Conference

(a) In all cases in which a party seeks an Order of Court, or modification of an existing Order of Court, regarding custody, partial custody and/or visitation of minor children, including proceedings commenced under the Domestic Relations Code of 1990 (23 Pa.C.S. §§ 5301 et. seq.), unless both parties by certification verify that an Initial Custody Conference would be fruitless, the moving party shall proceed by moving the Court to schedule an Initial Custody Conference. This motion shall be submitted in a form in substantial compliance with that found in L-1915.3(a). The Initial Custody Conference shall be scheduled by the Court Administrator within forty-five (45) days of the date the motion is filed. The Initial Custody Conference shall be attended by the parties and their respective counsel, if any, and they shall attempt to reach amicable settlement of the matter.

(b) The parties shall be notified of the scheduled Initial Custody Conference by Order of Court per L-1915.3(b). It shall be the responsibility of the moving party to see that copies of the Order of Court scheduling the Initial Custody Conference are served on all parties and their respective counsel.

(c) Should the parties reach full agreement at the Initial Custody Conference, unless the parties agree otherwise, the moving party shall have such agreement reduced to the form of a Consent Order of Court. The Consent Order shall indicate that the agreement was reached at an Initial Custody Conference and include the date of the Initial Custody Conference. Upon preparation and execution thereof, either party may submit this Consent Order to the Court for approval and signature. A copy of the Consent Order shall be transmitted to the Court Administrator.

(d) Initial Custody Conferences shall be held at the Indiana County Courthouse unless otherwise agreed upon by the parties.

Rule L-1915.2. Custody Mediation

(a) Either party may seek Mediation under any one of the following circumstances:

(1) An Initial Custody Conference has been held and the parties were not able to reach an agreement;

(2) An Initial Custody Conference was held and one party, while served notice of same, failed to appear; or

(3) Counsel for both parties have agreed that an Initial Custody Conference would be fruitless. (In this circumstance, counsel for both parties must sign the Motion for Mediation).

(b) The Motion for Child Custody Mediation shall be submitted on a form in substantial compliance with that found in L-1915.3(c). The Court shall then order Mediation per form L-1915.3(d). It shall be the responsibility of the moving party to see that copies of the Order of Court scheduling the Child Custody Mediation are served on all parties and their respective counsel.

(c) Not later than seven (7) days prior to a scheduled Mediation, each attorney/party shall forward to the Child Custody Mediator the following:

(1) Proof of attendance or registration for the Parent Education Course, also known as the Children-in-the-Middle Parent Education Course. (Out of county/state litigants may attach proof of equivalent services in their jurisdiction.);

(2) Proof of payment of his or her Mediation Fee to the Prothonotary of Indiana County or copy of an approved IFP Petition; and,

(3) A completed Child Custody Questionnaire or a form in substantial compliance with that found at L-1915.3(e).

(d) Failure to provide any part of the information set forth in L-1915.2(c), above, shall be deemed a contemptible act under Pennsylvania Rule of Civil Procedure 1915.12 and shall be included in any recommendation by the Child Custody Mediator to the Court. Mediation shall not be canceled or continued for noncompliance with the requirements of L-1915.2(c), above.

(e) Any motion for continuance of Mediation must be directed to the Court and made on a form in substantial compliance with Form F.3 of these Local Rules.

(f) The Mediator shall ascertain the issues in the action through discussion with counsel and/or the parties. The Mediator shall not take testimony, and the conference shall not be of record; rather, the Mediator shall attempt to determine the relevant facts through discussion and shall suggest or recommend a proposed settlement. The Mediator may discuss the action with the parties or children concerned in the presence of, or without, counsel; for this purpose, children seven (7) years of age or older must be present for the Mediation. Mediation Procedure shall at all times be in the sole discretion of the Mediator.

(g) Following proper notice and conference, the Mediator shall take one of the following actions:

(1) If the Mediator determines that the parties have reached full agreement, the Mediator shall reduce the agreement to the form of a Consent Order of Court, which shall be submitted to the Court for approval and signature.

(2) If the parties cannot reach full agreement, the Mediator shall refer the entire action to the Court. The Mediator may recommend a Temporary Order of Court, which shall immediately be submitted to the Court, and, upon its entry, shall remain in effect until further Order of Court.

(3) If one of the parties, without just cause, fails to appear at Mediation, the Mediator may recommend a Temporary Order of Court, which shall immediately be submitted to the Court, and, upon its entry, shall remain in effect until further Order of Court.

(4) If, without just cause, neither party appears for Mediation, the Mediator may recommend an Order dismissing the action, in which event costs shall be assessed and collected.

(5) Should further Court action be required, the Mediator shall include a Scheduling Order with his/her Report. The Report also shall indicate whether psychological evaluations, home studies, or other pre-hearing reports are to be ordered.

(h) The Mediation Fee shall be refunded only if, by a writing signed by both parties or counsel and submitted to the Court not less than seven (7) days before the scheduled date of Mediation, the parties agree that the Mediation should be canceled.

Rule L-1915.3. Custody Forms

(a) The motion for Initial Custody Conference shall be substantially in the following form:

(Caption)

MOTION FOR INITIAL CUSTODY CONFERENCE

_____, (Plaintiff) (Defendant), moves the Court to schedule an Initial Custody Conference.

Date: _____, 20____
(Plaintiff) (Defendant)
Attorney for (Plaintiff) (Defendant)

(b) The order of court scheduling the Initial Custody Conference shall be substantially in the following form:

(Caption)

ORDER SCHEDULING INITIAL CUSTODY CONFERENCE

You, _____, (Plaintiff) (Defendant), have been sued in Court to modify custody, partial custody or visitation of the following child or children: _____. You, _____, Plaintiff, and _____, Defendant, are ORDERED to attend a Parent Education Class conducted by the [Name of Agency]. You should contact the [Name and Telephone Number of Agency] immediately to make arrangements to attend the class prior to the date scheduled for the Initial Custody Conference. Each party will be responsible for a \$_____ fee, payable to the [Name of Agency] and collected at the time of class attendance. This fee will be waived for parties who have filed Petitions for In Forma Pauperis. A party who fails to attend as ordered may be found in contempt of Court. In the event it is necessary to reschedule a party's attendance because of his or her failure to attend the originally scheduled class, there shall be an additional \$_____ fee. This fee shall be payable regardless of whether the party cancels in advance or merely fails to appear at the designated time.

You, _____, (Plaintiff) (Defendant), are ORDERED to appear in person at Jury Room No. ___, Floor 4M, Indiana County Courthouse, 825 Philadelphia Street, Indiana, Pennsylvania, on _____, 20____, at _____ o'clock __.M., for an Initial Custody Conference.

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.

Court Administrator
4th Floor
Indiana County Courthouse
825 Philadelphia Street
Indiana, PA 15701
Telephone: (724) 465-3955

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Indiana 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 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: _____, 20____ J.

(c) The motion for Child Custody Mediation shall be substantially in the following form:

(Caption)

MOTION FOR CHILD CUSTODY MEDIATION

_____, (Plaintiff) (Defendant), moves the Court to schedule a Custody Mediation Conference because:

___ The parties met for Initial Custody Conference and were unable to reach an agreement.

___ Counsel for both parties certify that an Initial Custody Conference would be fruitless (if this box is checked, both counsels must sign this Motion).

The moving party attended/has registered to attend the Children-in-the-Middle Parent Education Course on the ___ day of _____, 20____.

The moving party is filing this Motion by:

___ Paying to the Prothonotary of Indiana County \$ _____

___ Filing an In Forma Pauperis Petition

Name, address and telephone number of Plaintiff: _____

Name, address and telephone number of Plaintiff's attorney: _____

Name, address and telephone number of Defendant: _____

Name, address and telephone number of Defendant's attorney: _____

Date: _____, 20____ (Plaintiff)

Date: _____, 20____ (Defendant)

Date: _____, 20____ (Attorney for Plaintiff)

Date: _____, 20____ (Attorney for Defendant)

(d) The order of court scheduling the Child Custody Mediation shall be substantially in the following form:

(Caption)

ORDER SCHEDULING CHILD CUSTODY MEDIATION

AND NOW, this ____ day of _____, 20__, upon consideration of the Motion for Child Custody Mediation, a Mediation is set for the _____ day of _____, at ____ M. in Mediation Conference Room on the Fourth Floor of the Indiana County Courthouse, 825 Philadelphia Street, Indiana, Pennsylvania. It is hereby ORDERED AND DIRECTED that no later than seven (7) days prior to the date for Mediation, each party must have submitted to the Indiana County Child Custody Mediator the following documentation:

1. Proof of payment of his or her \$ _____ Mediation Fee or that he or she has petitioned the Court for, and been granted IFP status.

2. Proof that he or she has attended or registered for the Children-in-the-Middle Parent Education Course or its equivalent for parties residing outside of Indiana County.

3. A completed Mediation Questionnaire including complete names, addresses and telephone numbers of all parties.

No Mediation will be canceled or continued for non-payment of fees. Failure to comply with 1, 2, or 3 above, will be held to be contemptible action under Pennsylvania Rule of Civil Procedure 1915.12, and the offending party shall be brought before the Court. Any party failing to appear for Mediation without having filed a Motion for Continuance and been granted a Continuance by the Court, may have an Order entered against his or her custodial interest.

The Party who has physical custody of the minor child(ren) is hereby directed to bring any child(ren) over the age of seven (7) years with him or her to the Mediation Conference.

BY THE COURT:

J.

(e) The Mediation Questionnaire shall be substantially in the following form:

(Caption)

MEDIATION QUESTIONNAIRE

I, _____, the Plaintiff () or Defendant () (Please Print Name)

(Check one) undersigned below, hereby certify that the following information is true and correct to the best of my knowledge and belief.

_____, 20____ (Please Sign Name) (Date)

I am (), am not () represented by an attorney. My attorney's address and telephone number is as follows:

_____ Esquire (Address)

_____ (Phone including Area Code)

My address and telephone number is as follows:

Date of birth: _____

Educational background: _____

Brief Description of current residence: _____

Subject children of this action:

Name	Date of Birth	Age	Grade Level	School
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Other children in household:

Name	Age	Relationship to Party
_____	_____	_____
_____	_____	_____
_____	_____	_____

Marital/Cohabitation History:

Date of Marriage or Cohabitation: (if applicable) _____

Date of Separation: _____

Cause of Separation: (brief explanation) _____

Date of Divorce: (if applicable) _____

Is a divorce action pending? _____

Current Marital Status/Living Arrangements: _____

(i.e.): Remarriage or Cohabitation-provide name of new spouse or cohabitant)

Procedural History:

Verbal Custody/Visitation Arrangements: (Describe arrangement with applicable dates) _____

Written Custody/Visitation Arrangements: (Summarize arrangement and applicable dates) _____

Orders of Court: (Summarize or Attach, including Orders from foreign jurisdictions and dates of entry) _____

Current Custody/Visitation Arrangement: _____

Proposed changes in current custody/visitation arrangement: _____

Does child(ren) have any special needs? _____

Have home studies or psychological evaluations been completed? If so, by whom and dates: _____

What is your present employment status?:
() Employed () Unemployed () Unable to Work
() Other
Do you work in the home? ___ yes ___ no
Do you work in the town in which you reside?
___ yes ___ no
If, no, how far do you commute? ___ miles.
Does your employment take you out of town? For how long? How often? Explain: _____

Name, Address and Phone Number (including Area Code) of each employer or your own business:

Name(s) Address Phone #

Circle the days you work:
M T W TH F SAT SUN From ___ to
M T W TH F SAT SUN From ___ to
Do you work any type of alternating or unusual shifts? Explain: _____

Is your employer () flexible or () inflexible about working around you child custody/visitation needs? How long have you worked for this employer? ___ #1 ___ #2

State your present physical/mental condition:
() Good () Fair () Poor

Are you presently under a doctor's care? Explain your condition: _____

Name of Doctor: _____
Address: _____
Phone: _____

Are you taking any prescription drugs? Name of Drug _____
(Check N/A if you are taking none) and Amount (mg./day etc.) _____

Do you drink alcohol? ___ yes ___ no If so, how much? ___ heavy ___ moderate ___ occasionally

Have you remarried? _____ Are you cohabitating? _____

What is the person's name? _____

Does he/she have children? If so, what ages, sexes and with whom do they reside? _____

When did you remarry?: _____ When did you begin cohabitation? _____ Does the other party to this action know your current spouse or cohabitant? _____ Explain: _____

How long have you known your current spouse or cohabitant? ___ yrs. ___ mos.
Do your children know them? _____ For how long? _____

FACTORS, CONDITIONS AND/OR CONCERNS I CONSIDER VERY IMPORTANT THAT I WOULD ASK BE TAKEN INTO ACCOUNT BY THE MEDIATOR WHEN ENDEAVORING TO PROVIDE THE BEST SITUATION FOR THE CHILDREN IN THE ACTION ARE AS FOLLOWS: [Use extra pages, if necessary.] _____

Have you, or any adult member of your household, been convicted of or have charges pending with regard to any of the following? Check any that apply.

- ___ 1. Drunkenness ___ 9. Aggravated Assault
___ 2. Disorderly Conduct ___ 10. Traffic Violation
___ 3. Physical Abuse ___ 11. Hit and Run
___ 4. Child Molestation ___ 12. Driving Under the Influence
___ 5. Robbery ___ 13. Court Order Violation
___ 6. Firearms Violation ___ 14. Forgery
___ 7. Desertion
___ 8. Indecent Exposure

If you have checked any of the above, please explain: _____

ATTACH PROOF OF PAYMENT OF \$ _____ TO THE PROTHONOTARY OF INDIANA COUNTY OR COPY OF AN APPROVED PETITION FOR IN FORMA PAUPERIS (INDIGENT) STATUS AND COPY OF CERTIFICATE OF ATTENDANCE OR PROOF OF REGISTRATION FOR CHILDREN-IN-THE-MIDDLE COURSE AND FORWARD TO:

[Name and Address of Child Custody Mediator]

ALL MATERIALS MUST BE RECEIVED BY THE CHILD CUSTODY MEDIATOR NO LATER THAN 7 DAYS PRIOR TO MEDIATION.

Adopted _____, 200___, effective _____, 200___, and applied to pending actions.

Actions of Divorce or for Annulment of Marriage

Rule L1920.51. Appointment of Family Law Master in Divorce and Annulment of Marriage and Ancillary Proceedings

(a) In all divorce and annulment of marriage proceedings where a pleading has been filed raising an issue which Pa.R.C.P. 1920.51 authorizes to be heard by a Master and where the Court, upon its own motion or the motion of either party, appoints a Master pursuant to Pa.R.C.P. 1920.51, the Prothonotary shall forthwith refer the case to the Indiana County Family Law Master. The motion for appointment of Master shall be in the form as set forth in Pa.R.C.P. 1920.74 (A copy of the form is attached hereto for counsel's convenience.) Within thirty (30) days thereafter, the Master shall schedule a preliminary/settlement conference with the parties and their counsel to explore the possibility of resolving the issues in dispute without further litigation. Counsel for each party shall submit to the Master and opposing counsel a pre-trial statement in conformity with Pa.R.C.P. 1920.33(b) at least two (2) weeks in advance of the preliminary/settlement conference. As to those issues that cannot be resolved at preliminary/settlement conference, the Master shall establish a timetable for the progress of the litigation and shall proceed to promptly hold such hearings as are necessary to determine the unresolved issues. Upon concluding a hearing on a particular issue or issues, the Master shall report to the Court as provided in Pa.R.C.P. 1920.53.

(b) Before setting the time and place of taking testimony, the Master shall examine the pleadings and determine the formal sufficiency and regularity of the proceedings and the question of jurisdiction. If defective in any fatal particular, the Master shall so report to the Court and at the same time notify counsel. If defective in a particular curable by amendment, the Master shall notify counsel and suspend further action for a reasonable period of time to enable the necessary correction to be made. Upon the expiration of said period without such correction having been made, the Master shall make a report to the Court, applying for instructions as to further action on the Master's part. When satisfied of the formal sufficiency and regularity of the proceedings and the existence of jurisdiction, or when directed by the Court to proceed, the Master shall appoint the time and place of taking testimony and proceed with action.

(c) Before proceeding to take testimony with respect to a contested claim for divorce and/or an issue which Pa.R.C.P. 1920.51 authorizes to be heard by a Master, the Master shall verify that the fees specified in subsection (d) of this Rule have been paid into the Court, unless the Master determines that the payment of said fees is not necessary before holding the hearing.

(d) Except as provided in subsection (c), whenever a party in a divorce case requests that an evidentiary hearing be held to hear a claim for divorce and/or an issue which Pa.R.C.P. 1920.51 authorizes to be heard by a Master, said moving party shall deposit the sum of \$750.00 with the Prothonotary to be applied to payment of the Master's fees and stenographic costs. Said deposit shall be applied first to the stenographic costs and thereafter to the Master's fees at the rate established annually by the Court through Administrative Order.

Should the Master determine at the Pre-Trial Conference that additional sums for Master fees or stenographic costs are necessary, the Master may require either or both of the parties to deposit the necessary funds with the Prothonotary prior to proceeding further. Failure to comply with the Master's requirement, after entry of an Order upon motion of the Master, shall subject the offending party to contempt proceedings.

(e) In all cases in which the Master shall be of the opinion that the amount of money on deposit for the Master's fees and stenographic costs is not sufficient, the Master shall make a request in writing to the Court for the allowance of additional compensation and/or stenographic costs. Upon the presentation of such request, the Court will issue a rule upon the parties to show cause why the requested additional allowance should not be granted.

(f) The Master shall engage the services of a stenographer. The testimony shall not be transcribed unless it is requested by the Master or a party. If a transcript is requested by the Master, the Master shall determine which party is to bear the cost of the transcript or how the costs of the transcript are to be divided between the parties. If a transcript is requested by a party, that party shall pay for the transcript, and the cost of the transcription may be allocated to one or both of the parties by a court order. Any party filing exceptions to the Master's report shall immediately serve the exceptions upon all other parties and the stenographer of the Master's hearing and shall request the full transcription of testimony, unless the transcription has previously been filed or unless either party requests a conference with the Judge within ten (10) days of the filing of exceptions to determine the extent of transcription necessary, and at the conclusion of such conference, an order is entered setting forth what portions of the Master's hearing are to be transcribed.

Adopted _____, 2004; effective _____, 2004.

[Pa.B. Doc. No. 04-366. Filed for public inspection March 5, 2004, 9:00 a.m.]

TIOGA COUNTY

Bench Warrant Fee for Domestic Relations Section; No. 45 M.S. 2004

Order

And Now, the 23rd Day of February, 2004, the Court hereby imposes a fee in the amount of \$100.00 for each Bench Warrant issued in all Domestic Relations matters.

The Court further Orders that all fees generated are to be used for the purpose of offsetting the operating costs of the Domestic Relations Section. This order will be effective 30 days following publication in the *Pennsylvania Bulletin*.

By the Court

ROBERT E. DALTON, Jr.,
President Judge

[Pa.B. Doc. No. 04-367. Filed for public inspection March 5, 2004, 9:00 a.m.]