

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

Amendment of Rule 701(A); No. 313 Judicial Administration; Doc. No. 1

Order

Per Curiam:

And Now, this 27th day of December, 2007, Rule 701(A) of the Pennsylvania Rules of Judicial Administration is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 701(A) is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective January 1, 2008, and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 7. ASSIGNMENT OF JUDGES

ASSIGNMENT AND TRANSFER OF JUDGES

Rule 701. Assignment of judges to courts.

(A) *Conditions Applicable for the Certification of Senior Magisterial District Judges, Judges or Justices.*

* * * * *

(5) A magisterial district judge, judge or justice may only be certified for senior status for a maximum of ten years, absent extraordinary circumstances, as determined by the Chief Justice. However, those serving in senior status as of the effective date of this rule may continue to serve until subject to the age limit of paragraph (3) above.

[Pa.B. Doc. No. 08-37. Filed for public inspection January 11, 2008, 9:00 a.m.]

[201 PA. CODE CH. 2]

Promulgation of The Unified Judicial System of Pennsylvania Policy on Nondiscrimination and Equal Employment Opportunity; Judicial Administration; Doc. No. 1; No. 312

Order

Per Curiam:

And Now, this 21st day of December, 2007, the *Unified Judicial System of Pennsylvania Policy on Nondiscrimination and Equal Employment Opportunity* is promulgated to read as follows.

This Order shall be effective January 1, 2008.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 2. POLICY ON NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

Rule 201. Generally.

(a) The Supreme Court of Pennsylvania declares that it is the policy of the Unified Judicial System of Pennsylvania (UJS) to ensure that all individuals having business with the UJS are treated in a dignified, civil, respectful, and nondiscriminatory manner.

(b) This policy prohibits all forms of discrimination and harassment in a Court Facility (defined as "Any building or office serving as the workplace for Personnel of the System and/or Related Staff; and any UJS-related building or office in which Court Users conduct business with the UJS"), and applies to the following:

Personnel of the System—defined in 42 Pa.C.S.A. § 102 as "Judicial officers, personal staff, administrative staff, and central staff."

Related Staff—defined in 42 Pa.C.S.A. § 102 as "All individuals employed at public expense who serve the UJS, but the term does not include Personnel of the System." Those who serve the UJS include district attorneys, public defenders, sheriffs and other officers serving process or enforcing orders, registers of wills, prothonotaries, clerks of courts, clerks of the orphan's court division, coroners, jury commissioners, probation officials and personnel of all of the foregoing.

Court Users—includes, but is not limited to, attorneys, applicants for employment, litigants, witnesses, jurors and court volunteers.

(c) The Supreme Court of Pennsylvania is committed to the principles of equal employment opportunity to ensure legal and appropriate hiring and employment practices, and to promote public confidence in the fairness and integrity of the judicial system and the judicial process. It is, therefore, the policy of the Supreme Court that there shall be no discrimination because of race, color, sex, sexual orientation, national origin, age, disability or religion by any Personnel of the System or Related Staff in any employment-related action (such as, hiring, promotion, terms or privileges of employment, and the like), or by any Personnel of the System, Related Staff or attorney in any court-related action.

(d) Accordingly, all judicial officers and managerial and supervisory Personnel of the System shall ensure adherence to and compliance with this Policy and the procedures intended to facilitate its implementation and administration.

Rule 202. Prohibition Against Discrimination and Harassment.

(a) Discrimination and harassment because of race, color, sex, sexual orientation, national origin, age, disability or religion are prohibited. The discrimination and harassment constitute an abuse of authority that will not be tolerated by the UJS. Further, the discrimination and harassment constitute misconduct, warranting appropriate disciplinary action. Judicial officers and managerial and supervisory Personnel of the System shall ensure adherence to, and compliance with, this Policy.

(1) *Prohibition Against Discrimination.* Under this Policy, discrimination includes actions by an individual or organization that cause an individual or a group of individuals to be denigrated or treated less favorably than another person or group because of one's race, color, sex, sexual orientation, national origin, age, disability or religion. The discriminatory conduct may include, but is not limited to, actions relating to the following:

(i) Recruitment and hiring by Personnel of the System or Related Staff; or

(ii) Provision of salary, benefits, or other terms or conditions of employment by Personnel of the System or Related Staff; or

(iii) Provision of training and other education opportunities by Personnel of the System or Related Staff; or

(iv) Promotions, transfers, discharge or other employment actions by Personnel of the System or Related Staff; or

(v) Any matter relating to the judicial process by Personnel of the System, Related Staff or attorneys.

(2) *Prohibition Against Harassment.*

(i) *Sexual Harassment.*

Sexual harassment is sex discrimination. Equal Employment Opportunity Commission (EEOC) guidelines define sexual harassment as unwelcome sexual attention, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

(A) The submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

(B) The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(C) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(3) Sexual harassment does not refer to socially acceptable behavior or occasional compliments of a socially acceptable nature. It refers to behavior that a reasonable person could and does consider unwelcome or personally offensive. Sexual harassment involves improper behavior or requests that establish improper quid pro quo workplace requirements of a sexual nature, or which otherwise create a hostile work environment for a reasonable person of that gender. Types of sexual harassment include:

(i) "Quid Pro Quo" Harassment—Is when an individual in a position of authority demands sexual consideration in exchange for the promise of a job, certain job benefits such as raises or promotions, or the promise of continued employment.

(ii) "Hostile Work Environment" Harassment—Is when unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature create an atmosphere which unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment for any individual.

(4) Sexual harassment may take different forms including, but not limited to, the following examples.

(i) *Verbal:* Sexually explicit language, sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats.

(ii) *Non-Verbal:* Display of sexually suggestive objects or pictures, commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures.

(iii) *Physical:* Unwanted physical contact, or the threat of unwanted physical contact, including offensive touching, unwelcomed sexual intercourse, sexual assault and other forms of physical contact of a sexual nature.

(5) *Racial and Other Harassment.* Under this Policy, racial and other harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that individual's race, color, sexual orientation, national origin, age, disability or religion. Harassing conduct may include, but is not limited to, the following:

(i) *Verbal:* Epithets, slurs, stereotyping, or denigrating jokes.

(ii) *Non-Verbal:* Display of written or graphic materials that denigrate or show hostility or aversion toward an individual or group in such a manner as to be readily viewed by others.

(iii) *Physical:* Threatening, intimidating or hostile acts.

Rule 203. Prohibition Against Retaliation.

(a) Retaliation in any form against any person who complains about harassment or discrimination, who files a harassment or discrimination complaint, or who cooperates with, or assists in, the investigation of such complaints is prohibited under this Policy. Retaliation constitutes an abuse of authority, and will not be tolerated. Retaliation by any Personnel of the System or Related Staff will be considered misconduct warranting disciplinary action. Judicial officers and managerial and supervisory Personnel of the System shall ensure adherence to and compliance with this Policy.

(b) Charges of retaliation will be viewed as separate and distinct from the original complaint or action which precipitated the alleged retaliation and may form the basis for a new complaint. Retaliation may result in disciplinary action even though the original harassment or discrimination complaint was determined to be unfounded and dismissed.

Rule 204. Compliance and Reporting Responsibilities.

(a) Personnel of the System and Related Staff are expected to comply with this Policy, and all judicial officers and managerial and supervisory Personnel of the System are obligated to take appropriate measures to ensure that prohibited conduct does not occur, or is properly reported, if observed.

(b) Personnel of the System who engage in any form of prohibited discrimination or harassment within a Court Facility may be subject to disciplinary action.

(c) Related Staff who serve the UJS and who engage in any form of prohibited discrimination or harassment within a Court Facility will be reported to the chief official in their Related Staff offices for appropriate review and action. With respect to violations of this UJS Policy by Related Staff, the Supreme Court expects each Related Staff office to take discrimination and harassment complaints very seriously and to properly investigate and adjudicate such complaints.

(d) Any Personnel of the System, Related Staff or Court Users who feel they have been subjected to, or have observed, any form of discrimination or harassment in any judicial process or Court Facility are urged to report such discrimination or harassment in accordance with the

published UJS Nondiscrimination and Equal Employment Opportunity Complaint Procedures which are posted as a companion document to this Policy.

(e) Any Personnel of the System, Related Staff or Court Users who do not have access to these complaint procedures may obtain a copy of these procedures from their local personnel office, the AOPC Office of Human Resources at 717-795-2080, or the UJS Website at www.courts.state.pa.us.

(f) Judicial officers and managerial and supervisory Personnel of the System who observe, or have reason to believe that discrimination or harassment has occurred in a Court Facility, must (1) take immediate action to terminate any ongoing harassment/discrimination if they are reasonably able to do so; or (2) immediately report such harassment/discrimination, if possible, as described in the UJS Nondiscrimination and Equal Employment Opportunity Complaint Procedures referenced previously.

Rule 205. Filing Complaints under This Policy.

(a) The UJS Nondiscrimination and Equal Employment Opportunity Complaint Procedures accompanying this Policy offer guidance as to how to file complaints of alleged harassment or discrimination as described in this Policy. Specific procedures have been created for Personnel of the System and Related Staff based on their organizational entity. Separate procedures have been created for Court Users doing business with the UJS in a Court Facility.

(b) If the appropriate procedures are not immediately available, complainants may obtain a copy of these procedures from their local personnel office, the AOPC Office of Human Resources at (717) 795-2080, or the UJS Website at www.courts.state.pa.us.

Rule 206. Investigation and Adjudication of Complaints.

All complaints alleging harassment or discrimination will be fully investigated and adjudicated by duly designated authorities of the UJS. Such authorities are identified in the complaint procedures which are posted as a companion document to this Policy.

Rule 207. Disciplinary or Remedial Actions.

Violations of this Policy may result in disciplinary action as prescribed by the appropriate policies, which govern the behavior and performance of Personnel of the System and Related Staff. In addition to such discipline, appropriate remedial actions will be taken by the employing authority to (1) remedy the instant complaint, and (2) prevent future violations.

Rule 208. Responsibility to Monitor the Implementation and Enforcement of this Policy.

(a) For UJS offices employing Personnel of the System, the AOPC shall undertake those measures necessary to properly monitor compliance with this Policy through the following actions:

(1) Develop and promote policies and procedures designed to ensure equal employment opportunity and fair and nondiscriminatory treatment of the protected classes listed in this Policy.

(2) Develop the administrative policies and procedures needed to ensure that alleged violations of this Policy can be appropriately investigated on a timely basis.

(3) Collect data related to the hiring and employment practices of each UJS office employing Personnel of the

System and conduct related audits of equal employment opportunity and non-discrimination practices.

(4) Collect and maintain data/statistics relating to the number, nature and disposition of complaints filed under this Policy.

(5) Work with each UJS office employing Personnel of the System to oversee the development of education and training opportunities and materials designed to promote and ensure proper adherence to these policy guidelines.

(b) For those offices employing Related Staff, the Supreme Court expects each office to take appropriate steps to monitor and enforce this Policy through: 1) the development of administrative policies and procedures; 2) the collection of data and statistics; and 3) the development of education and training opportunities and materials.

Rule 209. Penalties for Misconduct.

(a) Any Personnel of the System who have been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary action up to and including discharge, as provided by the policies governing their employment with the UJS.

(b) Any Related Staff serving the UJS who have been reported to officials in their respective offices for appropriate review and action and have been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary actions, as provided by the policies of their respective offices.

(c) The Supreme Court expects each Related Staff office serving the UJS to take such violations very seriously and to apply appropriate remedial or disciplinary actions.

(d) Any judicial officer or attorney who—after proper investigation by the appropriate authority—has been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary action by the Disciplinary Board (in the case of attorneys) or the Court of Judicial Discipline (in the case of judicial officers).

Rule 210. Exclusion of Judicial Proceedings and the Judicial Decision-Making Process.

This Policy does not apply to a judicial officer's or attorney's consideration of, or reference to, a protected class as referenced above, when such consideration or reference is appropriate under the law and is relevant to an issue in a judicial proceeding, to the judicial decision-making process or to the proper administration of justice.

Rule 211. Distribution of Policy and Procedures.

(a) *Personnel of the System*—A copy of this Policy and accompanying complaint procedures will be provided initially to all current employees and will be posted prominently in visible locations within Court Facilities. Thereafter, a copy of this Policy, with accompanying complaint procedures, will be distributed to all new Personnel of the System upon their entry into judiciary service.

(b) *Related Staff*—A copy of this Policy and accompanying complaint procedures will be provided to the chief official in each Related Staff office for duplication and distribution to all current employees and new Related Staff upon their entry into service.

(c) *Court Users*—A copy of this Policy and accompanying complaint procedures will be prominently posted in a location visible to all Court Users within each Court Facility.

[Pa.B. Doc. No. 08-38. Filed for public inspection January 11, 2008, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

President Judge General Court Regulation No. 2007-02

Order

And Now, this 20th day of December, 2007, Philadelphia Civil Rule *205.4 having been adopted by the Board of Judges of Philadelphia County on November 15, 2007, and having been promulgated by Order of this Court dated December 13, 2007, *It Is Hereby Ordered* that as required by Pa.R.C.P. No. 239.9(d) and Pa.R.C.P. No. 239.8, Philadelphia Civil Rule *205.4 shall be published on the Pennsylvania Judiciary's Web Application Portal ujsportal.pacourts.us/Rules/RulesSelection.aspx.

By the Court

C. DARNELL JONES, II,
President Judge

[Pa.B. Doc. No. 08-39. Filed for public inspection January 11, 2008, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CHESTER COUNTY

Adopting Local Rule of Orphans' Court; L3.6A. Discovery; No. 1507-9999

Adopting Order

Now this 19th day of December, 2007, it is hereby *Ordered*:

1. The following designated Chester County Orphans' Court Rule L3.6A Discovery, a copy of which follows, is hereby adopted as a Rule of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

2. The Chester County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the following Rule with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the following Rule, along with a diskette or CD, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of the Order and the following Rule with the Pennsylvania Orphans' Court Rules Committee.

D. File proof of compliance with this Order in the docket for this Rule, which shall include a copy of each transmittal letter.

By the Court

PAULA FRANCISCO OTT,
President Judge

ORPHANS' COURT RULE

Rule L3.6A. Discovery.

In Orphans' Court cases where any or all of the parties are seeking discovery, Court approval must be obtained prior to the taking of depositions, perpetuating testimony, or compelling the production of documents.

In matters where all parties are in agreement as to discovery, a written stipulation must be filed with the Court prior to the commencement of discovery. The stipulation must be signed by all parties or their counsel and must provide specific stipulations as to the nature and extent of the discovery as well as a timetable for completion of the discovery. The stipulation must be submitted for Court approval within a reasonable time prior to the proposed commencement of discovery.

[Pa.B. Doc. No. 08-40. Filed for public inspection January 11, 2008, 9:00 a.m.]

DAUPHIN COUNTY

New Rules of the Orphans' Court Division; AO-31-2007; No. 1793 CV 1989; No. 1-1991

Order

And Now, this 18th day of December, 2007, Dauphin County Local Orphans' Court Rule 14.2 is amended as follows:

* * * * *

(c) **Evidence in support of a Petition seeking determination of incapacity shall be presented at the hearing pursuant to the Probate, Estate and Fiduciary Code at 20 Pa.C.S. § 5518. In non-contested matters, in lieu of the presentation of testimony in person or by oral deposition, a written "Deposition of Individual Qualified to Render Opinion as to Incapacitation" may be prepared and filed in the office of the Clerk of the Orphans' Court prior to the hearing. An "Individual Qualified to Render Opinion as to Incapacitation" pursuant to this Rule shall be a licensed psychologist, psychiatrist or medical doctor. Said document shall be substantially in the form provided in Appendix A of the Local Orphans' Court Rules and shall be typed and verified. A form for completion is also available online at the Dauphin County website (www.dauphincounty.org).**

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

APPENDIX A

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

IN RE:

DEPOSITION OF INDIVIDUAL QUALIFIED TO RENDER OPINION AS TO INCAPACITATION

This written deposition of _____, a witness in this matter, is taken on the ____ day of _____, at _____, Pennsylvania.

1. Please state your name and your professional address.

2. Please describe your education, training and background with particular emphasis on your expertise in evaluation of individuals with incapacities OR attach to this written deposition your curriculum vitae.

3. In your professional capacity, have you had the opportunity to meet with, examine, speak with or otherwise become acquainted with _____? (name of patient)

If yes, please state the following:

I first became acquainted with _____ on _____ (name of patient) _____, when he/she was brought to my attention by _____.

I have since (visited, spoken with, examined or treated) _____ (circle applicable contacts) him/her on _____ other occasions with an average frequency of _____ times per _____ (day/week/month/year).

4. Please evaluate the present condition of this patient with respect to incapacities of the type alleged in the Petition for Adjudication of Incapacity.

In particular, please comment on the nature and extent of the alleged incapacities and disabilities and also, insofar as you are able, his/her mental, emotional and physical condition, adaptive behavior, and social skills.

Based upon my education, training and experience, as well as my acquaintance with this patient, it is my opinion, to a reasonable degree of medical certainty, that his/her incapacities are as follows:

Mental condition

Emotional condition

Physical condition

Adaptive behavior

Social skills

5. Based upon your education, training and experience, and your contacts with this patient, do you have an opinion, to a reasonable degree of medical certainty, whether he/she is impaired in his/her ability to effectively receive and evaluate information and to make and communicate decisions in any way?

If yes, please explain your opinion.

6. If you are of the opinion that he/she is impaired in his/her ability to effectively receive and evaluate information and to make and communicate decisions in any way, does such impairment render him/her either partially or totally unable to manage his/her financial resources?

If yes, check whether such impairment renders him/her:

_____ Partially unable to manage his/her own finances.

_____ Totally unable to manage his/her own finances.

Please explain your opinion.

7. If you are of the opinion that he/she is impaired in his/her ability to effectively receive and evaluate information and make and communicate decisions in any way, does such impairment render him/her either partially or totally unable to meet the essential requirements for his/her physical health and safety?

If yes, check whether such impairment renders him/her:

_____ Partially unable to meet essential requirements for his/her physical health and safety.

_____ Totally unable to meet essential requirements for his/her physical health and safety.

Please explain your opinion.

8. Please provide an assessment of the severity of any impairments of this patient.

Table with 3 columns: Impairment, (Circle one), and severity levels (mild, moderate, severe). Rows a) through h) for assessment.

9. Is the condition of this patient such that because of his/her condition, he/she would be susceptible to undue influence by unscrupulous or designing persons?

If so, what services or assistance would you recommend as necessary to appropriate management of this patient's finances?

10. What services or assistance would you recommend as necessary to meeting the health and safety needs of this patient?

11. Are the services or assistance recommended the least restrictive alternatives?

Does the patient need the services of the guardian to make decisions regarding the patient's healthcare, safety and financial resources? In other words, could the patient evaluate, communicate and make decisions regarding his/her health treatment, safety and financial resources in important matters without the guardian?

If not, please explain why less restrictive alternatives are inappropriate.

12. Based upon your education, training, experience and familiarity with this patient, what is your opinion as to the likelihood that the degree of incapacitation will significantly change?

13. Would the physical or mental condition of this patient be harmed by his/her presence in open court? **NOTE:** Pennsylvania law, 20 Pa.C.S. § 5511(a)(1), requires that the alleged incapacitated person be present at the hearing unless a physician or licensed psychologist provides by deposition, testimony or sworn statement, an opinion that his/her physical or mental condition would be harmed by his/her presence in court. If yes, please explain.

VERIFICATION

I, _____, verify that the statements made in the foregoing deposition are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Signature of Deponent

Dated: _____

[Pa.B. Doc. No. 08-41. Filed for public inspection January 11, 2008, 9:00 a.m.]

ERIE COUNTY

Amendment of Rule 117; Rules of Criminal Procedure

And Now, to wit, this 20th day of December, 2007 and effective thirty (30) days after the date of its publication in the *Pennsylvania Bulletin*, it is hereby *Ordered* that Paragraph C of Erie County Rule of Criminal Procedure 117, Magisterial District Judge Coverage for Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail, is hereby amended to read in its entirety as follows:

. Regular business hours for each Magisterial District Judge Office shall be Monday through Friday from 8 a.m. until 4:30 p.m.

All remaining provisions of Rule 117 shall remain in full force and effect.

ELIZABETH K. KELLY,
President Judge

[Pa.B. Doc. No. 08-42. Filed for public inspection January 11, 2008, 9:00 a.m.]

LAWRENCE COUNTY

Adoption of Local Rules of Civil Procedure Relating to Actions for Custody, Partial Custody, Visitation and Relocation of Minor Children, Local Rules L.1915.1, L.1915.3, L.1915.4, L.1915.5, L.1915.7 and L.1915.10; No. 90069 of 2007, A. D.

Administrative Order of Court

And Now, this 19th day of December, 2007, it is hereby *Ordered* and *Decreed* that the Lawrence County Court of Common Pleas hereby adopts new local rules of civil procedure, L.1915.1, L.1915.3, L.1915.4, L.1915.5, L.1915.7 and L.1915.10, as follows and incorporate herein by reference.

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

1. File seven (7) certified copies of this Administrative Order and Rules 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 Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Lawrence County Law Journal*.
5. Forward one (1) copy to the *Lawrence County Law Library*.
6. Keep continuously available for public inspection copies of this Administrative Order and Rules in the Office of the Prothonotary of Lawrence County.

The effective date of this order shall be thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

DOMINICK MOTTO,
President Judge

Action for Custody, Partial Custody, Visitation and Relocation of Minor Children

L.1915.1. Scope. Definitions.

(a) These rules govern all actions for custody, partial custody and visitation, including original actions, petitions for relocation, petitions to modify orders and petitions for contempt.

(b) These rules supplement the Pennsylvania Rules of Civil Procedure governing custody actions, Pa.R.C.P. No. 1915.1 et seq.

L.1915.3. Commencement of Action, Complaint, Order.

(a) A conference before a court-appointed Custody Conciliation Conference Officer shall be held in all cases involving claims for custody, partial custody, visitation or relocation. All custody complaints or petitions shall include the scheduling order required by Pa.R.C.P. No. 1915.3.

(b) The moving party shall deliver the custody complaint or petition with the scheduling order to the Office of the Court Administrator. The Court Administrator shall assign the date and time for the conciliation conference before the conciliation conference officer. The Court Administrator's Office will present the complaint or petition to the family court judge to whom the case is assigned for signature and return the signed complaint or petition to the moving party. The moving party will file the complaint or petition with the Prothonotary's Office.

L.1915.4.

(a) The custody complaint or petition and order of court scheduling the conciliation conference shall be served by the moving party in accordance with the Pennsylvania Rules of Civil Procedure.

(b) Proof of service of the custody complaint or petition and order of court shall be filed with the Prothonotary prior to the custody conference.

L.1915.4-1. Continuances of conciliation conferences or custody hearings.

Custody matters scheduled before the court shall be continued only by leave of court, with good cause shown. Custody matters scheduled before the Custody Conciliation Conference Officer may be continued by either the Court or by the Conciliation Conference Officer for good cause shown. For such a request to be considered, the motion for continuance shall be submitted to the court in accordance with local civil motions practice and procedure.

L.1915.5. Jurisdiction, Venue, Standing and Relocation Issues.

(a) Objections to jurisdiction, venue, or standing motions concerning discovery, joinder of parties, psychological or psychiatric examinations, and appointment of counsel for minors shall be presented to the family court judge to whom the case is assigned.

(b) The court may direct that issues pertaining to jurisdiction, venue and standing be referred to custody conciliation.

(c) Alternatively, the court may schedule a hearing before the court for disposition of the jurisdiction, venue or standing issue or the court may take such other action as may be prescribed by statute, compact or treaty.

L.1915.7. Custody Conciliation Conference Consent and Recommendation.

(a) All parties named in an action for custody shall be present at the custody conciliation conference unless

excused by the court or the Custody Conciliation Conference Officer. Failure of a party to appear at the conference may result in the entry of a custody or visitation order by the court on the recommendation of the Custody Conciliation Conference Officer in the absence of that party. Unless ordered by the court or the Custody Conciliation Conference Officer for good cause shown, children shall not be brought to the conciliation and shall not be heard on the issues by the Custody Conciliation Conference Officer.

(b) The Custody Conciliation Conference Officer shall encourage consent agreements on the custody issues pending between/among the parties. If agreements are reached, they shall be reduced to writing and submitted to the court for adoption as an order.

(c) In the event that the parties are unable to resolve their differences in cases involving disputes over primary physical custody, shared physical custody or legal custody, or partial custody, or relocation and/or visitation, the conciliation conference officer shall file a report and a proposed order of court with the court within 5 days of the conference which may contain the following:

(1) Recommendations that custody investigations, such as physical or mental evaluations, home studies, drug and alcohol evaluations, counseling, education seminars to be undertaken, and appointment of a guardian ad litem, as well as equitable division of the fees for the same. In order to ensure that all studies and evaluations ordered, expert testimony supplied, and seminar attendance occur without delay, the Order directing such activities shall provide that each party's share of the relevant fees be paid as allocated in the order, subject to reallocation at a later stage of the case. A non-paying or non-participating party relative to such Ordered activities shall be subject to the contempt powers of the Court.

(2) The Custody Conciliation Conference Officer's review of jurisdiction, venue, standing and relocation issues;

(3) Progress, if any, on issues before the Custody Conciliation Conference Officer, as well as any recommendations for interim custody/visitation orders, including the need for an expedited hearing in emergency cases.

(4) Recommendations that the parties and children engage in counseling.

(5) Scheduling of pretrial conferences and/or trial dates.

(d) As part of the order resulting from the initial conciliation conference, custody cases will ordinarily be scheduled for a pretrial conference within 120 days after service of the initial pleading, and those cases in which an evaluation is ordered by which time the evaluations are expected to be completed and available. The initial conciliation order shall also provide that the cost of any evaluations, home studies, or tests, including the costs of in-court testimony needed to authenticate and explain expert reports of the results thereof, shall be shared by the parties, initially as allocated by the court in the post-conciliation order, but subject to reallocation as part of the pretrial conference order and the final order in the case as the equities in the case may dictate.

(e) In cases where no agreement is reached, and no evaluations are ordered, and the case is not diverted to counseling on the Custody Conciliation Conference Officer's recommendation, the conciliation conference order shall constitute a final order of court unless either party

requests a pretrial conference within twenty (20) days of the date that the conciliation conference order is docketed.

L.1915.10. Request for custody pretrial conference. Pretrial Conference. Decision.

(a) A party may request a custody pretrial conference within 20 days of the date that a custody order issued as the result of a conciliation conference is docketed, in cases where a comprehensive agreement is not reached at the conference and the conciliation conference order does not itself schedule a custody pretrial conference. The moving party shall file the request for custody pretrial conference with the Prothonotary and serve a copy on the judge that issued the conciliation conference order as well as opposing counsel or unrepresented parties.

(b) The request for custody pretrial conference and scheduling order shall be substantially as follows:

CAPTION

REQUEST FOR CUSTODY PRETRIAL CONFERENCE

I, _____, hereby request a pretrial conference before the Court of Common Pleas. This request is being filed within twenty (20) days of the date that the conciliation conference custody order.

Signature of counsel for the
requesting party or
unrepresented requesting party

CAPTION

SCHEDULING ORDER

The above named parties and trial counsel are hereby ORDERED to appear in person on the _____ day of _____, 200__ at _____ o'clock __.m. in Courtroom #____ for a pretrial conference. Counsel for the parties, if represented, or any unrepresented parties, shall file a pretrial narrative at least seven (7) days prior to the pretrial conference. The parties are required to attend the pretrial conference.

A copy of the pretrial narrative shall be served on the assigned judge, all counsel of record and any unrepresented parties. The pretrial narrative shall include:

- (1) Names and addresses of all witnesses, including experts;
- (2) Summary of each witnesses' anticipated testimony;
- (3) Copies of all exhibits;
- (4) Proposed custody arrangement;
- (5) Requested stipulation of facts;
- (6) A copy of the report of any expert that is expected to be called to testify.

Date BY THE COURT:

Judge

(c) All parties and trial counsel shall be present at the pretrial conference unless otherwise provided by order of court. Failure of a party to appear at the pretrial conference may result in the entry of a custody/visitation order by the court.

(d) Any agreement reached at a pretrial conference shall be reduced to writing and entered as an order of court.

[Pa.B. Doc. No. 08-43. Filed for public inspection January 11, 2008, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 19, 2007, under Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 19, 2007 for Compliance Group 1 due April 30, 2007.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Alford, Kenneth R.
Washington, DC

Barnes, Loretta
Roseland, NJ

Brown, Deanna
Irvine, CA

Campbell, Kevin
Cranford, NJ

Canzius, Preston M.
San Ramon, CA

Chiumento, Gary C.
Cherry Hill, NJ

Ciampoli, Joseph T.
Voorhees, NJ

Clayton, Thomas M.
Jacksonville, FL

DeGrezia, Christopher H.
Princeton, NJ

Delaney, Robert E.
Plano, TX

Dougherty, Paul C.
Haddon Heights, NJ

Enders, Ross S.
Westampton, NJ

Glick, Richard A.
Washington, DC

Green, James S.
Wilmington, DE

Hoffman, Michael
Vineland, NJ

Hopf III, Richard H.
Fairfax Stations, VA

Jacobs, Lisalyn R.
Washington, DC

Joyce, Douglas M.
Haddonfield, NJ

Katich, Michelle
Wayne, NJ

Kauffman, Richard S.
Whitehouse Station, NJ

Kehrli, Christopher R.
Newark, NJ

Kelly, Amy S.
Wilmington, DE

Korbel, Karen M.
Weirton, WV

Kunin, Brett K.
West Orange, NJ

Lynch, Brian J.
McLean, VA

Marquis, David W.
Dayton, OH

Mazza, Julie S.
Cinnaminson, NJ

McGowan Jr., Joseph F.
Cherry Hill, NJ

McIlvaine, Mark K.
Louisville, CO

McLean, Craig N.
Olney, MD

Merenich, Robert Paul
Linwood, NJ

Milner, Mortimer
Brooklyn, NY

Nissen, Leif M.
Haddonfield, NJ

Osei, Edward K.
Newark, NJ

Perry III, Enoch
Mitchellville, MD

Petraglia, James F.
East Palestine, OH

Randolph Jr., Charles
Houston, TX

Renzulli, John F.
Chappaqua, NY

Rochelle, Donna
Mitchellville, MD

Rose, Jonathan G.
Washington, DC

Sauers, William J.
Alexandria, VA

Solomon, Franklin P.
Cherry Hill, NJ

Sprang, Kenneth A.
Washington, DC

Swong, Nancy S.
New York, NY

Vietti, Vincent A.
Lawrenceville, NJ

Wardell, Edward S.
Haddonfield, NJ

Winans, Lloyd M.
Northvale, NJ

Young, Marilyn
Voorhees, NJ

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

[Pa.B. Doc. No. 08-44. Filed for public inspection January 11, 2008, 9:00 a.m.]