

THE COURTS

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Rule of Judicial Administration 1903; No. 1126 of 2015 GD

Order

And Now, this 11th day of June, 2015, it is hereby Ordered, pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, Fayette County Rule of Judicial Administration 1903 be adopted as follows.

The Prothonotary is directed as follows:

- (1) File one certified copy of the Local Rule with the Administrative Office of Pennsylvania Courts.
- (2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (3) One certified copy shall be sent to the Fayette County Law Library.
- (4) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,
President Judge

Rule 1903. Fee Schedule.

Pursuant to Section 5.00 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts, the fee for photocopying the official case records of the magisterial district courts shall be \$0.25 per page and exact postage shall be charged when official case records are requested to be mailed. The fee schedule shall be publicly posted.

[Pa.B. Doc. No. 15-1197. Filed for public inspection June 26, 2015, 9:00 a.m.]

LEHIGH COUNTY

Administrative Order; Local Rules of Court; No. 2015-J-27

Order of Court

And Now, this 12th day of June 2015, it is hereby Ordered that effective 30 days after publication in the *Pennsylvania Bulletin*, the following Lehigh County Family Court Rules are *Rescinded*,

Rule 1915.3 Commencement of the Action

Rule 1915.4-5 Continuances

Rule 1915.4-6 Attorney Appearances

Rule 1915.8 Disclosure of Expert Evaluations of Persons and Residences in Custody, Partial Custody or Visitation Actions

Rule 1915.12 Civil Contempt for Disobedience of Custody Order

Rule 1915.13 Special Relief

Rule 1915.19 Co-Parent Education Program

It is further *Ordered* that effective 30 days after publication in the *Pennsylvania Bulletin*, the following Lehigh County Family Court Rules are *Adopted*:

Rule 1915.3. Commencement of Action. Complaint. Order. Co-Parent Education.

(a) Prior to filing a complaint, petition for modification, or petition for contempt, the moving party shall obtain a scheduling order from Family Court Administration which shall direct the appearance of the parties for a mandatory office conference at Room 325, Lehigh County Courthouse, 455 W. Hamilton St., Allentown, PA 18101.

(b) Voluntary mediation shall be offered, except where there are allegations of domestic violence.

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(f) If the case has been assigned to a judge, the name of the assigned judge shall be stated in the caption of all pleadings or filings.

(g) All parties to a custody action shall complete a program entitled Co-Parent Education Program, hereinafter referred to as COPE.

(1) Plaintiff shall register for and attend COPE within sixty days of filing the complaint. Defendant shall register for and attend COPE within sixty days of service of the complaint.

(2) Failure to comply with an Order to attend COPE may result in a finding of contempt and appropriate sanctions.

Rule 1915.4. Prompt Disposition of Custody Cases. Attorney Appearance. Continuance.

(a) Complaints for custody, petitions for modification, and petitions for contempt shall be scheduled for an office conference, except where agreements have been reached in mediation. Conferences shall proceed in accordance with Pa.R.C.P. 1915.4-2(a) and Lehigh County Rule of Civil Procedure 1915.4-2(a).

(b) If an agreement is not reached at the conference,

(1) Claims for partial physical custody shall be scheduled for hearing before a hearing officer in accordance with Pa.R.C.P. 1915.4-2;

(2) Claims for contempt shall be scheduled for hearing before a judge; and

(3) Claims for legal custody and claims for primary or shared physical custody shall be scheduled for trial before a judge.

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(f) An attorney shall file a praecipe for entry of appearance with the Clerk of Judicial Records before appearing on behalf of a litigant. The entry of an appearance shall

continue in effect for all aspects of the custody action until withdrawn pursuant to Pa.R.C.P. 1012 or Pa.R.C.P. 1930.8.

(g) All applications for continuance shall be made by the attorney of record or self-represented litigant using the Family Court Division Application for Continuance form and presented to Family Court Administration. A party dissatisfied with the continuance decision of a hearing officer or the family court administrator may appeal the decision to the assigned judge, or if no judge is assigned, to the family court motions judge.

Rule 1915.4-1. Alternative Hearing Procedures for Partial Custody Actions.

(a) All claims for partial custody shall be conducted in accordance with Pa.R.C.P. 1915.4-2.

Rule 1915.4-2. Partial Custody. Office Conference. Hearing Record. Exceptions. Order.

(a) *Office Conference*

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(5) The office conference is a non-record proceeding.

(b) *Hearing*

(1) If the moving party fails to appear for the hearing, the hearing officer shall dismiss the pleading. If the non-moving party fails to appear for the hearing, the hearing officer shall proceed with the hearing.

(2) Information on the procedure for filing exceptions and the costs associated therewith shall be sent with the proposed order and the report of hearing officer to counsel of record and to each party. Upon the filing of exceptions, Family Court Administration shall issue an order scheduling the matter for argument within 45 days and directing the party filing exceptions to obtain a hearing transcript.

(c) *Participation in conference and hearing*

(1) Parties shall attend the conference and hearing. Children shall not attend unless directed to do so by the hearing officer sua sponte or upon written request of either party. A request to participate by telephone shall be made in writing to the assigned hearing officer and shall only be granted upon good cause shown.

Rule 1915.4-3. Primary Custody. Non-Record Proceedings. Trial.

(c) If an agreement regarding legal custody or primary or shared physical custody is not reached at the conference, the hearing officer shall prepare a memorandum for the court and parties setting forth relevant information about the parties and a summary of the information presented at the conference.

Rule 1915.7. Consent Order.

(a) A written agreement for custody may be presented to Family Court Administration for a consent order under this Rule.

Rule 1915.8. Physical and Mental Examination of Persons.

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(e) A party to a custody action shall not disclose the contents of an expert report prepared pursuant to Pa.R.C.P. 1915.8, including home study evaluations and physical, mental, drug and/or alcohol evaluations, to anyone except his/her attorney, another party, or an expert consultant. Disclosure to an unauthorized person, including the child who is the subject of the action, may

result in sanctions. An attorney who provides such a report to a party whom he represents, or the custody hearing officer who provides such a report to an unrepresented party, shall advise the party in writing of the limits on disclosure imposed by this rule.

(f) All home study evaluations and physical, mental, drug and/or alcohol evaluations filed with the court shall be sealed by the Clerk of Judicial Records and shall be unsealed only by an order of court.

Rule 1915.12. Civil Contempt for Disobedience of Custody Order.

(a) Prior to filing a petition for civil contempt, the moving party shall obtain a scheduling order from Family Court Administration which shall direct the appearance of the parties for office conference at Room 325, Lehigh County Courthouse, 455 W. Hamilton St., Allentown, PA 18101.

(b) Parties shall attend the conference; children shall not attend unless directed to do so by the hearing officer sua sponte or upon written request of either party. A request to participate by telephone shall be made in writing to the assigned hearing officer and shall only be granted upon good cause shown.

(c) If the contempt matter is not resolved at the conference, it shall be scheduled for a hearing before a judge.

Rule 1915.13. Special Relief.

(a) A petition for special relief requires the simultaneous filing of either 1) a complaint for custody when the petition seeks to establish custody or 2) a petition for modification when the petition seeks to change an existing custody order. The complaint or petition for modification shall be scheduled in the normal course of operations.

(b) A party seeking special relief may present a petition to Family Court Administration for scheduling or present a petition pursuant to Lehigh County Rules of Civil Procedure.

(c) The party seeking relief shall serve the filed petition and file proof of service prior to the hearing in accordance with Pennsylvania Rules of Civil Procedure.

(d) Relief granted without notice of hearing to the opposing party or parties shall be an interim order. The court shall direct the scheduling of a hearing after notice is provided to the opposing party.

Rule 1915.17. Relocation.

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(e) Prior to filing a Petition to Confirm Relocation pursuant to Pa.R.C.P. 1915.17(e), the moving party shall obtain a date and time for hearing from Family Court Administration.

(f) Any party requesting a hearing as set forth in Pa.R.C.P. 1915.17(f), (g), or (h) shall, in addition to the requirements of the Rule, file a Request for Relocation Hearing on forms provided by Family Court Administration. The parties shall initially be directed to appear for conference before a custody hearing officer.

By the Court

CAROL K. MCGINLEY,
President Judge

[Pa.B. Doc. No. 15-1198. Filed for public inspection June 26, 2015, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated June 10, 2015, Daniel Gregory Simmons (# 202187) is Disbarred on Consent from the practice of law in this Commonwealth, retroactive to July 3, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 15-1199. Filed for public inspection June 26, 2015, 9:00 a.m.]
