

# THE COURTS

## Title 255—LOCAL COURT RULES

### LANCASTER COUNTY

#### Amendment of Local Rules; 16-01143

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

*And Now*, this 10th day of February 2016, it is Ordered that the following Rules of the Court of Common Pleas of the 2nd Judicial District of Pennsylvania, Lancaster County, are adopted or amended as indicated, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*, except the amendment of Rules 206.4(c), 208.2(c), 208.3(a), 208.3(b), 1028(c), 1034(a) and 1035.2(a), which shall become effective upon the publication on the Unified Judicial System Web Portal (<http://ujsportal.pacourts.us>).

It Is Further Ordered that the District Court Administrator shall:

1. File a copy of this order and certified copy of the local rule changes 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 Section 13.11(b) containing the text of the local rule changes.

3. File one (1) certified copy of the local rule changes with the Supreme Court Civil Procedural Rules Committee.

4. 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 Lancaster County. Upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Arrange to have the local rule changes published on the Lancaster County Court website at <http://www.court.co.lancaster.pa.us/135/Local-Rules-of-Court>.

*By the Court*

DENNIS E. REINAKER,  
*President Judge*

#### Rule 36. Assigned Judge.

The assigned judge is the judge who has been assigned by the Prothonotary when the action is filed, or who has been assigned by the President Judge.

Revised 2-10-16.

#### Rule 205.2(a). Physical Characteristics of Legal Papers.

Legal papers submitted to the Prothonotary shall comply with the following requirements:

- A. The first page shall set forth:
  1. The case caption.
  2. The case number.
  3. The name of the assigned judge, if applicable.

4. The name, identification number, address and telephone number of the attorney and law firm or pro se party submitting the legal papers.

5. In medical malpractice actions, "MedMal" shall appear beneath the case number.

B. No manuscript cover or manuscript backing such as a blue back or firm identification strip shall be attached to any legal papers.

C. Legal papers shall be stapled once in the upper left hand corner. No tape or other material shall cover the staple.

D. All originals shall be marked "ORIGINAL". Copies shall be marked "COPY".

E. Each page shall be numbered at the bottom center of the page. The case number shall appear, in twelve point font or larger, in the upper right hand corner of each page.

F. Tabs shall be placed at the bottom of all exhibits and appendices.

G. The name of each person signing a legal paper shall be typed beneath the person's signature.

H. Briefs and memoranda shall be filed separately and not appended to other documents.

I. Verifications shall be dated.

J. Unless required by an applicable law or rule of court or unless so directed by the Court, parties or their attorneys may include only:

1. The last four digits of the social security number of the taxpayer identification number;
2. The year of the individual's birth;
3. The last four digits of the financial account information in documents filed with the Prothonotary. The responsibility for redacting these personal identifiers rests solely with the parties.

Documents will not be reviewed by the Prothonotary for compliance with the rule.

Revised 2-10-16.

#### Rule 206.4(c). Petition. Rule to Show Cause.

A. The procedure of Pa.R.C.P. No. 206.6 is adopted, and a rule shall issue as a matter of course pursuant to that Rule.

B. The petitioner shall attach to the petition a proposed order substantially in the following form:

##### ORDER

Upon consideration of the attached petition, it is hereby ordered that:

1. A rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested.
2. The respondent shall file an answer to the petition within twenty days of service.
3. The petition shall be decided under Pa.R.C.P. No. 206.7.
4. Discovery shall be completed within forty-five days of service of the answer.
5. The petitioner shall file a brief in support of the petition within twenty days after the discovery deadline. Any party opposing the petition shall file a responsive brief within ten days of service of the petitioner's brief.

The petitioner may file a reply brief within five business days of service of a responsive brief. After all briefs have been filed, the Prothonotary shall notify the assigned Judge and forward the file to chambers for disposition. Any party may request oral argument by filing a praecipe requesting it when filing their brief.

6. The petitioner shall provide notice of the entry of this Order to all parties.

BY THE COURT:

\_\_\_\_\_ J.

\_\_\_\_\_ DATE

C. When the petitioner requests a hearing or argument date, the form of the order may be modified accordingly.

D. When the petitioner requests a stay, the form of the order may be modified accordingly.

E. All petitions, except as provided in F, shall be filed with the Prothonotary. The Prothonotary shall forward such petitions to the Business Judge for entry of the Order.

F. A petition which requests a stay, the filing of an answer in fewer than twenty days or other substantive relief shall be presented in person to the Business Judge. For such petitions, the Court shall not issue the rule to show cause unless:

1. It appears from the petition that reasonable notice has been given to all affected parties of the date, time and place of the presentation; or

2. It appears from the petition that there is an agreement of all affected parties; or

3. The Court in its discretion shall determine that there are extraordinary circumstances justifying immediate relief.

Revised 2-10-16.

**Rule 206.7. Procedure After Issuance of Rule to Show Cause.**

If an answer is not filed, the petitioner may submit a proposed order and file a praecipe to assign the petition for disposition.

Revised 2-10-16.

**Rule 208.1. Motion. Definition. Scope.**

A. Motion means any application to Court for an order made in any action or proceeding that is not excluded by Pa.R.C.P. 208.1.

B. If the parties agree to the relief sought a motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a prepared order and a praecipe to assign the stipulated matter for disposition.

Revised 2-10-16.

**Rule 208.2(c). Motion. Form. Content.**

A motion shall be in the form required by Pa.R.C.P. 208.2.

Revised 2-10-16.

**Rule 208.3(a). Alternative Procedures.**

A. *Praecipe for Assignment.* Any party may file a praecipe to forward the case to the assigned judge at the end of the briefing schedule set forth in Local Rule 208.3(b).

B. *Oral Argument.* Any party may request oral argument by filing a praecipe at the time a brief is filed pursuant to Rule 208.3(b)A.

C. *Emergency Motions.* Emergency motions must be presented to the assigned judge, or in the assigned judge's absence the business judge who will advise the parties how to proceed.

Revised 2-10-16.

**Rule 208.3(b). Briefing Schedule.**

A. *Motion and Brief.* The moving party shall file a motion, proposed order and supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

B. *Responsive Brief.* Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

C. *Reply Brief.* The moving party may file a brief in reply to the responsive brief within five days after service of a responsive brief.

Revised 2-10-16.

**Rule 212.1. When an Action is at Issue.**

A. When an action is at issue the Prothonotary shall notify the assigned judge and forward the file to chambers.

An action is at issue as follows:

1. *Expedited track:* All Magisterial Judges and Arbitration appeals. Any case in the expedited track will be deemed at issue 120 days after the close of the pleadings.

2. *Standard track:* All other cases that are not in the expedited track. Any case in the standard track will be deemed at issue 180 days after the close of the pleadings.

3. *Complex track:* Cases will be considered complex if all parties agree or by order of Court. Any case in the complex track will be deemed at issue 365 days after the close of pleadings.

a. If all parties agree that the case is complex they shall file a certification signed by all parties and filed with the Prothonotary.

b. If the assigned judge deems that the case is complex an appropriate order shall be filed.

B. Absent compelling reasons, an action that is at issue must have all discovery completed, except for the exchange of expert reports.

C. When an action is at issue the trial judge shall give notice to the parties in conformance with Pa.R.C.P. 212.1(a). Thereafter the parties shall proceed in accordance with the time periods of Pa.R.C.P. 212.1(b).

Adopted 2-10-16.

**Rule 212.2. Pre-Trial Statement.**

The pre-trial statement shall be in the form prescribed by Pa.R.C.P. 212.2.

Adopted 2-10-16.

**Rule 212.3. Pre-Trial Conference.**

A pre-trial conference may be scheduled at the discretion of the assigned judge.

Adopted 2-10-16.

**Rule 225.1. Opening and Closing Statements.**

Plaintiff shall open first and close last, and Defendant shall open second and close first.

Revised 2-10-16.

**Rule 226. Points for Charge.**

Points for charge shall be submitted to the trial judge as directed by the certification order.

Revised 2-10-16.

**Rule 260. Trial List.**

When an action has been certified by the assigned judge as ready for trial the District Court Administrator shall place it on the trial list.

Revised 2-10-16.

**Rule 1028(c). Preliminary Objections.**

A. *Preliminary Objections Pursuant to Pa.R.C.P. No. 1028(a)(2), (3) or (4).*

1. *Proposed Order.* All preliminary objections shall be accompanied by a proposed order.

2. *Stipulated Matters.* If the parties agree to the relief sought, the preliminary objections shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

3. *Brief.* The party filing preliminary objections shall file a supporting brief within ten days of the date of filing of the preliminary objections. If a supporting brief is not filed within ten days of the filing of the preliminary objections, the preliminary objections shall be deemed withdrawn upon praecipe of the respondent. In that event, the objecting party shall file an answer to the complaint within twenty days of the date the praecipe is filed.

4. *Responsive Brief.* If a supporting brief is filed, the respondent shall file a responsive brief within twenty days after service of the supporting brief.

5. *Reply Brief.* The moving party may file a reply brief within five days after service of the responsive brief.

6. *Assignment.* After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.

7. *Oral Argument.* Any party may request oral argument by filing a praecipe at the time of the filing of their brief. Oral argument shall be denied or held at such time and place as the judge shall direct.

B. *Preliminary Objections Pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6).*

Any party filing preliminary objections pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6) shall attach a notice to plead. Such objections are governed by Local Rules 206.1(a), 206.4(c) and 206.7.

Revised 2-10-16.

**Rule 1034(a). Motion for Judgment on the Pleadings.**

A. *Proposed Order.* All motions shall be accompanied by a proposed order.

B. *Stipulated Matters.* If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

C. *Motion and Brief.* The moving party shall file the motion, proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

D. *Responsive Brief.* Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief.

E. *Reply Brief.* The moving party may file a brief in reply to the responsive brief within five days after service of the responsive brief.

F. *Assignment.* After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.

G. *Oral Argument.* Any party may request oral argument by filing a praecipe, at the time of the filing of their brief. Oral argument shall be denied or held at such time and place as the judge shall direct.

Revised 2-10-16.

**Rule 1035.2(a). Motion for Summary Judgment.**

A. *Proposed Order.* All motions shall be accompanied by a proposed order.

B. *Stipulated Matters.* If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

C. *Motion and Brief.* The moving party shall file the motion, a proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party. *Responsive Brief.* Within thirty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

D. *Reply Brief.* The moving party may file a brief in reply to the responsive brief within five days after service of the responsive brief.

E. *Assignment.* After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.

F. *Oral Argument.* Any party may request oral argument by filing a praecipe, at the time of the filing of their brief. Oral argument shall be denied or held at such time and place as the judge shall direct.

Revised 2-10-16.

**Rule 1301. Compulsory Arbitration. Scope.**

A. All civil suits or actions, where the amount in controversy is \$50,000.00 or less, when at issue, shall first be submitted to arbitration.

B. This Rule shall not apply to cases involving title to real estate, cases which have been consolidated for trial with cases involving more than \$50,000.00 or cases requiring equitable or declaratory relief.

C. A case is at issue 120 days after the filing of the answer.

D. When the case is at issue the Prothonotary shall notify the District Court Administrator.

Revised 2-10-16.

### Actions for Support

#### Rule 1910.11(a). Hearings Before the Court. Scheduling. Responsibilities of Counsel.

A. Upon motion of a party, the Court may approve a special listing. Upon approval, counsel shall contact the District Court Administrator to schedule a hearing. The scheduling shall not occur unless the District Court Administrator is notified of the Court's decision by counsel.

B. The scheduling of a special relief hearing must be approved by the assigned Judge.

Revised 2-10-16.

### Actions for Custody, Partial Custody and Visitation of Minor Children

#### Rule 1915.3. Commencement of Action. Complaint. Order. Service.

A. Except as provided in subdivisions F and G, all custody complaints shall be filed with the Prothonotary.

B. In addition to fees assessed for filing a complaint, an additional administrative fee shall be assessed by order of Court and shall be paid to the Prothonotary at the filing of the custody complaint.

C. When a custody claim is asserted in a divorce action, either party may request a date and time for a conference on the custody issue by filing an order with the complaint or with a motion. The administrative fee must be paid to the Prothonotary when the conference is requested.

D. After filing, all complaints or motions for conferences shall be forwarded to the District Court Administrator, who shall set the time, date and place for a custody conference.

E. The moving party shall serve the complaint and order or motion in accordance with the Pennsylvania Rules of Civil Procedure and shall file a proof of service.

F. Any complaint seeking custody of a child within the jurisdiction of the Juvenile Court pursuant to any proceeding under the Juvenile Act shall be presented to the assigned Judge who will determine how the matter will proceed.

G. Any complaint seeking custody of a child within the jurisdiction of the Orphans' Court pursuant to a petition for voluntarily relinquishment of parental rights, confirmation of consent to adoption, involuntary termination of parental rights or adoption shall be presented to the Orphans' Court Judge who will determine how the matter will proceed.

H. All filings requesting custody of a child shall contain a Criminal Record/Abuse History Verification in accordance with Rule 1915.3-1 and, if applicable a claim of paternity in accordance with Rule 1915.3(d).

Revised 2-10-16.

#### Rule 1915.3-2. Criminal Record/Abuse History Verification.

A. All filings requesting custody of a child shall include a Criminal Record/Abuse History Verification.

B. Initial evaluations may be conducted by custody conference officers for the following offenses:

1. A first offense DUI(s);
2. A first offense drug possession; and,
3. A first Indirect Criminal Contempt.

C. Those enumerated offenses on the Criminal Record/Abuse History Verification not contained in B. above, or those in B. above not resolved at the custody conference shall be scheduled before the assigned judge for a hearing pursuant to 23 Pa.C.S.A. § 5329.

Adopted 2-10-16.

#### Rule 1915.5(b). Custody Conference Officer. Conferences. Procedure.

A. The Court shall appoint members of the Lancaster County Bar or other appropriate persons as custody conference officers to conciliate custody cases filed with the Court and to recommend temporary custody orders.

B. All custody matters shall be scheduled for conference before a custody conference officer no sooner than ten days after the filing of a request for conference. All parties shall be present at such conference unless excused by the custody conference officer. Failure of a party to appear at the conference may result in the entry of a temporary or permanent order without information from that party.

B.1. The conference officer shall resolve any risk of harm issues in accordance with Rule 1915.3.H above.

C. A child shall not be brought to the conference except by order of Court. If a child, who is the subject of an action, attends a hearing or conference pursuant to Pa.R.C.P. No. 1915.11(c) or other rule, the party bringing the child shall be responsible for supplying a person to supervise the child while the parties are in the custody conference or in Court.

D. To facilitate conciliation and to encourage frank exchanges between the parties and their respective counsel, statements made by the parties at the custody conference shall be inadmissible as evidence at a later custody hearing. The custody conference officer shall not be a witness for or against any party at any subsequent custody hearing.

#### E. Post-conference Procedure

1. *Settled Case.* If an agreement is reached during the conference, the custody conference officer shall record the agreement on a memorandum of agreement form supplied by the Court. All parties shall sign the memorandum, and the custody conference officer shall prepare and present a proposed order to the assigned Family Court Judge. Any party who has not filed a certificate of completion for Focus on Children with the Prothonotary shall do so within sixty (60) days of the Order. If an agreement is reached within twenty four hours before a scheduled conference, the parties shall submit a stipulation signed by all parties and a proposed order to the custody conference officer, who shall submit them to the assigned Family Court Judge.

2. *Contested Case.* If the parties fail to reach an agreement before the conclusion of the custody conference, within ten days of the conference the custody conference officer shall submit to the assigned Family Court Judge a conference summary report and recommended temporary order. The recommendation may propose a follow-up custody conference with or without consent of the parties. The order will schedule a follow-up custody conference or a hearing.

#### F. Pre-trial Conference

1. *Scheduling.* Upon recommendation of a conference officer, a motion of counsel, or sua sponte by the Court, the Court may schedule a custody pre-trial conference.

2. Attendance. The conference shall be attended by each party or if a party is represented by counsel, then by counsel. Counsel, shall have authority to bind the client.

3. Preparation. The parties shall comply with Pa.R.C.P. 1915.4-4 and the parties or parties' counsel shall disclose to the Court any use of general or child protective services or any allegations of child abuse by a party or member of their household in accordance with 23 Pa.C.S. § 5329.1. At least five business days before the conference, counsel or the unrepresented party shall file a pre-trial statement containing:

- a. A concise statement of the issues and proposed resolution;
- b. A list of any contempt issue;
- c. A list of fact and expert witnesses, their relationship to the party along with their addresses;
- d. A statement by the party of the party's counsel that he or she has communicated with each listed witness;
- e. A list of exhibits;
- f. A list of deposition transcripts to be used in lieu of testimony and a statement of all known objections;
- g. A statement of stipulations sought;
- h. A statement of requests such as a special time for a witness, courtroom needs etc.; and,
- i. A proposed order setting forth the custody schedule requested by the party.

4. Any reports of experts and other proposed exhibits shall be included as part of the pre-trial statement served upon the other party or opposing counsel, but not included with the pretrial statement served upon the court. No exhibit containing private medical or psychological information shall be filed with the Prothonotary.

Revised 2-10-16.

**Rule 1915.15. Form of Order.**

The order to be attached on top of a complaint for custody or petition for visitation or to modify custody shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA CIVIL ACTION LAW

\_\_\_\_\_,  
 Plaintiff,  
 v. \_\_\_\_\_, No.  
 Defendant.

**ORDER**

You, \_\_\_\_\_, (Plaintiff) (Defendant), have been sued in Court to (OBTAIN) (MODIFY) (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the following child/children: (names)

1. You are ordered to appear in person at 50 North Duke Street, Lancaster County Courthouse, Lancaster, Pennsylvania, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_m. for a conciliation conference to be held in room number \_\_\_\_\_ before Custody Conference Officer \_\_\_\_\_.

2. Pending the custody conference:  
(Court selects option)

No temporary order is requested.

- The Court issues no temporary order.
- The custody Order \_\_\_\_\_ (date and reference No.) remains in effect.

With the following revisions (if applicable)

The Court enters the following Temporary Order:

**3. Required Education Seminar:**

a. All parties named in the caption of the case MUST participate in the custody education seminar approved by the Court at the time the custody action was filed.

b. Unless specifically directed by order of Court, no children shall be present at either the custody education seminar or the conciliation conference. For those cases in which the Court directs the party to bring a child or children to the conference, the supervision requirements of Local Rule 1915.5(b)C apply.

c. Attendance at the custody education seminar will be verified by a certificate which must be presented to the Conference Officer at the beginning of the conciliation conference.

d. A brochure and registration form identifying the seminar and giving the dates, times and location of the seminar is attached. The registration form and fee MUST be returned promptly to assure timely attendance. All parties must attend the required seminar even if the seminar information was omitted from the attached complaint or petition.

e. If a brochure and registration form are not attached, call the District Court Administrator at 717-299-8041 or access the form on the County website which is www.co.lancaster.pa.us/Courts.

f. If you fail to attend the custody education seminar without being excused by order of Court, you WILL be subject to contempt proceedings.

4. If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

5. You must file with the court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation) but no later than 30 days after service of the complaint or petition.

6. No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

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.

OFFICE OF THE DISTRICT COURT ADMINISTRATOR  
LANCASTER COUNTY COURTHOUSE  
50 NORTH DUKE STREET  
LANCASTER, PA 17608  
(717) 299-8041

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lancaster 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 the District Court Administrator. All arrangements must be made at least seventy two hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

JUDGE

DATE:

ATTEST:

Revised 2-10-16.

1915.15.1. Form of Criminal History Verification.

IN THE COURT OF COMMON PLEAS OF  
LANCASTER COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

\_\_\_\_\_  
vs. \_\_\_\_\_ :  
: No. CI-  
:  
:  
:

CRIMINAL RECORD/ABUSE HISTORY VERIFICATION

I \_\_\_\_\_, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other Household Member</i>	<i>Date of Conviction, guilty plea, no contest plea, or pending charge</i>	<i>Sentence</i>
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other Household Member</i>	<i>Date of Conviction, guilty plea, no contest plea, or pending charge</i>	<i>Sentence</i>
<input type="checkbox"/>	18 Pa.C.S. § 3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Driving under the influence of drugs or alcohol	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

<i>Check all that apply</i>	<i>Self</i>	<i>Other Household Member</i>	<i>Date</i>
A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	_____	_____
Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another Jurisdiction	<input type="checkbox"/>	_____	_____

<i>Check all that apply</i>	<i>Self</i>	<i>Other Household Member</i>	<i>Date</i>
Involvement with Children & Youth Agency or similar agency in Pennsylvania or another Jurisdiction	<input type="checkbox"/>	_____	_____
Where? _____	<input type="checkbox"/>	_____	_____
Other: _____	<input type="checkbox"/>	_____	_____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

\_\_\_\_\_

\_\_\_\_\_

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

\_\_\_\_\_

\_\_\_\_\_

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
Signature

Dated: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Adopted 2-10-16.

**Actions for Divorce or Annulment of Marriage**

**Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.**

A. *Master's Authority.* A master shall hear claims in an action of divorce under Section 3301(a), (b) and (d)(1)(ii) of the Divorce Code, in an action for annulment and in claims for alimony, equitable distribution of marital property, counsel fees, costs and expenses.

B. *Filing Fees and Costs.* The party filing a Motion to Appoint Master pursuant to this rule shall pay the sum required by the Prothonotary's fee bill, in addition to any normal filing fees. This sum is not refundable. If a hearing requires more than one-half day, an additional fee will be due for each one-half day or part thereof and paid for as directed by the Divorce Master.

C. *Motion for the Appointment of a Master.* Once a party has complied with Pa.R.C.P. 1920.31(a)(1) and 1920.33(a), a party may file a motion and proposed Order to Appoint Master. The motion and proposed order shall be in conformity with Pa.R.C.P. No. 1920.74 and L.C.R.C.P. No. 1920.74.

D. *Actions Not Requiring a Hearing or a Master.* In the following cases, neither a master nor a hearing will be required:

1. No hearing will be required in an action which is filed under Section 3301(c) or Section 3301(d) of the Domestic Relations Code and in which an agreement is to

be incorporated into the divorce decree relative to claims for equitable distribution, alimony, counsel fees, costs and expenses. Instead, the master shall review the record and file a recommendation with the Court within twenty days after receipt of the record.

2. Pursuant to Pa.R.C.P. No. 1920.51(a)(2)(ii), no master will be appointed where a divorce action contains a claim for divorce under Section 3301(c) or Section 3301(d) of the Domestic Relations Code and there are no claims for equitable distribution, alimony, counsel fees, costs and expenses or there are no other factual disputes and there is no agreement to be incorporated into the divorce decree. Instead, after all pleadings and other documents have been filed, either party may file with the Prothonotary a praecipe in the form prescribed by Pa.R.C.P. No. 1920.73, and the Prothonotary shall transmit the record to the Court, which shall review the record and enter an appropriate decree.

E. *Hearing Pursuant to Local Rule.* In all other actions for divorce in which there are no claims for alimony, counsel fees, costs, expenses, or equitable distribution or if all such claims have been resolved by an agreement which is to be made a part of the Court order, the master may conduct a hearing in the manner set forth in Paragraph M.

F. *Hearing Pursuant to Pa.R.C.P. No. 1920.53.* In all other cases, the master shall take testimony and file a



report which complies with the requirements of Pa.R.C.P. No. 1920.53.

G. *Special Relief Hearings.* Any request for a special relief hearing is subject to approval by the assigned Family Court Judge.

H. *Telephonic Conference before Pre-hearing Conference.* There shall be a telephonic conference between the parties and the master before any pre-hearing conference to discuss the status of discovery, the need for appraisals, general issues and the scheduling of a pre-hearing conference by the master.

I. *Pre-hearing Conferences and Pre-trial Statements.* Pre-hearing conferences shall be held in a Court facility designated by the District Court Administrator. Each party shall attend the pre-trial conference prepared to stipulate to items not in dispute. The master shall have the discretion to require the attendance of the parties, if necessary. Clients shall be consulted by counsel in advance of the pre-hearing conference as to authority respecting stipulations as to items not in dispute and settlement, including definite maximum or minimum limits, as appropriate, and regarding such other questions as may reasonably be anticipated to be relevant. The parties shall also prepare and furnish to the master and other party, at least five business days prior to the date scheduled for conference, a pre-trial statement as described in Pa.R.C.P. No. 1920.33(b). At the hearing, the parties will be limited to those witnesses, exhibits and documents set forth in their pre-trial report unless:

1. All parties affected by any changes agree in a writing which shall be filed with the Court.

2. Prompt notice of changes in the list of witnesses, exhibits or documents is made by filing with the master and by serving the other party with a supplemental pre-trial statement. A proof of service shall be filed with the supplemental pre-trial report pursuant to Local Rule 440.

3. Supplemental pre-trial statements will be liberally received by the master, absent a showing of failure to give prompt notice, undue inconvenience, expense or prejudice. Any objections shall be ruled on by the master or the Court. If no pre-hearing conference is required by the master, a pre-trial statement, as set forth herein, shall be furnished to the master and opposing party at least five business days before the hearing.

J. *Scheduling and Notice of Hearing.* The master shall give at least twenty days written notice of the time and place of the hearing to all parties unless waived in writing by all parties. All hearings shall be held in a facility designated by the District Court Administrator.

K. *Evidence in Uncontested Cases.* A plaintiff who believes the action will be uncontested shall submit to the master at the hearing the following:

1. Plaintiff's Record of Testimony in question and answer or narrative form, signed and verified by plaintiff;

2. The testimony of each of plaintiff's witnesses, in question and answer or narrative form, signed and verified by the witness; and

3. Any exhibits identified in the testimony.

L. *Uncontested Hearings Using Plaintiff's Record of Testimony.* The master shall conduct the hearing in an uncontested hearing as follows:

1. The plaintiff and all witnesses whose evidence has been prepared in advance shall attend the hearing, and shall swear to or affirm their prerecorded evidence.

2. The master may examine the plaintiff and the witnesses with respect to the evidence prepared in advance in order to evaluate the credibility of those offering pre-recorded evidence, and, to this end, may interrogate the plaintiff and the witnesses as to any relevant matters, including any post-nuptial agreement, whether or not included in the prepared Record of Testimony,

3. The master, upon being satisfied that the Plaintiffs Record of Testimony is credible evidence, shall accept it and include it in the report in lieu of findings on the merits, provided, however, that, in the report, the master certifies:

a. That, at the hearing, the plaintiff and the witnesses offering pre-recorded testimony were placed under oath or affirmation and were examined and that they, by credible evidence, substantiated the facts set forth in the Plaintiff's Record of Testimony; and

b. That no witness, who was sworn or affirmed, presented testimony or evidence to the contrary of the facts set forth in such Record of Testimony.

M. *Master's Report in Uncontested Cases.* After the hearing wherein the Plaintiff's Record of Testimony has been accepted, the master shall prepare and file the report together with a recommendation in accordance with Pa.R.C.P. No. 1920.53.

N. *Master's Status Report if Filing Not Timely.* Masters shall submit a status report to the Court and the parties if the report is not timely filed.

Revised 2-10-16.

### Rule 1931. Family Court Rules.

A. Family Court motions and petitions for special relief or other contested matters or Family Court rulings must be in writing and must be presented in the Family Business Court session of the judge assigned to the case, as indicated in the Court's calendar, or, for urgent matters, to the assigned judge by appointment. A copy of the motion or petition with proposed Order, as well as notice of when and where it will be presented, must be provided to all parties at least five days before presentation to the Court. A certificate of service of the proposed Order, notice of presentation, and the motion or petition must be attached.

B. The notice of presentation required by Local Rule 1931 shall be directed to the respondent(s) to the motion or petition and shall be in substantially the following form:

[Caption]

#### NOTICE OF FAMILY BUSINESS COURT PRESENTATION

To: [Name of Respondent]

You are hereby notified that the attached [Petition or motion] and the preceding proposed Order will be presented in Family Business Court before the Honorable Judge [Name of judge] on [Date] at [Time] in Courtroom Number [ ] of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania 17602.

You may appear in person or by a lawyer at the time and place set forth.

Your failure to appear in person or by a lawyer at the time and place set forth may result in the Court granting the relief requested in the attached [Petition or motion] in the form of the preceding proposed Order, or other relief, without further notice to you.

\_\_\_\_\_[Name of Movant or Petitioner]  
 \_\_\_\_\_[Attorney for Movant or Petitioner]

C. The document shall be assembled so that the proposed Order is on top, followed by the notice of presentation, next by the petition or motion with any supporting exhibits, next by the verification, and finally by the certificate of service.

D. Prior to presentation to Court, any motion or petition must be filed with the Prothonotary.

Revised 2-10-16.

[Pa.B. Doc. No. 16-363. Filed for public inspection March 4, 2016, 9:00 a.m.]

## NORTHUMBERLAND COUNTY

### Certification of Conduct of Custody Proceedings; Administrative Doc. No. 16-1

#### Amended Administrative Order

*And Now*, this 12th day of February, 2016, I hereby certify that Northumberland County conducts its custody proceedings in accordance with Pa.R.C.P. No. 1915.4.3, effective thirty days after publication of the revised local custody rules in the *Pennsylvania Bulletin*.

*By the Court*

CHARLES H. SAYLOR,  
President Judge

[Pa.B. Doc. No. 16-364. Filed for public inspection March 4, 2016, 9:00 a.m.]

## NORTHUMBERLAND COUNTY

### Local Rules of Civil Procedure; Misc. Doc. 2016-15

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

*And Now*, this 12th day of February, 2016, it is hereby *Ordered* that the following local rules are adopted, replacing all existing local rules, practice and procedure (NCV-1915.3-1 through NCV-1920.13), governing custody matters filed in Northumberland County, Pennsylvania, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Deputy District Court Administrator is directly hereby to carry out the requirements of Pa.R.C.P. 239:

(1) File a certified copy of the local rules with the Administrative Office of Pennsylvania Courts.

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

(3) File one (1) certified copy of the local rule with the Domestic Relations Procedural Rules Committee.

(4) Arrange to have the local rules continuously available for public inspection in the office of the Northumberland County Prothonotary, the law library, the office of the Custody Conference Officer, and published on the county's web site.

*By the Court*

CHARLES H. SAYLOR,  
President Judge

### Actions for Custody, Partial Custody and Visitation of Minor Children

#### Rule NCV-1915.1. Scope.

These local rules shall be interpreted as supplementing the Rules of Civil Procedure governing custody matters, Pa.R.C.P. 1915.1 et seq. Northumberland County conducts custody proceedings generally in accord with Pa.R.C.P. 1915.4-3.

#### Rule NCV-1915.3.

##### (a) *Commencement of Custody Actions*

1. Upon receipt of a custody complaint or a divorce complaint which contains a custody count, the Custody Conference Officer shall set the date, time and place of the initial conference and file a scheduling order with the Prothonotary.

2. Plaintiff(s) shall serve the complaint (if not delivered to the Sheriff) and the scheduling order upon Defendant(s) promptly in accordance with the applicable Rules of Civil Procedure and shall thereafter file a certificate of service with the Prothonotary before or on the date of the scheduled conference.

(b) *Subsequent actions (Petitions for Modification or Contempt).*

1. In the event there is an existing Order for custody, partial custody, or visitation, any Petition for Contempt or Petition for Modification of Custody shall be filed to the same term and number as the previously entered Order. In addition to the filing fees assessed, an administrative fee for the use of the court of \$50.00 shall be paid to the Prothonotary at the time of filing a petition for modification of a custody order or a petition for contempt of a custody order.

2. Upon receipt of a Petition for Modification or Petition for Contempt, the Custody Conference Officer shall set the date, time and place of an initial conference and file a scheduling order with the Prothonotary.

3. The Petitioner(s) shall serve the petition for modification or contempt and the scheduling order upon the Respondent(s) promptly in accordance with the applicable Rules of Civil Procedure and shall thereafter file a certificate of service with the Prothonotary before or on the date of the scheduled conference.

4. A copy of the most recent custody order shall be attached to the petition for modification or contempt.

(c) All parties in a contested custody case may be required to attend and complete the Kids First program, and each such party is required to pay the required fee for the program.

(d) Parties may also avail themselves of the services of the Susquehanna Valley Mediation Service upon their own arrangements.

**Rule 1915.4-3. Custody Conference Officer.**

(a) The Custody Conference Officer appointed by the Court shall meet with the parties and their counsel, if any, with a goal of mediating the differences between the parties, encourage an amicable resolution of their differences and, if appropriate, refer the parties to counseling or other services which may assist the parties and the minor child or children.

(b) At the conference the Custody Conference Officer shall ascertain the respective positions of the parties and, if necessary, receive testimony from the parties, documentary evidence, medical and other records, and wherever appropriate, statements from the minor children involved in the matter.

(c) To facilitate the conference process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses, shall not be admissible as evidence in any custody hearing before the court. The Custody Conference Officer shall not be a witness for or against any party in a custody hearing before the court or in any other proceeding whatsoever absent a court order.

(d) If the parties are able to reach an agreement during the conference resolving all of the issues raised, the Custody Conference Officer shall prepare an order memorializing the agreement, to be forwarded to the court for review. If approved, the order shall be filed with the Prothonotary and copies distributed to counsel, or to any unrepresented party.

(e) If the parties are unable to reach an agreement during the conference, the Custody Conference Officer shall prepare a Conference Summary Report setting forth the facts ascertained from the conference and outline the issues for resolution by the court. The Conference Summary Report shall be filed with the Prothonotary and copies shall be distributed by the Custody Conference Office to all parties. Whenever necessary, the court may enter an interim order after review of the Conference Summary Report.

(f) Any matters not agreed upon at the conference is subject to review at a custody hearing before the court. The Custody Conference Officer may schedule a pretrial conference in an initial custody or modification proceeding before a judge, or a party may file a praecipe for a pretrial conference before a judge, in accordance with Pa.R.C.P. 1915.4-4.

**Rule 1915.13.1. Petition for Special Relief. Ex Parte Hearing and Temporary Order.**

A. Where a party believes there is an immediate clear and present danger to the child(ren), or an emergency requiring immediate court action, that party may file a petition for special relief. The petition for special relief must be presented as a separate document headed "Petition for Special Relief." The petition shall conform to the requirements of Pa.R.C.P. No. 1915.15, as may be applicable, and must allege facts which clearly specify the clear and present danger to the welfare of the child(ren).

B. Upon filing the petition for special relief, the Custody Conference Officer or the court may conduct an immediate ex parte proceeding, which shall be held within two (2) business days of the presentation of the petition to the court;

C. After the ex parte proceeding, the Custody Conference Officer may forward to the court a summary report. The Court will review the Petition and Report and determine if ex parte relief is warranted, and schedule a hearing to be held within 10 days of the ex parte order.

D. Prior to the hearing before the Court, the petition for emergency custody relief and any temporary emergency order containing notice of the 10-day hearing shall be served on the opposing party by the petitioning party in the same manner as original process. In addition to service on the opposing party, the petitioner shall make reasonable efforts to provide a copy of the documents to an attorney whom the petitioning party reasonably believes may represent the interests of the other party.

[Pa.B. Doc. No. 16-365. Filed for public inspection March 4, 2016, 9:00 a.m.]