

# THE COURTS

## Title 255—LOCAL COURT RULES

### FRANKLIN AND FULTON COUNTIES

**Amendment of Local Rules of Civil Procedure;  
Misc. Doc. Volume 2014, Page 3164**

#### Order Pursuant to Pa.R.C.P. 239

2nd September, 2014, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, are amended as indicated, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Local Rule of Civil Procedure 39-1915.3 is amended in the following form.

Local Rule of Civil Procedure 39-1915.7 is amended in the following form.

*It Is Further Ordered* that The District Court Administrator shall:

1. File a copy of this order and certified copy of the local rule with the Administrative Office of Pennsylvania Courts (AOPC).

2. File with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* two (2) certified paper copies and one (1) computer diskette or CD-ROM copy which complies with 1 Pa. Code § 13.11(b) containing the text of the local rule.

3. File one certified copy of the local rule with the Domestic Relations Procedural Rules Committee.

4. Provide one (1) certified copy of the local rule changes to the Franklin County Law Library and one (1) certified copy to the Fulton County Law Library.

5. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Franklin County and the Office of the Prothonotary of Fulton County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

6. Arrange to have the local rule changes published on the Franklin County Bar Association web site at [www.franklinbar.org](http://www.franklinbar.org).

7. Arrange to have the local rule changes published on the Franklin County Government web site at [www.franklincountypa.gov](http://www.franklincountypa.gov).

*By the Court*

DOUGLAS W. HERMAN,  
*President Judge*

#### Certification

Now this 2nd day of September, 2014;

I hereby certify that Franklin County conducts its custody proceedings in accordance with Pa.R.C.P. 1915.4-3. The amendments to local rule 39-1915.3 do not change the procedure for conducting custody proceeding in Franklin County.

I hereby certify that Fulton County conducts its custody proceedings in accordance with Pa.R.C.P. 1915.4-3. The

amendments to local rule 39-1915.3 do not change the procedure for conducting custody proceeding in Fulton County.

This certification shall be forwarded to the Domestic Relations Procedural Rules Committee.

DOUGLAS W. HERMAN,  
*President Judge*

#### Rule 39-1915.3. Commencement of an Action. Complaint and Order.

(a) *Commencement of an Action:*

(1) *Filing and Service Generally:*

All Custody Complaints and/or Petitions for Modification that have not been previously assigned to a judge shall be presented to the Court Administrator for assignment, after filing, in accordance with these rules.

Filing shall be accompanied by the payment of the designated filing fee and the conciliator's fee.

After the Order of Court and Directive for Conciliation has been entered by the Court, the Order shall be filed with the Prothonotary and the Complaint and Order served in accordance with the Pennsylvania Rules of Civil Procedure governing the service of Custody Complaints.

(2) *Contents of Complaint:*

The Complaint shall specifically designate the relief sought by the party who filed the pleading and include specific terms of legal custody (sole or shared) and physical custody (sole, primary, partial, shared, or supervised) sought by the Moving Party as well as the factual basis therefore.

In addition to those averments required by the Pennsylvania Rules of Civil Procedure governing actions relating to Custody, the Complaint shall also contain:

(i) Moving Party's Criminal Record/Abuse History Verification pursuant to Pa.R.C.P. No. 1915.3-2 as an exhibit;<sup>1</sup>

(ii) An averment as to the Moving Party's knowledge of the Non-Moving Party's representation or non-representation by counsel, and if represented, an averment as to the Non-Moving Party's counsel's name;

(iii) An averment as to the form, time and manner of furnishing a copy of the Complaint and Non-Moving Party's Criminal Record/Abuse History Verification to the Non-Moving Party or to legal counsel;

(iv) The language of the proposed custody arrangement shall be stated as a paragraph of the Complaint;

(v) A Proposed Order of Court and Directive for Conciliation in a form similar to Sample Form "A" (see Sample Form "A")

(b) *Time for Furnishing a Copy of the Complaint and Proposed Order to the Non-Moving Party; Record Proof:*

(1) *Timing:*

A true, attested copy of the Complaint or Petition for Modification and Proposed Order of Court and Directive for Conciliation shall be furnished to the Non-Moving Party's counsel of record or to the non-moving party if not represented, not less than five (5) days prior to its anticipated presentation to the Court.

<sup>1</sup> For criminal charge information parties can view Docket Sheets at <http://ujsportal.pacourts.us>.

(2) *Averment in Complaint or Petition for Modification*

The Moving Party shall allege in his/her Complaint or Petition for Modification the form and manner of furnishing notice to the Non-Moving Party and whether said notice was given directly to the named Non-Moving Party or to named legal counsel or by first class U.S. mail.

(c) *Scheduling Presentations; Pleadings Delivered to Court Administrator:*

To facilitate the proper giving of notice of the presentation of Custody Complaints and/or Petitions for Modification, the Court Administrator shall establish a regular time each week for the presentation of Custody Complaints and/or Petitions for Modification and the entry of an Order of Court and Directive for Conciliation establishing temporary custody arrangements pending a full hearing.

Counsel or self-represented parties may obtain the specific time for presentation of Complaints or Petitions for Modification from the Court Administrator.

If a case has previously been assigned to a judge, presentation shall be scheduled in front of that judge, unless otherwise determined by the Court Administrator.

For new custody cases the case will be assigned to a judge by the Court Administrator at the time presentation is scheduled.

A copy of the filed Complaint or Petition for Modification shall be delivered to the Court Administrator a minimum of five (5) days prior to the scheduled time of any planned presentations of Custody Complaints or Petitions for Modification and Proposed Orders of Court and Directive for Conciliation.

(d) *Formal Presentation to the Court Not Necessary:*

Certain Complaints and Petitions for Modification may be presented in the same manner and at the same times as all other petitions and need not be presented in open Court at the time specifically assigned for presentations of Custody Complaint or Petitions for Modification in these cases:

(1) When the Proposed Order of Court and Directive for Conciliation makes no provision at all for an interim custody arrangement for the child/ren.

(2) When the Proposed Order of Court and Directive for Conciliation simply maintains the status quo as evidenced by a prior Court Order, a copy of which must be attached to the Complaint or Petition for Modification.

(3) When all parties have stipulated to the entry of a Proposed Order of Court and Directive for Conciliation, without respect to whether any party is represented by counsel. However, if counsel represents any party, they shall be so identified by name, and counsel's signature shall be required on the Stipulation.

(e) *Conciliation:*(1) *Assignment to Conciliator:*

The Court Administrator shall assign all custody actions to a Conciliator designated by the Court, who shall conduct a Conciliation Conference with both legal counsel and the parties.

The Conciliator shall be a member of the Bar of this Court who, along with any other members of his/her professional practice, shall not be engaged in the practice of law in the field of Domestic Relations. The Conciliator

shall not be subject to the subpoena power of this Court to force testimony regarding information revealed during the Conciliation Conference.

The Court Administrator shall assign the Conciliator, date, time and place for the Conciliation Conference after the Order of Court and Directive for Conciliation has been signed by the Court.

(2) *Service Upon Conciliator:*

(i) The Moving Party shall also serve a copy of the Order of Court and Directive for Conciliation, along with the Complaint or Petition for Modification upon the assigned Conciliator within ten (10) days of the date of the Order of Court and Directive for Conciliation.

(ii) The Non-Moving Party shall serve a copy of any Response that was filed to the Complaint or Petition for Modification within ten (10) days of the date of the Order of Court and Directive for Conciliation.

(iii) Failure of the Moving Party to comply with the service requirements upon the Conciliator may result in the cancellation of the Conciliation Conference unless actual notice has been provided by the Non-Moving Party. The Moving Party shall certify service by filing a Certificate of Service with the Prothonotary. Additionally, the Court Administrator shall notify the Conciliator of the list of cases scheduled for Conciliation one (1) week in advance.

(3) *Conciliator's Fee:*

(i) The Moving Party shall deposit a nonrefundable conciliator's fee in the amount established by the Court<sup>2</sup> the Prothonotary upon the filing of the Complaint or Petition for Modification.

(ii) The Conciliator shall be compensated at the rate established by the Court for each scheduled Conciliation Conference.

(iii) Each conference is expected to last one (1) hour. In the event the Conciliation Conference lasts more than one hour, the Conciliator may petition the Court for additional compensation at the rate established by the Court. This additional fee shall be added to the cost of the action and shall be collected by the Prothonotary as directed by the Court. The Prothonotary shall post the conciliator's fee in its office. The fee shall be paid to the Conciliator by the Prothonotary.

(iv) In the event the Moving Party is unable to pay the conciliator's fee, such party may apply for an Order to Proceed In Forma Pauperis. If the Court authorizes In Forma Pauperis status, the administrative fee shall be paid by the County of Franklin.

(v) In the event a party files a request for an additional Conciliation Conference, the party requesting the additional Conciliation Conference shall pay an additional conciliator's fee for such Conciliation Conference which must be paid prior to the scheduling of an additional Conciliation Conference.

(vi) In the event a party requests a general continuance of a scheduled Conciliation Conference, if the rescheduled Conciliation Conference is scheduled more than six (6) months after the continued Conciliation Conference, the party requesting the Conciliation Conference shall pay an additional conciliator's fee for such Conciliation Conference which must be paid prior to the scheduling of the Conciliation Conference.

<sup>2</sup> The current conciliator's fee and additional hourly fee for conciliation conferences that last longer than one hour is available from the Prothonotary or the Court Administrator.

(4) *Authority of Conciliator:*

The Conciliator shall have the following authority and responsibility:

(i) To conciliate custody cases, which specifically includes meeting with the parties and the children, if appropriate. If a party desires the children to be present at the Conciliation Conference, he/she shall make said request of the Conciliator no later than seven (7) days prior to the scheduled conference. The Conciliator shall determine the appropriateness of the request on a case-by-case factual basis after consultation with counsel for both parties or with a pro se party;

(ii) To address the need for home studies, as appropriate;

(iii) To address the issue of utilization of expert witnesses, as appropriate;

(iv) To recommend to the Court, where appropriate, the need for evaluation of either party or members of their household pursuant to 23 Pa.C.S.A. § 5329; and

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

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

(5) *Conciliation Memorandum by Parties:*

At least three (3) days prior to the scheduled Conciliation Conference, each party shall furnish to the Conciliator and counsel for the opposing party, or the self-represented party individually, a Conciliation Memorandum addressing the following:

(i) Factual background, including a brief history of the case;

(ii) If not previously filed of record, Defendant/Respondent must file of record and include as an exhibit a Criminal Record/Abuse History Verification pursuant to Pa.R.C.P. No. 1915.3-2. Additionally, if a party has filed a Criminal Record/Abuse History Verification, any necessary updates should be made at this time.

(iii) Names and ages of the children;

(iv) A proposed order for resolution of matters;

(v) Issues, both factual and legal, for resolution;

(vi) Whether a home study is requested; and

(vii) Whether the parties will agree to a particular psychologist/psychiatrist for evaluation or request psychological evaluations.

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

(6) *Summary Report by Conciliator:*

(i) Following the conclusion of each conference and within seven (7) business days thereof, the Conciliator shall file with the Prothonotary a Summary Report and Proposed Order of Court, if applicable, in the original plus two (2) copies. The Conciliation Memorandums of the parties shall be attached to the original Summary Report for filing.

(ii) In the event the parties reach a comprehensive agreement at the Conciliation Conference, the Summary Report shall so state and the Proposed Order of Court

shall reflect the terms of the agreement and shall be titled a Final Order of Court.

(iii) In the event the parties reach a partial agreement, or fail to reach any agreement to modify the existing order, the Conciliator's Summary Report shall include the following:

1. Custody status at the time of conciliation;

2. Summary of the parties' positions;

3. Identification of legal and factual issues before the Court; and

4. The Conciliator's recommendation and rationale therefore.

(iv) The Proposed Order of Court shall reflect the terms of any partial agreement reached and the need for home studies, psychological evaluations, or need for evaluation of either party or members of their household pursuant to 23 Pa.C.S.A. § 5329. If the Proposed Order of Court amends the Order of Court and Directive for Conciliation signed at presentation, the Proposed Order of Court shall also include a provision stating that the order will become a final appealable order of court one hundred eighty-one (181) days after the date of filing of the complaint/petition and shall include the exact date that the order will become final.

(7) *Entry and Service of Order of Court:*

Upon review of the Conciliator's Summary Report, the Court may issue an Order of Court addressing the appropriate issues. A copy of said Order of Court shall be furnished to legal counsel for the parties or in the event a party is unrepresented, to the party directly by the Prothonotary in accordance with Pa.R.C.P. 236

(f) *Pre-Trial Conferences and Hearings:*(1) *Pre-Trial Conferences:*

Upon the completion of home studies and psychological evaluations (if applicable), and at any time after the entry of the Order of Court approving the Conciliator's Summary Report, either party may file a Praeceptum/Motion for Scheduling of a Pre-Trial Conference and Proposed Order of Court for a Pre-Trial Conference. (See, Sample Forms "B" and "C").

(2) *Parent Education Program:*

The Proposed Order of Court for a Pre-Trial Conference shall contain language requiring the parties to the proceeding to attend and successfully complete a parent education program designated by the Court.

The party filing the Praeceptum/Motion for Scheduling of a Pre-Trial Conference shall provide the Prothonotary with pre-addressed, stamped envelopes for each party to the custody action.

The Court Administrator shall send a pamphlet regarding the parent education program to each party.

(3) *Scheduling:*

The assigned Judge shall schedule a Pre-Trial Conference within sixty (60) days of the submission of a Motion by either party requesting said conference.

(4) *Pre-Trial Conference Memorandum:*

(i) At least five (5) days prior to the scheduled Pre-Trial Conference, a Pre-Trial Conference Memorandum in conformity with Pa.R.C.P. 1915.4-4 shall be filed and served.



(ii) In addition to the information required by Pa.R.C.P. 1915.4-4, the Pre-Trial Conference Memorandum shall contain a brief summary containing the anticipated testimony of each listed witness.

(5) *Appearance by the Parties at the Pre-Trial Conference:*

At the scheduled Pre-Trial Conference, both counsel shall be present and the parties shall be personally present.

(i) In the event that neither legal counsel nor a party appears, the Pre-Trial Conference shall be held in that party's absence upon proof of service of the Order of Court for Pre-Trial Conference in accordance with the Pennsylvania Rules of Civil Procedure.

(ii) Although the Court may not discuss the case with represented parties, they are directed to be present in the event issues arise where the parties' input may be beneficial.

(6) *Hearings:*

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

**SAMPLE FORM "A"**

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

_____ ,	:	Civil Action
Plaintiff	:	
	:	No. F.R.
vs.	:	
	:	In Custody
	:	
_____ ,	:	Judge:
Defendant	:	

**ORDER OF COURT AND DIRECTIVE FOR  
CONCILIATION**

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

It is ordered and directed that \_\_\_\_\_, Esquire, the Court's Child Custody Conciliation Officer, is hereby directed to conduct a Conciliation Conference on \_\_\_\_\_, 20 \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ .M at the Assigned Room, Third Floor, Franklin County Courthouse, Chambersburg, Pennsylvania. The anticipated length of the Conciliation Conference is one (1) hour. The parties along with their legal counsel shall appear in person at the designated time for the Conciliation Conference. A memorandum shall be furnished to the Conciliator at least three (3) days prior to the scheduled Conciliation Conference pursuant to 39th Judicial District Civil Rule No. 1915.3(e)(5).

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

You have the right to be represented by an attorney who may attend the Conciliation Conference with you. If

you have not secured an attorney by the date of the scheduled Conciliation Conference, you shall nonetheless personally appear at the time scheduled for the Conciliation Conference without an attorney.

The Plaintiff has deposited the required conciliator's fee with the Prothonotary for the cost of the Conciliation Conference and the Court reserves the right to further assign or divide these costs.

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

Pending the hearing, with emphasis placed on the arrangements for the six (6) months preceding the filing of this Complaint and with particular attention paid to the role of primary caretaker, the Court hereby establishes the following temporary Order for custody pending a hearing:

[The appropriate language should be inserted at this point detailing the custody arrangements sought by the Plaintiff keeping in mind the emphasis to be placed upon the prior six (6) months and the role of primary caretaker. It is suggested one (1) inch of blank space be left for judge's comments or changes to the proposed Order.]

You must file with the Court a Criminal Record/Abuse History Verification regarding you and anyone living in your household on or before the presentation scheduled on \_\_\_\_\_, but no later than thirty (30) days after the date of service of the Complaint or Petition for Modification.

No party shall be permitted to relocate the residence of the child/ren to significantly impair the ability of another person to exercise custody UNLESS every individual who has custody rights to the child/ren consents to the proposed relocation OR the Court approves the proposed relocation. A person proposing to relocate MUST comply with the notice requirements pursuant to 23 Pa.C.S.A. Section 5337(c).

Defendant is hereby notified that if (s)/he disputes the Plaintiff's averments regarding the current status of the custody arrangements and this Order is entered on the basis of those averments, (s)/he has the right to request a prompt conference with the Court. If the matter of the temporary custody arrangements is not resolved at the Conference, the Court may in atypical factual situations and at its sole discretion schedule a brief hearing limited to the issues of determining temporary custody arrangements pending the scheduled Conciliation Conference.

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

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

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMA-**

TION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Franklin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court.

By the Court,
\_\_\_\_\_
J.

SAMPLE FORM "B"

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

\_\_\_\_\_, : Civil Action
Plaintiff :
: No.
vs. :
: In Custody
\_\_\_\_\_ , :
Defendant : Judge: \_\_\_\_\_

ORDER OF COURT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, upon consideration of the within Praecept/Motion,

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

A Pre-Trial Conference Memorandum shall be filed of record and a copy furnished to the Court at least five (5) days prior to the scheduled Pre-Trial Conference pursuant to 39th Judicial District Civil Rule No. 1915.3(f)(4). Failure to provide said Pre-Trial Conference Memorandum may be grounds for imposition of sanctions.

Failure of a party or legal counsel to appear upon proper notice shall result in the holding of the conference in absentia and the entry of an Order of Court that may be to the detriment of the absent party.

IT IS FURTHER HEREBY ORDERED that all parties to this custody proceeding shall enroll in, attend and successfully complete required parent education program which has been established by the Court to provide guidance to the parties in helping children to adjust to custody changes. Failure of any party to comply with this provision of this Order of Court may result in a finding of contempt with the imposition of sanctions including fine or imprisonment or both.

By the Court,
\_\_\_\_\_
J.

Sample Form "C"

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

\_\_\_\_\_, : Civil Action
Plaintiff :
: No.
vs. :
: In Custody
\_\_\_\_\_ , :
Defendant : Judge:

PRAEPIPE/MOTION FOR SCHEDULING OF A PRE-TRIAL CONFERENCE

AND NOW comes \_\_\_\_\_, Esquire, legal counsel for the above-captioned Plaintiff/Defendant and moves the Court as follows:

- 1. A Conciliation Conference in the above-captioned matter was held on \_\_\_\_\_.
2. A Summary Report and Proposed Order of Court was prepared by the Conciliator and filed of record on \_\_\_\_\_, \_\_\_\_\_, 20 \_\_\_\_\_.
3. An Order of Court was signed on \_\_\_\_\_ containing further directives in this matter.
4. The undersigned legal counsel hereby certifies that all Court-ordered directives have been complied with and the matter is now ready for a hearing.
5. Notification of this Praecept/Motion has been given to \_\_\_\_\_, Esquire, attorney for (Plaintiff/Defendant) who concurs with/opposes the request.

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

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

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

Date: \_\_\_\_\_
(Signature), Esquire
Counsel for (Plaintiff/Defendant)

Rule 39-1915.7. Consent Order.

- (a) Required Submissions to the Court:
(1) Form

Any agreement between the parties for legal and physical custody of a minor child/ren shall be submitted to the Court in the form of a document entitled "Stipulation and Agreement," bearing the signature of each parent, and their counsel of record, if any, and requesting the entry of the agreed upon terms as an Order of Court. The Stipulation and Agreement shall be accompanied by a Proposed Order for entry by the Court.

(2) Contents of Stipulation and Agreement Where No Complaint or Petition for Modification is Pending

If no Complaint or Petition for Modification is currently pending before the Court, the Stipulation and Agreement shall contain:

- (i) Averments required under 23 Pa.C.S.A. Section 5429(a), to enable the Court to determine whether jurisdictional requirements have been met, including:

1. The child/ren's present address or whereabouts;
2. The child's residence address(es) for the five (5) years preceding the filing of the Stipulation and Agreement, and the names of the persons with whom the child resided during such period;
  - (ii) An averment whether any party has participated as a party or witness or in any other capacity in any other proceeding concerning the legal or physical custody of the child, and, if any such actions exist, stating the presiding court, case number, and nature of such proceeding;
  - (iii) An averment whether any party knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights and adoptions, and if so, identify the court, case number, and the nature of the proceedings;
  - (iv) An averment whether any party knows the names and addresses of any person not a party to the proceeding who has any form of physical custody of the child, or claims rights of legal or physical custody to the child, stating for any such person(s) their name(s) and address(es);

- (v) The language of the Proposed Order; and
- (vi) Criminal Record/Abuse History Verifications of both parties attached as exhibits.

(3) *Contents of Proposed Order:*

The Proposed Order shall contain:

- (i) The terms of the agreement, as to both legal and physical custody of the subject child/ren;
- (ii) An averment pursuant to 23 Pa.C.S.A. § 5323(c), giving notice of the parties' obligations under 23 Pa.C.S.A. § 5337, related to relocation, substantially equivalent to that set forth in Sample "A" to Rule 39-1915.3; and
- (iii) The conditions for protection of the child or abused party as required pursuant to 23 Pa.C.S.A. § 5323(e), if either party has engaged in past violent or abusive conduct and a risk of harm exists to the child/ren or the abused party.

[Pa.B. Doc. No. 14-1956. Filed for public inspection September 19, 2014, 9:00 a.m.]