

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 4 AND 7]

Proposed New Pa.R.Crim.P. 705.1, Proposed Amendments to Pa.R.Crim.P. 454, and Proposed Revisions to the Comments to Pa.Rs.Crim.P. 455 and 704

The Criminal Procedural Rules Committee is considering recommending that the Supreme Court of Pennsylvania adopt new Rule 705.1 (Restitution), amend Rule 454 (Trial in Summary Cases), and revise the Comments to Rules 455 (Trial in Defendant's Absence) and 704 (Procedure at Time of Sentencing) to standardize the procedures by which restitution is awarded in criminal cases. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Jeffrey M. Wasileski, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
Harrisburg, PA 17106-2635
fax: (717) 231-9521
e-mail: criminalrules@pacourts.us

no later than Friday, May 30, 2014.

By the Criminal Procedural Rules Committee

THOMAS P. ROGERS,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES PART E. General Procedures in Summary Cases

Rule 454. Trial in Summary Cases.

* * * * *

(F) At the time of sentencing, the issuing authority shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state:

- (a) the amount of the fine and costs;
- (b) the amount of restitution ordered, including
 - (i) the identity of the payee(s),
 - (ii) to which officer or agency the restitution payment shall be made,

(iii) any ongoing victim expenses that may need to be reviewed at a future time, and

(iv) whether any restitution has been paid and in what amount,

(e) the date on which payment is due.

If the defendant is without the financial means to pay the amount in a single remittance, the issuing authority may provide for installment payments and shall state the date on which each installment is due;

* * * * *

Comment

* * * * *

See Rule 456 for the procedures when a defendant defaults in the payment of restitution, fines, or costs.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

A defendant should be encouraged to seek an adjustment of a payment schedule for restitution, fines, or costs before a default occurs. See Rule 456(A).

Official Note: Rule 83 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; Comment revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; Comment revised February 13, 1998, effective July 1, 1998; renumbered Rule 454 and Comment revised March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised August 7, 2003, effective July 1, 2004; amended March 26, 2004, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; Comment revised July 17, 2013, effective August 17, 2013; amended , 2014, effective , 2014.

Committee Explanatory Reports:

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Report explaining the proposed amendments to paragraph (F) concerning required elements of the sentence published for comment at 44 Pa.B. 2371 (April 19, 2014).

Rule 455. Trial in Defendant's Absence.

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Comment

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Paragraph (D) provides notice to the defendant of conviction and sentence after trial *in absentia* to alert the defendant that the time for filing an appeal has begun to run. See Rule 413(B)(3).

See Rule 454(F) for what information must be included in a sentencing order when restitution is included in the sentence.

Except in cases under the Public School Code of 1949, 24 P. S. § 1-102, *et seq.*, in which the defendant is at least 13 years of age but not yet 17, if the defendant is under 18 years of age, the notice in paragraph (D) must inform the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defen-

dant does not appear within the 10-day time period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. § 6302, definition of “delinquent act,” paragraph (2)(iv), and the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act instead of these rules.

* * * * *

Official Note: Rule 84 adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; renumbered Rule 455 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended August 15, 2005, effective February 1, 2006; Comment revised January 17, 2013, effective May 1, 2013; Comment revised July 17, 2013, effective August 17, 2013; **Comment revised , 2014, effective , 2014.**

Committee Explanatory Reports:

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Report explaining the proposed Comment revision cross-referencing the sentencing provision in Rule 454(F) published for comment at 44 Pa.B. 2371 (April 19, 2014).

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART A. Sentencing Procedures

Rule 704. Procedure at Time of Sentencing.

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Comment

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SENTENCING PROCEDURES

* * * * *

[In all cases in which restitution is imposed, the sentencing judge must state on the record the amount of restitution, if determined at the time of sentencing, or the basis for determining an amount of restitution. See 18 Pa.C.S. § 1106 and 42 Pa.C.S. §§ 9721, 9728.]

For procedures in cases in which restitution is imposed, see Rule 705.1.

For the right of a victim to have information included in the pre-sentence investigation report concerning the impact of the crime upon him or her, see 71 P. S. § 180-9.3(1) and Rule 702(A)(4).

* * * * *

Official Note: Previous Rule 1405 approved July 23, 1973, effective 90 days hence; Comment amended June 30, 1975, effective immediately; Comment amended and paragraphs (c) and (d) added June 29, 1977, effective September 1, 1977; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment amended April 24, 1981, effective July 1, 1981; Comment amended November 1, 1991, effective January 1, 1992; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1405. Present Rule 1405 adopted March 22, 1993, effective as to cases in which the determination of guilt occurs on or

after January 1, 1994; amended January 3, 1995, effective immediately; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996. Comment revised December 22, 1995, effective February 1, 1996. The April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; Comment revised April 18, 1997, effective immediately; Comment revised January 9, 1998, effective immediately; amended July 15, 1999, effective January 1, 2000; renumbered Rule 704 and amended March 1, 2000, effective April 1, 2001; Comment revised March 27, 2003, effective July 1, 2003; amended April 28, 2005, effective August 1, 2005; Comment revised March 15, 2013, effective May 1, 2103; **Comment revised , 2014 effective , 2104.**

Committee Explanatory Reports:

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Report explaining the revision of the Comment adding a cross-reference to Rule 705.1 concerning restitution published for comment at 44 Pa.B. 2371 (April 19, 2014).

(Editor’s Note: The following rule is new and printed in regular type to enhance readability.)

Rule 705.1. Restitution.

(A) At the time of sentencing, the judge shall determine what restitution, if any, shall be imposed.

(B) In any case in which restitution is imposed, the judge shall state in the sentencing order:

- (1) the amount of restitution ordered;
- (2) the details of any payment plan, including when payment is to begin;
- (3) the identity of the payee(s);
- (4) to which officer or agency the restitution payment shall be made;
- (5) any ongoing victim expenses that may need to be reviewed at a future time;
- (6) whether any restitution has been paid and in what amount; and
- (7) whether the restitution has been imposed as a part of the sentence or as a condition of probation.

(C) In any case in which restitution is imposed, a judge shall hold a hearing no later than 30 days prior to the expiration of any period of probation if there is any amount of restitution outstanding.

Comment

This rule is intended to provide procedures for the statutory requirement for the judge to impose restitution. In all cases in which restitution is imposed, the sentencing judge must state on the record the amount of restitution at the time of sentencing. See 18 Pa.C.S. § 1106 and 42 Pa.C.S. §§ 9721, 9728.

The extent of restitution may also be provided by statute. See, e.g., 18 Pa.C.S. § 1107 (restitution for timber theft); § 1107.1 (restitution for identity theft); and § 1110 (restitution for cleanup of clandestine labs).

The amount of restitution may change after sentence is imposed. A sentencing judge may amend a restitution order more than 30 days after sentencing if the court states its reasons and conclusions as a matter of record. *Commonwealth v. Dietrich*, 601 Pa. 58, 970 A.2d 1131 (2009). See also 18 Pa.C.S. § 1106(c)(3).

When imposing restitution, the sentencing judge should consider whether the defendant has received notice of the intention to seek restitution prior to the hearing and whether the defendant intends to object to the imposition of restitution. The sentencing hearing may need to be continued as a result.

Paragraph (B)(7) requires that the sentencing order make clear whether any restitution is being imposed as a part of the sentence pursuant to 18 Pa.C.S. § 1106 or as a condition of probation pursuant to 42 Pa.C.S. § 9754. Unlike restitution imposed under § 1106 that is penal in nature, restitution imposed as a condition of probation is primarily aimed at rehabilitation. Sentences of probation give a trial court the flexibility to determine all the direct and indirect damages caused by a defendant. *Commonwealth v. Harner*, 533 Pa. 14, 617 A.2d 702 (1992); *Commonwealth v. Hall*, ___ Pa. ___, 80 A.3d 1204 (2013). Because a term of probation may not exceed the maximum term for which the defendant could be confined, and a court cannot enforce a restitution sentence past the statutory maximum date, a court may not require that restitution imposed as a condition of probation be paid beyond the statutory maximum date. *Commonwealth v. Karth*, 994 A.2d 606 (Pa. Super. 2010). For this reason, paragraph (C) imposes the requirement that a hearing be held prior to the expiration of a defendant's probation to determine the status of the restitution payments and whether the conditions of probation have been violated.

Official Note: New Rule 704.1 adopted _____, 2014, effective _____, 2014.

Committee Explanatory Reports:

Report explaining proposed new Rule 705.1 concerning sentences of restitution published for comment at 44 Pa.B. 2371 (April 19, 2014).

REPORT

Proposed New Pa.Rs.Crim.P. 705.1, Proposed Amendments to Pa.Rs.Crim.P. 454, and Proposed Revisions to the Comments to Pa.Rs.Crim.P. 454 and 704

Sentences of Restitution

Background

Recently, the Committee reviewed the February 2013 report of the Restitution in Pennsylvania Task Force. The Task Force had been convened by the Pennsylvania Office of the Victim Advocate to study “solutions to increase the quality of restitution services at the state and county levels.” The Task Force included representatives from a wide spectrum of agencies involved in the justice system. Two of the Task Force’s recommendations are directed to the Rules of Criminal Procedure. One was to encourage “AOPC and/or the Court Rules Committee to standardize a restitution order for use at sentencing/disposition” and included suggested elements for such an order. The other recommendation was for the Committee to examine other jurisdictions “to consider whether any rules should be amended or new rules adopted to improve the collection of restitution.”¹

The Committee established a subcommittee to examine in depth what procedural rule changes might be recom-

mended to standardize and clarify the manner in which restitution is awarded. The subcommittee reviewed the report of the Restitution in Pennsylvania Task Force as well as the statutes that provide for the award of restitution and the practice in this area in several other jurisdictions. Subsequently, the subcommittee recommended the proposed rule changes above and the Committee accepted these recommendations with minor changes. The proposed rule changes are now being published for public comment.

Discussion

The Committee concluded that it would be a good idea to have a general rule stating the requirement to order restitution as part of sentencing. The Committee considered it anomalous that Rule 706 addresses fines and costs but no rule mentions restitution. Too often restitution is an afterthought during sentencing. This has resulted in one of the problems that the Task Force identified—that, although under Pennsylvania law, a sentencing court must specify the amount of restitution at the time of sentencing and may not simply state that the amount of restitution will be determined by the probation office, this latter practice is regularly followed. In addition to highlighting the need to order restitution, the rule would also provide guidance to the court in the contents of the order.

This new rule would be numbered 705.1, designed to follow Rule 705 which provides specifics regarding sentences that include incarceration. The Committee believes it is more logical to follow this latter rule with one dealing with restitution.

The text of the proposed rule is a statement reminding the sentencing judge to impose restitution. It acknowledges that some cases may not have restitution to impose. Originally, the subcommittee considered including discussion of an award of fines and costs. However, the text of the rule and the Comment was directed primarily to restitution and it seemed to detract from the purpose of the rule to include detailed provisions for fines and costs.

The Committee also considered the proposal to include a list of elements that the judge should include in the sentencing order to identify the restitution award details and assist in its collection. Originally, this was contained in the Comment. It seemed that it would be more effective in the rule itself. However, a concern was expressed that by placing this in the rule itself, unwarranted challenges might be raised based on a technical failure to include all the listed elements. Ultimately, the Committee concluded that it should be contained in the rule text to ensure compliance.

One of the problems discussed was that the nature of a restitution sentence varies depending on how the sentence was imposed. If awarded as part of the sentence, under 18 Pa.C.S. § 1106, the award is punitive in nature while if it is added as a condition of probation, it is rehabilitative in nature. As a result, the extent to which the sentence can be enforced varies. It was decided that this issue should be described in the Comment and that the rule should require that the sentencing judge make clear in the sentencing order which of the two sentencing concepts were applicable to any restitution award. Therefore, this has been added to the list of items required to be in the sentencing order with a detailed explanation contained in the Comment.

¹ Restitution in Pennsylvania Task Force Final Report, <http://www.center-school.org/Restitution/index.html>, pgs 30 and 42.

Related to this, the rule provides that a hearing or review be held prior to the expiration of probation when there is outstanding restitution owed. This would enable the court to decide whether to hold the defendant in violation for failure to pay before the court loses jurisdiction by the completion of the probation.

There was discussion regarding procedures to challenge a restitution sentence but it was ultimately decided that any challenge would occur at the sentencing hearing. The Committee agreed that there should be some notice to the defendant prior to sentencing. However, the Committee also acknowledged that in the majority of cases there will not be a dispute as to restitution and did not want to create a burdensome notice requirement. Therefore, language would be included in the Comment that the judge should consider the notice provided to the defendant and the defendant's desire to challenge the restitution before it is awarded.

Another issue that the Committee discussed was a later modification of the restitution order. Currently, the Comment to Rule 704 contains one brief paragraph about restitution:

In all cases in which restitution is imposed, the sentencing judge must state on the record the amount of restitution, if determined at the time of sentencing, or the basis for determining an amount of restitution. See 18 Pa.C.S. § 1106 and 42 Pa.C.S. §§ 9721, 9728.

This language suggested that the trial court had a fair amount of flexibility in later amending the restitution sentence. At first, this seemed inconsistent with some of the strict language of the statutes. However, the Committee examined the history of Rule 704 (then-Rule 1405) when the Comment was revised to specifically note that the sentencing judge has to set restitution at sentencing. In the Committee's Final Report at the time, 26 Pa.B. 13 (January 6, 1996), the Committee mentioned that this language represented a compromise to balance the statutory requirement that restitution be imposed at sentencing and the limited time limits in Rule 704 for imposition of sentencing which could create issues if the amount of restitution is not determined at the time of sentencing.

Additionally, case law suggests that there is some flexibility in this area. For example, *Commonwealth v. Dietrich*, 601 Pa. 58, 970 A.2d 1131 (2009), held that a court may not alter or amend a restitution order more than 30 days after the order was entered unless it states its reasons and conclusions as a matter of record for any changes to any previous order. Therefore, the proposed Comment to Rule 705.1 contains language reflecting the holding in *Dietrich*. Additionally, the above-mentioned paragraph regarding restitution would be deleted from the Rule 704 Comment since new Rule 705.1 is intended to specifically address restitution. A cross-reference to Rule 705.1 would be added to the Rule 704 Comment.

Another question raised was whether the proposal should include similar requirements for summary cases. The Committee agreed that it should and so paragraph (F) of Rule 454 (Trial in Summary Cases) would be amended to provide guidance as to what should be included in a restitution sentence similar to that which is provided for court cases in proposed new Rule 705.1. A cross-reference to this provision would be added to the Comment to Rule 455 (Trial in Defendant's Absence).

[Pa.B. Doc. No. 14-812. Filed for public inspection April 18, 2014, 9:00 a.m.]

Title 25—LOCAL COURT RULES

MONROE COUNTY

Adoption of Local Custody Rules 1915.1, 1915.3, 1915.3-3, 1915.4-3, 1915.4-4, 1915.8, 1915.12, 1915.22; Local Divorce Rules 1920.12, 1920.43, 1920.51, 1920.51-1, 1920.54, 1920.55-2; and Local Domestic Relations Rule 1930.8

Order

And Now, this 20th day of March, 2014, it is *Ordered* that the Monroe County Rules of Civil Procedure in Custody adopted November 1, 2011, and the Monroe County Rules of Civil Procedure in Divorce adopted June 27, 2001 and any subsequent amendments thereafter, are rescinded in their entirety, effective upon the adoption of new Local Rules of Court. Monroe County Local Custody Rules §§ 1915.1, 1915.3, 1915.3-3, 1915.4-3, 1915.4-4, 1915.8, 1915.12, 1915.22; Local Rules of Divorce §§ 1920.12, 1920.43, 1920.51, 1920.51-1, 1920.54, 1920.55-2 and Local Domestic Relations Rule 1930.8 are adopted as indicated as follows and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator is directed to:

1. File one (1) certified copy of the within Order and new local rules with the Administrative Office of Pennsylvania Courts;
2. Distribute two (2) certified paper copies and a computer diskette containing the text of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. File one (1) certified copy of the within order and new local rule with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania;
4. Forward one (1) copy to the *Monroe County Legal Reporter* for publication
5. Arrange to have the local rule changes published on the Monroe County Court of Common Pleas website at www.monroepacourts.us and the Monroe County Bar Association website at www.monroebar.org.

Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator, and the Monroe County Law Library.

By the Court

MARGHERITA PATTI WORTHINGTON,
President Judge

Actions in Custody

1915.1. Definitions.

"Conciliator" shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the Court.

"Conciliation Conference" shall be a prehearing negotiation meeting conducted under the auspices of the Court by the Conciliator.

"Evidentiary Hearing" shall be an evidentiary hearing before a judge of the Court of Common Pleas of Monroe County.

“Program” shall be the Monroe County Co-Parent Education Program.

“Provider” shall be the provider of the Monroe County Co-Parent Education Program.

1915.3. Commencement of Action. Complaint. Order. Fees.

1. All complaints for custody, petitions for modification, petitions for contempt, and all motions for conciliation conference shall be substantially in the form set forth in Pa.R.C.P. 1915.15 or 1915.12, as applicable, filed with the Prothonotary, and forwarded promptly to the Court Administrator.

2. Initial complaints and initial motions for conciliation conference shall be accompanied by a scheduling order, the co-parent order, information and registration forms, and a blank criminal or abuse history verification in the forms set forth at Local Rule 1915.22(1), (2) below and Pa.R.C.P. 1915.3-2(c).

3. Upon the filing of any complaint, petition or motion relating to child custody, the moving party shall pay a fee to the Prothonotary (in addition to the fees required by Local Rule 1940.5) in an amount set forth in the fee schedule adopted by the Court.

4. Motions for the scheduling of a conciliation conference shall be in accordance with Local Rules 208.2(c), 208.2(d), and 208.3(a).

1915.3-3. Co-Parent Education Program.

1. All parties to initial custody actions and to divorce actions in which the divorce complaint contains a count for custody shall attend and complete the four hour program entitled Co-Parent Education Program. The Court, in its discretion, may require repeat attendance.

2. In divorce actions, parties with minor children may attend the Co-Parent Education Program but are not required to do so unless ordered by the Court.

3. The parties shall register for the program using the registration form set out in these Rules and served with the custody complaint or motion. The moving party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after service of the aforementioned order. The responding party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after service of the order. The provider shall certify the parties' attendance by filing a certificate of attendance with the Prothonotary.

Failure to comply with an order requiring attendance at the Co-Parent Education Program may result in the Court taking any appropriate action, including sanctions and/or contempt.

1915.4-3. Conciliation Conference.

1. All parties and all children specifically ordered to attend shall attend the conciliation conference. At the conciliation conference, the conciliator shall meet with the parties and their counsel to conciliate all claims and may meet with the children if deemed appropriate in the discretion of the conciliator. The conciliator shall also screen for referral of the appropriate cases to mediation.

2. To facilitate conciliation and to encourage frank, open and meaningful exchanges between the parties and their counsel, statements made by the parties, children, counsel or the conciliator at the conciliation conference shall not be admissible as evidence in court. The conciliator shall not be competent to serve as a witness for or against any party nor shall there be any testimony taken at the conciliation conference. The conciliator shall not be subject to subpoena to compel testimony regarding information revealed at the conciliation conference.

3. Promptly following the conciliation conference, the conciliator shall file a recommendation with the Court setting forth the terms of a consent agreement reached by the parties or setting forth a recommendation for an interim order that may include a requirement that the parties undergo a specific period of counseling with a licensed psychologist or therapist or with a certified mediator. In appropriate cases, the conciliator may recommend mediation pursuant to Pa.R.C.P. 1940.1 et seq.

4. Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator shall recommend family social studies or the completion of custody questionnaires. Unless otherwise directed by the Court, the agency issuing the family social study shall mail the written study to the custody conciliation office and to counsel of record for the parties or to the parties if there are no attorneys of record, pursuant to Pa.R.C.P. 1915.8.

5. Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator may make any additional recommendations for mental health evaluations, drug and alcohol evaluations, the appointment of experts, guardians ad litem, or counsel for the child or for any other prehearing matters the conciliator deems necessary or appropriate.

6. No exceptions may be taken from the recommendation of the conciliator.

7. Nothing in this rule shall be interpreted to contravene Pa.R.C.P. 1915.4.

1915.4-4. Pre-Trial Procedures.

Upon the completion of all family social studies and any evaluations ordered by the Court, either party may move for an evidentiary hearing that shall be held before a judge of the Court. The motion for evidentiary hearing shall be filed with the Prothonotary and shall be accompanied by a proposed order scheduling a prehearing conference and the evidentiary hearing in accordance with the form set forth in Local Rule 1915.22(3) below. Prior to any evidentiary hearing, counsel to the parties shall appear for a prehearing conference to be scheduled by the assigned judge. Unless otherwise ordered by the Court, the parties shall be present for prehearing conferences.

All parties shall provide to the Court and all other parties a completed parenting plan, in accordance with 23 Pa.C.S.A. § 5331, and an updated notarized criminal or abuse history verification concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329 and Pa.R.C.P. 1915.3-2. The completed parenting plan and criminal or abuse history verification shall be attached and submitted to the Court as part of the party's pre-hearing memorandum.

1915.8. Disclosure of Expert Evaluations.

A party to a custody action shall not disclose the contents of an expert report pursuant to Pa.R.C.P. 1915.8, including home study evaluations, mental and physical evaluations, and drug and alcohol evaluations, to anyone except their attorney. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in a finding of contempt and sanctions.

1915.12. Civil Contempt for Disobedience of a Custody Order.

Petitions for contempt shall be filed in the Office of the Prothonotary in accordance with Pa.R.C.P. 1915.12 and may be scheduled for a conference before the conciliator.

If the contempt matter is not resolved at conference, then the conciliator shall refer the matter to the judge for appropriate action.

1915.22. Forms.

1. The scheduling order on complaints and motions for conciliation conferences shall be in the form attached hereto.

2. The co-parent order, information and registration forms shall be in the forms attached hereto, as supplemented annually.

3. The order for prehearing conference and final hearing shall be in the form attached hereto.

4. The parenting plan to be submitted to the Court shall be in the form attached hereto.

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

_____ ,	:	NO. _____ CV 20__
Plaintiff	:	NO. _____ DR 20__
	:	
vs.	:	
	:	IN CUSTODY
_____ ,	:	
Defendant	:	

ORDER

You, _____, have been sued in court to obtain/modify custody or partial custody of the minor child(ren), _____, born _____, now age _____; _____, born _____, now age _____; _____, born _____, now age _____; _____, born _____, now age _____.

AND NOW, upon consideration of the attached Complaint/Petition, it is hereby Ordered that the parties and their respective counsel appear before _____, Esquire, Custody Conciliator, on the _____ day of _____, 20__ in the Conciliation Room, Second Floor, Monroe County Courthouse at _____ (a.m./p.m.) for a conciliation conference. At such conference, an effort will be made to resolve the issues in dispute; or, if this cannot be accomplished, to define and narrow the issues to be heard by the Court and to enter into an Interim Order. Failure to appear at the Conference may provide grounds for the entry of a Temporary Order.

You are further ordered to bring with you the following children to the conference: _____

NOTE: Children under the age of eight (8) need not attend.

You are also ordered to provide to the Court and all other parties a current criminal or abuse history verification in accordance with Pa.R.C.P. 1915.3-2(c) prior to the custody conference.

If you fail to appear as provided by this Order, to bring with you the minor child(ren), or provide the criminal or abuse history verification, an Order for custody may be entered against you by the Court 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 HELP:**

**MONROE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
913 MAIN STREET, P.O. BOX 786
STROUDSBURG, PENNSYLVANIA 18360
(570) 424-7288**

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe 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: _____

J.

cc: _____, Esquire, Custody Conciliator

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

Plaintiff, NO. CV 20
NO. DR 20
vs.
Defendant, IN CUSTODY

ORDER

AND NOW, this ___ day of ___, 20___, ALL PARTIES ARE HEREBY ORDERED to attend a program entitled the Co-Parent Education Program and to bring with you the Certificate of Completion you will receive at the program.

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP:

MONROE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
913 MAIN STREET, P.O. BOX 786
STROUDSBURG, PENNSYLVANIA 18360
(570) 424-7288

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe 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.

BY THE COURT:

J.

cc:

2014 CO-PARENT EDUCATION PROGRAM

In cases involving minor children, attendance at a four-hour Co-Parent Education Program is required of the parties in custody and divorce actions.

MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM

Program Content

The program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress.

The Program addresses the following items:

- I. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.
II. Handling the Feelings: Identifying feelings; Anger in divorce: toward your co-parent, from your children, toward your children; Feeling and healing.
III. Video segments and Discussion: Explaining divorce, warning parents, new relationships, etc.
IV. Mediation: Explanation of mediation process and its applicability to divorce and custody matters.

THE COURTS

When

The Program is offered every month on one Saturday morning from 9:00 a.m. until 1:00 p.m. or every month on one Tuesday evening from 5:30 p.m. until 9:30 p.m.

Where

The Program will be presented in Hearing Room A, lower level of the Monroe County Courthouse, 7th & Monroe Streets, Stroudsburg, Pennsylvania, unless otherwise directed by security. A security officer will direct you on where to go.

Attendance

Attendance at the Program is required of parties to a case where the interests of children under the age of eighteen years are involved. Additional interested persons may attend the seminar upon prior approval of Family/Divorce Services and certain fees may apply.

Presenters

Qualified counselors, educators and trainers selected by Family/Divorce Services will present the Program pursuant to arrangements with the Court of Common Pleas of Monroe County.

Notification

A copy of the Order requiring the parties to attend the Program and Registration Form will be provided to the parties at the time of the filing of the action or service of the applicable pleading.

Fees

A fee of \$40.00 per party for the Program is required and will be used to cover all program costs including the presenter's fee, handouts and administration. The fee must be submitted with the registration form.

Registration

The registration form must be received by Family/Divorce Services at least seven (7) days prior to the Program date selected. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through Family/Divorce Services.

Verification of Attendance

Upon proof of identification at the Program, Family/Divorce Services will record the party as "present" and provide to the Prothonotary of Monroe County a Certificate of Completion, which shall be filed of record. Each person successfully completing the program will be given a Certificate of Attendance. Should you have a case in another County or State, you are responsible to provide that Court with a copy of your Certificate of Completion.

Americans with Disabilities

For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's office at (570)-517-3009. All arrangements must be made at least (72) hours prior to the Co-Parent Program and you must attend the scheduled program.

Security

The Monroe County Sheriff's Office will provide armed, uniformed deputies at each Program immediately prior to, during and immediately after each presentation.

CO-PARENT EDUCATION PROGRAM—2014 Registration Form**READ ALL INFORMATION**

The Program is held on the lower level of the Monroe County Courthouse, Stroudsburg, PA. The Sheriff's Department provides security. Register by MAIL ONLY. See form below.

Further questions should be directed to Family/Divorce Services at 610-366-8868.

The Program fee is \$40 per person for all persons ordered to attend. Guests are welcome, but require an additional \$15 fee. Sign them up on form below.

A videotape or DVD to view and return is available ONLY to parties who reside more than 90 minutes driving time from Stroudsburg. See below.

Please register at least a week before you plan to attend. Confirmations are NOT sent by mail or by phone. Send in your form and come to the courthouse on the date you choose.

Children shall not be brought to the courthouse. Be prompt. Latecomers will not be admitted and will have to re-schedule.

In case of a snowstorm, a message will play at 610-366-8868 if class is canceled. Also, listen to radio 93.5FM or 840AM or WYOU TV for notices of cancellation. If you are disabled and need special assistance to enter the courthouse, call ahead.

REGISTER BY MAIL: Choose your date, fill out the form below and send money order payable to: Family/Divorce Services, P.O. Box 318, Trexlertown, PA 18087.

DOCKET NUMBERS of your divorce and custody case MUST be filled in. Include numbers-letters-year of file: _____

Your name: _____

Guest (name and relationship to child): _____

Address: _____ City _____ State _____ Zip _____

Phone: Home _____ Work _____

Pick a Saturday morning OR a Tuesday evening:

SATURDAYS 9:00 a.m. - 1:00 p.m.

TUESDAYS 5:30 p.m. - 9:30 p.m.

- ___ January 4, 2014
- ___ March 15
- ___ May 3
- ___ July 12
- ___ September 20
- ___ November 15

- ___ February 11, 2014
- ___ April 8
- ___ June 10
- ___ August 12
- ___ October 14
- ___ December 9

___ DVD: \$75 fee (includes S&H and \$25 deposit. Deposit is refunded when DVD is returned per instructions.)

**COURT OF COMMON PLEAS OF MONROE COUNTY
 FORTY-THIRD JUDICIAL DISTRICT
 COMMONWEALTH OF PENNSYLVANIA**

_____ ,	:	NO. _____ CV 20__
Plaintiff	:	NO. _____ DR 20__
	:	
vs.	:	
	:	IN CUSTODY
_____ ,	:	
Defendant	:	

ORDER

AND NOW, this _____ day of _____, 20__ , upon consideration of the attached motion for hearing, a full evidentiary hearing is scheduled for the _____ day of _____, 20____ , at _____ o'clock a.m./p.m., in Courtroom No. _____ of the Monroe County Courthouse, Stroudsburg, Pennsylvania.

Further, a pre-hearing conference is scheduled for the _____ day of _____, 20__ , at _____ o'clock a.m./p.m., in the Chambers of the Honorable _____, Monroe County Courthouse, Stroudsburg, Pennsylvania. Unless otherwise ordered by the Court, the parties shall be present for prehearing conferences.

On or before _____, counsel for each party shall provide to the Court and to opposing counsel a written pre-hearing memorandum which shall include the following:

1. Name of client, name and telephone number of attorney.
2. A statement of all legal and evidentiary issues anticipated at hearing and citation to legal authorities relied upon by counsel.
3. The names and addresses of all witnesses to be called at hearing with a notation of their specific purpose.
4. A list of all exhibits to be used at hearing and a statement certified by counsel that all exhibits were furnished to opposing counsel as part of the pre-hearing memorandum.
5. The estimated length of hearing time necessary for counsel to present evidence.
6. A proposed order providing the terms you seek.
7. A proposed order providing the terms you seek if the opposing party prevails.
8. The parties shall complete a parenting plan, in accordance with 23 Pa.C.S.A § 5331 and Pa. Monroe Co. R.C.P. Rule 1915.22(4), and an updated criminal or abuse history verification, in accordance with Pa.R.C.P. 1915.3-2(c). The completed parenting plan and criminal or abuse history verification shall be attached and submitted to the Court as part of the party's pre-hearing memorandum.

BY THE COURT:

_____, J.

cc:

**COURT OF COMMON PLEAS OF MONROE COUNTY
 FORTY-THIRD JUDICIAL DISTRICT
 COMMONWEALTH OF PENNSYLVANIA**

_____ ,	:	NO. _____ CV 20__
Plaintiff	:	NO. _____ DR 20__
	:	
vs.	:	
	:	IN CUSTODY
_____ ,	:	
Defendant	:	

PARENTING PLAN

This parenting plan involves the following child/children:

Child's Name	Age	Where does this child live?
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

If you have children not addressed by this parenting plan, name here:

Child's Name	Age	Where does this child live?
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Legal Custody (who makes decisions about certain things):

Circle one

Diet	Both parties decide together / Plaintiff / Defendant
Religion	Both parties decide together / Plaintiff / Defendant
Medical Care	Both parties decide together / Plaintiff / Defendant
Mental Health Care	Both parties decide together / Plaintiff / Defendant
Discipline	Both parties decide together / Plaintiff / Defendant
Choice of School	Both parties decide together / Plaintiff / Defendant
Choice of Study	Both parties decide together / Plaintiff / Defendant
School Activities	Both parties decide together / Plaintiff / Defendant
Sports Activities	Both parties decide together / Plaintiff / Defendant
Additional items	Both parties decide together / Plaintiff / Defendant

Explain what process you will use to make decisions? (For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline.)

Physical Custody (where the child/children live(s)):

The child's/children's residence is with _____.

Describe which days and which times of the day the child/children will be with each person:

Sunday Monday Tuesday Wednesday Thursday Friday Saturday

Describe where and when the child/children will be dropped off and/or picked up (day and time of day)?

Drop-Off:

Where: _____

When: _____

Pick-Up:

Where: _____

When: _____

If one of you doesn't show up, how long will the other wait? _____

If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs?

HOLIDAYS

Where will the child/children stay?

HOLIDAY	YEAR A	YEAR B	EVERY YEAR
Martin Luther King Day	_____	_____	_____
President's Day	_____	_____	_____
Easter	_____	_____	_____
Memorial Day	_____	_____	_____
Fourth of July	_____	_____	_____
Labor Day	_____	_____	_____
Yom Kippur	_____	_____	_____
Rosh Hashanah	_____	_____	_____
Thanksgiving	_____	_____	_____
Vacation after Thanksgiving	_____	_____	_____
Christmas Vacation	_____	_____	_____
Kwanzaa	_____	_____	_____
New Year's Eve/Day	_____	_____	_____
Spring Vacation	_____	_____	_____
Easter Sunday	_____	_____	_____
Child's Birthday	_____	_____	_____
Mother's Day	_____	_____	_____
Father's Day	_____	_____	_____
Other:	_____	_____	_____
Other:	_____	_____	_____
Other:	_____	_____	_____

Summer Vacation Plans:

Special Activities or School Activities:

Will both of you attend?

Child's Name	Activity	If not, which of you will attend?
_____	_____	_____
_____	_____	_____
_____	_____	_____

Temporary changes to this parenting schedule:

From time to time, one of you might want or need to rearrange the parenting time schedule due to work, family or other events. You can attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision.

The parent asking for the change will ask _____ in person _____ by letter/mail _____ by phone

No later than _____ 12 hours _____ 24 hours _____ 1 week _____ 1 month

The parent being asked for a change will reply _____ in person _____ by letter/mail _____ by phone

No later than _____ 12 hours _____ 24 hours _____ 1 week _____ 1 month

May parents contact one another? _____

When the child/children is/are with one of you, how may they contact the other parent?

When and how may _____ contact the child?

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specify method of arbitration, mediation, court action, etc.):

The following matter or matters as specified by the court:

Other (Anything else you want to agree on):

_____ Date

_____ Signature of Mother

_____ Date

_____ Signature of Father

_____ Date

_____ Signature of Witness

Actions in Divorce

1920.12. Filing and Service of Complaint. Costs.

1. With the filing of a complaint in divorce, the plaintiff shall deposit court costs with the Prothonotary in an amount set forth in the fee schedule adopted by the Court.

1920.43. Motions and Petitions.

- 1. Motions practice shall be in accordance with Local Rules, 208.2(c), 208.2(d), and 208.3(a).
- 2. Petitions practice shall be in accordance with Local Rule 206.1(a).
- 3. All divorce motions or petitions including a petition for a master’s hearing shall be filed with the Prothonotary.

1920.51. Proceedings Before the Master.

- 1. Monroe County shall follow the Master’s Hearing procedure set out at Pa.R.C.P. § 1920.55-2.
- 2. No case shall be scheduled for Master’s Hearing prior to the expiration of 90 days from the service of the Divorce Complaint.
- 3. Either party may file a Petition for the Appointment of a Divorce Master, in the Form set forth below, provided that:
 - a. The petitioning party has complied with the requirements of Pa.R.Civ.P. 1920.33 (pertaining to Inventory and Pretrial Statement); and
 - b. The required fee has been paid to the Prothonotary; and
 - c. The petitioning party certifies at the time of filing of the Petition that:
 - (i) The Inventory and Pretrial Statement of the petitioning party have been filed;
 - (ii) The petitioning party has completed all discovery and knows of no pending discovery on the part of the non-petitioning party which will delay Hearing;
 - (iii) The petitioning party has given 20 days written Notice of Intention to File Petition for the Appointment of a Divorce Master, using the Form set forth below, to all counsel of record and unrepresented parties.
- 4. If opposing counsel or any unrepresented party objects to the filing of the Petition for the Appointment of a Divorce Master, the objector shall, within 10 days of the service of the Notice of Intention to File Petition for the Appointment of a Divorce Master, file with the court a statement of objections which shall include the basis for objection and a statement of when the case will be ready for Master’s Hearing, along with a Praecipe for Argument. All of the foregoing shall be served on all counsel of record and unrepresented parties.
- 5. Upon the filing of the Petition, the Court Administrator shall assign the Master and the Court shall issue an Order scheduling a Hearing, a Pretrial Conference and setting a deadline for the filing and service of the non-petitioning parties’ Pretrial Statements in conformity with Pa.R.C.P. § 1920.33.
- 6. Counsel of record and unrepresented parties shall attend the Pretrial Conference; represented parties shall be available to consult with their counsel by telephone during the Pretrial Conference. In the event that counsel for either party or an unrepresented party fails to attend the Pretrial Conference, or fails to file a Pretrial Statement as Ordered, the Master may recommend that the Court impose sanctions.
- 7. If a Pretrial Conference or any portion of a Hearing day is held, the Master shall receive a fee in an amount determined by the Court

8. If additional Hearing days are needed, the Master shall petition the Court with a recommendation regarding the number of additional full or partial hearing days requested and the amount of the additional court costs to be paid by one or both of the parties. The Court shall issue an order for the payment of additional costs and following payment of the costs as ordered shall set the additional hearing dates. No additional hearing dates shall be scheduled prior to the payment of court costs. The Master shall be compensated for any additional full or partial days of hearing in an amount to be determined by the Court.

9. Forms.

[CASE CAPTION]

NOTICE OF INTENTION TO FILE PETITION REQUESTING THE APPOINTMENT OF A DIVORCE MASTER

Notice is hereby given that 20 days following the date set out below, [Plaintiff/Defendant] intends to file a Petition Requesting the Appointment of a Divorce Master.

Date: _____

[Signature of Counsel or Pro Se Party with full address and telephone.]

CERTIFICATE OF SERVICE

I certify that I have provided or will immediately provide a copy of this Notice of Intention to File Petition Requesting the Appointment of a Divorce Master to all other self-represented parties or their attorney of record at the following address as listed below:

Name _____

Address _____

Date: _____

[Signature of Counsel or Pro Se Party with full address and telephone.]

[CASE CAPTION]

PETITION REQUESTING THE APPOINTMENT OF A DIVORCE MASTER

_____, petitions this Honorable Court for the Appointment of a Master in Divorce, and in support thereof avers:

1. Petitioner is _____ .
2. Respondent is _____ .
3. Petitioner has complied with the requirements of Pa.R.C.P § 1920.33.
4. The required fee for the Master’s Hearing has been paid to the Prothonotary.
5. The Complaint was served on the Defendant by the following means:
6. Ninety days have passed since the date of service of the Complaint.
7. Petitioner filed an Inventory on the following date: _____. Petitioner filed a Pretrial Statement on the following date: _____ .
8. Petitioner has completed all discovery requests to and has received all necessary discovery from all other parties and knows of no pending discovery on the part of any other party which will delay the Master’s Hearing.
9. Petitioner has given 20 days written Notice of Intention to File Petition Requesting the Appointment of a Divorce Master to all other parties or their counsel of record at the address listed below and no party has filed objections to the appointment of a Divorce Master or to the scheduling of a Master’s Hearing.

Name _____

Address _____

Date Notice was Served: _____

Date: _____

[Signature of Counsel or Pro Se Party with full address and telephone.]

[CASE CAPTION]

ORDER FOR THE APPOINTMENT OF DIVORCE MASTER

AND NOW, this _____ day of _____, upon Petition for the Appointment of a Divorce Master, _____ is appointed Divorce Master.

It is ORDERED that a Pretrial Conference is scheduled for the _____ day of _____, 20 ____ at _____ : ____ o’clock a.m./p.m. in the office of the Master located at _____ .

It is further ORDERED that all parties shall file a Pretrial Statement in conformity with Pa.R.Civ.P. 1920.33. The petitioning party shall file his/her Pretrial Statement on or before the filing of the Petition for Appointment of a Divorce Master, and the responding party shall file his/her Pretrial Statement within 20 days of service of the petitioning party’s inventory.

Counsel of record and unrepresented parties shall attend the Pretrial Conference; represented parties shall be available to consult with their counsel by telephone during the Pretrial Conference. In the event that counsel for either party or an

unrepresented party fails to attend the Pretrial Conference, or fails to file a Pretrial Statement as ORDERED in this Order, the Master may recommend that the Court impose sanctions.

The parties and counsel of record are further ORDERED to appear for Hearing before the Master on the _____ day of _____, in Hearing Room _____, Monroe County Courthouse, Stroudsburg, Pennsylvania at _____ o'clock, _____ M.

By the Court,

cc:

1920.51-1. Continuance of Master's Hearing in Divorce.

1. Scheduled master's hearings may be continued by petition only, filed in accordance with Monroe Co.R.C.P. 206.1(a) and 208.2(d).

2. Prior to filing a petition to continue a master's hearing, the moving party or, if represented, their counsel shall contact the Office of the Court Administrator to secure several prospective dates for the rescheduled hearing, and shall list those dates on the concurrence/non-concurrence required to be attached to the petition and which shall be substantially in the form set forth below.

3. Upon receipt of prospective continuance dates from Court Administration, the moving party shall forward to all responding parties, or if represented, to their counsel, the concurrence/non-concurrence form setting forth the prospective continuance dates.

4. Within three (3) business days of receiving the concurrence/non-concurrence form from the moving party, all responding parties, or if represented, their counsel, shall complete the form stating their concurrence or non-concurrence in the petition, and notwithstanding their non-concurrence, shall indicate their availability for hearing on the prospective continuance dates.

5. The moving party or counsel shall complete a proposed order rescheduling the master's hearing by filling in a specific date for the rescheduled hearing from the list of prospective dates provided by the Court Administrator and approved by all responding parties and counsel, and attach the proposed order to the petition.

6. The completed petition, concurrence/non-concurrence form and proposed order shall be filed in the Office of the Prothonotary and copies served on the master, the Office of Court Administration and all parties, with a certificate of service.

7. Petitions for continuance of master's hearings shall be filed no later than one week before the scheduled pretrial conference with the master, except for good cause shown.

1920.54. Settlement Before Scheduled Hearing.

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the master and state the terms of their settlement on the record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the master an executed divorce settlement agreement and affidavits of consent. Where parties settle on the record or by the filing of a written divorce settlement agreement, the master shall file a report and recommendation within thirty days of the scheduled hearing date.

1920.55-2. Master's Report.

Following the conclusion of the final hearing, the master shall file the record and the report and recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days from the last to occur of the receipt of the transcript by the master or last submission to the master in contested actions.

Counsel for the parties shall file briefs or memoranda of law within fifteen days after the filing of the transcript. The service of the master's report and recommendations and the filing of exceptions shall follow the procedures set out in Pa.R.C.P. § 1920.55-2. The parties shall serve a copy of any exceptions they file upon the master, by regular mail or by personal service by a competent adult at the master's principal office.

Rule 1930.8. Self-represented party.

1. A party representing himself or herself shall enter a written appearance, substantially in the form set forth below, which shall state an address, which need not be his or her home address, where the party agrees that pleadings and other legal papers may be served, and a telephone number through which the party may be contacted.

2. A self-represented party is under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

3. When a party has an attorney of record, the party may assert his or her self-representation by:

- (a) Filing a written entry of appearance and directing the Prothonotary to remove the name of his or her counsel of record with contemporaneous notice to said counsel, or
- (b) Filing an entry of appearance with the withdrawal of appearance signed by his or her attorney of record.

4. The self-represented party shall provide a copy of the entry of appearance to all self-represented parties and attorneys of record.

- 5. The assertion of self-representation shall not delay any stage of the proceeding.
- 6. The written entry of appearance shall be substantially in the form set forth below.
- 7. Form.

**COURT OF COMMON PLEAS OF MONROE COUNTY
 FORTY-THIRD JUDICIAL DISTRICT
 COMMONWEALTH OF PENNSYLVANIA**

Plaintiff	,	:	NO. ____ CV 20__
		:	NO. ____ DR 20__
		:	
		:	
		:	
vs.		:	
		:	IN CUSTODY
		:	
Defendant	,	:	

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

- 1. I am the Plaintiff Defendant in the above-captioned (MARK ONE) custody, divorce, support, Protection from abuse, paternity case.
- 2. This (MARK ONE) is is not a new case and I am representing myself in this case and have decided not to hire an attorney to represent me.

OR (check only one box)

This is NOT a new case and _____ (Name of Attorney) previously represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case.

I have provided a copy of this form to that attorney listed above at the following address:

OR (check only one box)

I am entering my appearance as a self-represented party (sign) _____. My attorney acknowledges his/her withdrawal as my attorney in this case.

(Attorney signature) _____, Esq.

(Print Attorney Name) _____, Esq.

3. My address for the purpose of receiving all future pleadings and other legal notices is: _____. I understand that this address will be the only address to which notices and pleadings in this case will be sent, and that I am responsible to regularly check my mail at this address to ensure that I do not miss important deadlines or proceedings.

This is my home address. This is not my home address.

4. My telephone number where I can be reached during normal business hours (8:30 a.m. - 4:30 p.m. Monday - Friday) is _____. My email address is _____.

My telephone number and email address are confidential pursuant to a Protection From Abuse Order.

5. I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.

6. I have provided or will immediately provide a copy of this form to all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name _____ Address _____

Name _____ Address _____

7. I fully understand that by deciding to represent myself, the Court will hold me to the same standards of knowledge regarding the statutory law, evidence law, Local and State Rules of Procedure and applicable case law as a Pennsylvania licensed attorney, and that I must be fully prepared to meet those responsibilities.

I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities which could result in a fine and/or prison term.

Date

Signature (Your Signature)

Please Print (Your Name)

[Pa.B. Doc. No. 14-813. Filed for public inspection April 18, 2014, 9:00 a.m.]