

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Juvenile Probation Officers Firearms Policy; Family Court Administrative Order No. 08-01

And Now, this 25th day of February, 2008, upon recommendation and approval of the First Judicial District of Pennsylvania Administrative Governing Board and recognizing the risk of harm confronted by Juvenile Probation Officers at times when carrying out the objectives and purposes of the Juvenile Act, subject to the limitations set forth, and in accordance with the directive entered by the Pennsylvania Supreme Court April 11, 1986, at No. 55 Judicial Administration Docket No. 1, Eastern District defining the duties of administrative judges and the authority provided by Pa.R.J.C.P. No. 121, for good cause shown:

It Is Hereby Ordered and Decreed that:

1. The Chief Juvenile Probation Officer of Philadelphia County, is from time to time, authorized to designate with the approval of the Administrative Judge of the Family Court Division specific juvenile probation officers as weapons carrying officers within the meaning of 61 P. S. § 332.2 (relating to the County Probation and Parole Officers' Firearm Education and Training Law).

2. Each such juvenile probation officer so designated as a weapons carrying officer shall possess the requirements necessary to qualify for participation in Firearm Education and Training as set forth 61 P. S. § 332.7.

3. Each such juvenile probation officer so designated as a weapons carrying officer shall successfully complete the mandatory weapons training program established by the First Judicial District of Pennsylvania or the City of Philadelphia prior to being authorized to carry weapons in connection with the performance of the duties associated with employment as a juvenile probation officer.

4. Each such juvenile probation officer so designated as a weapons carrying officer shall procure a certification number from the County Probation and Parole Officers' Firearm Education and Training Commission indicating that the officer has successfully completed a mandatory basic training course or was issued a waiver of the basic training prior to being authorized to carry weapons in connection with the performance of the duties associated with employment as a juvenile probation officer.

Pursuant to Pa.R.J.A. No. 103 and consistent with Pa.R.J.C.P. No. 121 notice is provided that the certified copies of the this Administrative Order shall be filed with the Administrative Office of the Pennsylvania Courts, the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, the Juvenile Court Procedural Rules Committee and the Office of the Philadelphia County Clerk of Courts. This Administrative Order shall become

effective not less than thirty (30) days after publication of Administrative Order in the *Pennsylvania Bulletin*.

By the Court

HONORABLE KEVIN M. DOUGHERTY,
Administrative Judge

[Pa.B. Doc. No. 08-440. Filed for public inspection March 14, 2008, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Amendment of Local Civil Action Rule 39-1915.3; Misc. Doc. Vol. 2008, page 748

Order of Court

February 12, 2008, Civil Action Rule No. 39-1915.3, for the Court of Common Pleas of the 39th Judicial District of Pennsylvania is hereby amended as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,
President Judge

Rule 39-1915.3. Commencement of Action. Complaint. Order.

(b) Reference to Conciliator and Assignment to Judge.

(1) *Assignment to Conciliator.* The Court Administrator shall assign all custody actions to a Conciliator designated by the Court, who shall conduct a Conciliation Conference with both legal counsel and the parties. Further, the Court Administrator shall assign the Conciliator, date, time and place for the Conciliation Conference after the Order has been signed by the Court. The Order of Court and directive for Conciliation shall be in a form similar to Sample Form "A." (See Sample Form "A.")

(2) *Assignment to Judge.* The Court Administrator shall assign all custody actions to a Judge after the Order has been signed by the Court and at the same time that the Court Administrator assigns the Conciliator, date, time and place for the Conciliation Conference.

(3) *Conciliator.* The Conciliator shall be a member of the Bar of this Court who, along with any other members of his/her professional practice, shall not be engaged in the practice of law in the field of Domestic Relations. The Conciliator shall not be subject to the subpoena power of this Court to force testimony regarding information revealed during the Conciliation Conference.

(4) *Service.* Counsel for the Moving Party shall serve a copy of the Complaint and Order for Conciliation upon the Non-Moving Party in accordance with the Pennsylvania Rules of Civil Procedure. The Court Administrator shall notify the Conciliator of the list of cases scheduled for conciliation. The Moving Party shall serve a copy of the Complaint and Order for Conciliation upon the assigned Conciliator and shall certify service by filing a Certificate of Service with the Office of the Prothonotary.

(5) *Administrative Fee.* The Moving Party shall deposit a nonrefundable administrative fee of \$200.00 with the Office of the Prothonotary upon the filing of the Complaint. The Conciliator shall be compensated at the rate of \$200.00 for each custody conciliation scheduled. Each conference is expected to last one (1) hour. In the event the Conciliation lasts more than one hour, the Conciliator may petition the Court for additional compensation at the rate of \$100.00 per hour. This additional fee shall be added to the cost of the action and shall be collected by the Prothonotary as directed by the Court. The fee may be changed from time to time upon direction from the Court without the necessity for amending these Rules. The Prothonotary shall post the administrative fee for such filings in its office. The fee shall be paid to the Conciliator by the Prothonotary upon receipt of the conciliator's billing statement. In the event the Moving Party is unable to pay the administrative fee, such party may apply for an Order to Proceed In Forma Pauperis. If the Court authorized In Forma Pauperis status, the administrative fee shall be paid by the County of Franklin.

In the event a party files a request for an additional Conciliation, the party shall pay an additional administrative fee for such Conciliation Conference which must be paid prior to the scheduling of an additional Conciliation Conference.

In the event a party requests a general continuance of a scheduled Conciliation Conference, if the rescheduled Conciliation Conference is scheduled more than six months after the continued Conciliation Conference, the party shall pay an additional administrative fee of \$200.00 for such Conciliation Conference which must be paid prior to the scheduling of an additional Conciliation Conference.

(6) *Authority of Conciliator.* The Conciliator shall have the following authority and responsibility:

a. To conciliate custody cases which specifically includes meeting with the parties and children, if appropriate. If a party desires the children to be present at the Conciliation Conference, he/she shall make said request of the Conciliator no later than seven days prior to the scheduled conference. The Conciliator shall determine the appropriateness of the request on a case-by-case factual basis after consultation with counsel for both parties or with a pro se party;

b. To address the need for home studies, as appropriate;

c. To address the issue of utilization of expert witnesses, as appropriate; and

d. To recommend a resolution of the custody conflict which recommendation shall be included in the Summary Report and submitted to the Court for further action.

If the parties are not able to agree upon the need for home studies and/or the need for any other expert witnesses, either party may petition the Court pursuant to Pa.R.C.P. 1915.8 for the appointment of an expert and the payment of his or her fees.

(7) *Memorandum by Parties.* At least three (3) days prior to the scheduled Conciliation Conference, the Conciliator and counsel for the opposing party, or the pro se party individually, shall receive a Memorandum addressing the following:

- a. Factual background including a brief history of the case.
- b. Names and ages of the children.
- c. A Proposed Order for resolution of matters.
- d. Issues, both factual and legal, for resolution.
- e. Whether a home study is requested.
- f. Whether the party will agree to a particular psychologist/psychiatrist for evaluation or request psychological evaluations.

The parties are directed to supplement the Memorandum from time to time if new information becomes available prior to conciliation.

(8) *Summary by Conciliator.* Following the conclusion of each conference and within seven (7) business days thereof, the Conciliator shall file with the Prothonotary a Summary Report and proposed order of court if applicable in the original plus two (2) copies.

a. In the event the parties reach a comprehensive agreement at the Conciliation Conference, the Summary Report shall so state and the Proposed Order of Court shall reflect the terms of the agreement and shall be titled a Final Order of Court.

b. In the event the parties reach a partial agreement, or fail to reach any agreement to modify the existing order, said Summary Report shall include the following:

- i. Custody status at the time of conciliation;
- ii. Summary of the parties' positions;
- iii. Identification of legal and factual issues before the Court; and
- iv. The Conciliator's recommendation and rationale therefore.

The Proposed Order of Court shall reflect the terms of any partial agreement reached and the need for home studies, psychological evaluations, or both. If the proposed order of court amends the temporary order entered at the custody presentation, the order shall also include a provision stating that the order will become a final appealable order of court 181 days after the date of filing of the complaint/petition and shall include the exact date that the order will become final.

The Prothonotary shall serve copies of the Summary Report and any Order entered upon the parties, or their legal counsel if represented in accordance with Pa.R.C.P. 236.

(c) Entry of Court Order. Upon review of the conciliator's Summary, the Court may issue an Order addressing the appropriate issues. A copy of said Order of Court shall be furnished to legal counsel for the parties or in the event a party is unrepresented, to the party directly, according to the procedures outlined in local rule 39-1915.3(b)(8).

(d) Scheduling of Pre-Trial Conferences and Hearings. Upon the completion of home studies and psychological evaluations (if applicable) and at any time after the entry of the Order of Court approving the Conciliator's Summary, either party may present a Motion and Proposed Order for scheduling a Pre-Trial Conference with the Court. (See Sample Form "B") The Order

of Court for Pre-Trial Conference shall contain language requiring the parties to the proceedings to attend and successfully complete the Education Program for Divorcing Parents. The party filing the Motion for a Pre-Trial Conference shall provide the Prothonotary with a pre-addressed, envelope for each party to the custody action. The Court Administrator's office shall send to each party the pamphlet regarding the Education Program for Divorcing Parents. Every effort shall be made by the Court Administrator to schedule a Pre-Trial Conference within thirty (30) days of the submission of a Motion by either party requesting said conference taking into consideration the availability of the Court. Each party's presentation at the Pre-Trial Conference shall not exceed a time limit of fifteen (15) minutes. At least three (3) days prior to the scheduled Pre-Trial Conference, a Pre-Trial Memorandum containing the following matters shall be filed of record:

- a. Statement of the case.
- b. Issues to be resolved.
- c. Stipulated issues and facts.
- d. Names and addresses of all factual witnesses, and a brief summary concerning the anticipated testimony of each listed witness and a certification by counsel that all witnesses listed have been directly contacted by counsel or by pro se party to confirm the substance of the testimony proffered.
- e. Names and addresses of all expert witnesses.
- f. Identification of exhibits for trial.
- g. Expected length of trial.

Failure to produce the information set forth in this Rule may be grounds for imposition of sanctions upon legal counsel or the party directly if appearing pro se.

At the scheduled Pre-Trial Conference, both counsel shall be present and the parties shall be personally present. In the event that neither legal counsel nor a party appears, the Pre-Trial Conference shall be held in that party's absence upon proof of service of the Order of Court for Pre-Trial Conference in accordance with the Pennsylvania Rules of Civil Procedure. Although the Court may not discuss the case with represented parties, they are directed to be present in the event issues arise where the parties' input may be beneficial.

In the event that an agreement is not reached at the Pre-Trial Conference, a hearing date shall be established by the Court Administrator at the conclusion of said conference.

SAMPLE FORM "A"

**IN THE COURT OF COMMON PLEAS OF THE
39TH JUDICIAL DISTRICT OF
PENNSYLVANIA—FRANKLIN/FULTON
COUNTY BRANCH**

, Plaintiff : Civil Action- Law
 :
 v. : No. F.R. _____
 :
 , Defendant : Custody
 : _____
J.

**ORDER OF COURT AND DIRECTIVE FOR
CONCILIATION**

NOW this ____ day of _____, 20____, This Order will notify _____, Defendant that you have been sued in court to obtain custody of the child(ren): _____, date of birth _____.

It is ordered and directed that _____, Esquire, the Court's child Custody Conciliation Officer, is hereby directed to conduct a Conciliation Conference on _____, 20____, at ____ o'clock ____ .M. at the Assigned Room, Third Floor, Franklin County Courthouse, Chambersburg, Pennsylvania. The anticipated length of the Conciliation Conference is one (1) hour. The parties along with their legal counsel shall appear in person at the designated time for the Conciliation Conference. A Memorandum shall be furnished to the Conciliator at least three (3) days prior to the scheduled Conciliation Conference pursuant to 39th Judicial District Civil Rule No. 1915.3(b)(7). Failure to provide said Memorandum may result in the imposition of sanctions.

At the Conciliation Conference, an effort will be made to see if the issues can be resolved by an agreement between the parties. If an agreement cannot be reached, the Conciliator will assist in defining and narrowing the issues to reduce the time required for hearing by the Court. At the conclusion of the conference, the Conciliator will prepare a Conference Summary Report for further action by the Court.

You have the right to be represented by an attorney who may attend the Conciliation Conference with you. If you have not secured an attorney by the date of the scheduled Conciliation Conference, you shall nonetheless personally appear at the time scheduled for the Conciliation Conference without an attorney.

The Plaintiff has deposited the sum of \$200.00 with the Prothonotary for the cost of the Conciliation Conference and the Court reserves the right to further assign or divide these costs.

_____, Defendant, is notified that if you fail to appear as provided by this Order, an Order of Court for Custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

Pending the hearing, with emphasis placed on the arrangements for the six (6) months preceding the filing of this Complaint and with particular attention paid to the role of primary caretaker, the Court hereby establishes the following temporary Order for custody pending a hearing; (the appropriate language should be inserted at this point detailing the custody arrangements sought by the Plaintiff keeping in mind the emphasis to be placed upon the prior six (6) months and the role of primary caretaker.) (It is suggested one (1) inch of blank space be left for judge's comments or changes to the proposed Order.)

This Order shall become a final appealable order 181 days after the date of filing of the attached Complaint/Petition, that is, on _____ (fill in date 181 days after the date of filing of the complaint/petition) _____, unless prior to that date [1] a party files a praecipe, motion or request for a trial, or [2] there is filed a final intervening order.

Defendant is hereby notified that if (s)he disputes the Plaintiff's averments regarding the current status of the custody arrangement and this Order entered on the basis of those averments, (s)he has the right to request a

prompt conference with the Court. If the matter of the temporary custody arrangements is not resolved at the conference, the Court may in atypical factual situations and its sole discretion schedule a brief hearing limited to the issues of determining temporary custody arrangements pending the scheduled Conciliation Conference.

The parties and their legal counsel, if applicable, are hereby directed to engage in meaningful negotiations to resolve this matter before the Conciliation Conference.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Pennsylvania Bar Association
Lawyer Referral Service
1-800-692-7375 (PA ONLY) or 1-717-238-6715

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Franklin 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.

BY THE COURT,

J.

SAMPLE FORM "B"

**IN THE COURT OF COMMON PLEAS OF THE
39TH JUDICIAL DISTRICT OF
PENNSYLVANIA—FRANKLIN/FULTON
COUNTY BRANCH**

, Plaintiff : Civil Action- Law
v. : No. F.R. _____
Defendant : Custody
_____ J.

ORDER OF COURT

AND NOW this ____ day of _____, 20 ____, upon consideration of the within Motion,

IT IS HEREBY ORDERED that a Pre-Trial Conference in the above-captioned custody matter is scheduled for _____, 20 ____, at ____ o'clock ____ .M. in the Chambers of the Honorable _____, Franklin County Courthouse, Chambersburg, Pennsylvania.

A Pre-Trial Memorandum shall be furnished to the Court at least three (3) days prior to the scheduled Pre-Trial Conference pursuant to 39th Judicial District Civil Rule No. 1915.3(d). Failure to provide said Pre-Trial Memorandum may be grounds for imposition of sanctions.

Failure of a party or legal counsel to appear upon proper notice shall result in the holding of the conference

in absentia and the entry of an Order of Court that may be to the detriment of the absent party.

IT IS FURTHER HEREBY ORDERED that all parties to this custody proceeding shall enroll in, attend and successfully complete the Education Program for Divorcing Parents, a four-hour educational seminar which has been established by the Court to provide guidance to the parties in helping children to adjust to custody changes. Failure of any party to comply with this provision of this Order may result in a finding of contempt with the imposition of sanctions including fine or imprisonment or both.

BY THE COURT,

J.

**IN THE COURT OF COMMON PLEAS OF THE
39TH JUDICIAL DISTRICT OF
PENNSYLVANIA—FRANKLIN/FULTON
COUNTY BRANCH**

, Plaintiff : Civil Action- Law
v. : No. F.R. _____
Defendant : Custody
_____ J.

**MOTION FOR SCHEDULING OF A PRE-TRIAL
CONFERENCE**

AND NOW comes _____, Esquire, legal counsel for the above-captioned Plaintiff and moves the Court as follows:

- 1. A Conciliation Conference in the above-captioned matter was held on _____.
- 2. A Summary Report and Proposed Order of Court was prepared by the Conciliator and filed of record on _____.
- 3. The Order of Court was signed on _____ containing further directives in this matter.
- 4. The undersigned legal counsel hereby certifies that all court-ordered directives have been complied with and the matter is now ready for a hearing.
- 5. Notification of this Motion has been given to _____, Esquire Attorney for (Plaintiff/Defendant) who concurs with/opposes the request.

WHEREFORE, it is respectfully requested that an Order be entered by the Court establishing a date and a time for a Pre-Trial Conference.

Date: By _____
(Signature), Esquire
Counsel for (Plaintiff/Defendant)

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

Date: _____

[Pa.B. Doc. No. 08-441. Filed for public inspection March 14, 2008, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Samuel A. Malat having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated June 5, 2007, the Supreme Court of Pennsylvania Disbarred Samuel A. Malat from the practice of law in this Commonwealth, effective March 28, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-442. Filed for public inspection March 14, 2008, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Eduardo Kelvin Curry having been suspended from the practice of law in the State of South Carolina for a period of 6 months by Opinion and Order of the Supreme Court of South Carolina filed June 11, 2007, the Supreme Court of Pennsylvania issued an Order dated February 27, 2008, suspending Eduardo Kelvin Curry from the practice of law in this Commonwealth for a period of 6 months, effective March 28, 2008. In accordance with Rule 217(f),

Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-443. Filed for public inspection March 14, 2008, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Lloyd Felix Ukwu having been suspended from the practice of law in the District of Columbia for a period of 2 years by Opinion and Order of the District of Columbia Court of Appeals decided June 21, 2007, the Supreme Court of Pennsylvania issued an Order dated February 27, 2008, suspending Lloyd Felix Ukwu from the practice of law in this Commonwealth for a period of 2 years, effective March 28, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-444. Filed for public inspection March 14, 2008, 9:00 a.m.]