

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Proposed Adoption of Pa.R.Civ.P. 1915.11-3 and Amendment of Pa.R.Civ.P. 1915.11-1 and 1915.23

The Domestic Relations Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.Civ.P. 1915.11-3 and the amendment of Pa.R.Civ.P. 1915.11-1 and 1915.23 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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Domestic Relations Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
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All communications in reference to the proposal should be received by September 13, 2023. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations
Procedural Rules Committee*

DAVID S. POLLOCK, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

(Editor's Note: Rule 1915.11-1 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1915.11-1. Parenting Coordination.

[If a judicial district implements a parenting coordination program, the court shall maintain a roster of qualified individuals to serve as parenting coordinators and establish the hourly rate at which parenting coordinators shall be compensated. The parenting coordinator shall attempt to resolve issues arising out of the custody order by facilitating

an agreement between the parties and, if unable to reach an agreement, recommend a resolution to the court.

(a) *Appointment of a Parenting Coordinator.*

(1) After a final custody order has been entered, a judge may appoint a parenting coordinator to resolve parenting issues in cases involving repeated or intractable conflict between the parties affecting implementation of the final custody order. A parenting coordinator should not be appointed in every case. The appointment may be made on the motion of a party or the court's motion.

(2) Unless the parties consent and appropriate safety measures are in place to protect the participants, including the parenting coordinator and other third parties, a parenting coordinator shall not be appointed if:

(i) the parties to the custody action have a protection from abuse order in effect;

(ii) the court makes a finding that a party has been the victim of domestic violence perpetrated by a party to the custody action, either during the pendency of the custody action or within 36 months preceding the filing of the custody action; or

(iii) the court makes a finding that a party to the custody action has been the victim of a personal injury crime, as defined in 23 Pa.C.S. § 3103, which was perpetrated by a party to the custody action.

(iv) If a party objects to the appointment of a parenting coordinator based on an allegation that the party has been the victim of domestic violence perpetrated by a party to the custody action, the court shall have a hearing on the issue and may consider abuse occurring beyond the 36 months provided in subdivision (a)(2)(ii).

(3) The appointment of a parenting coordinator shall be for a specified period, which shall not exceed 12 months. A party may petition the court for an extension of the appointment or the court in its discretion may extend the appointment for an additional period.

(4) If the parenting coordinator seeks to withdraw from service in a case, the parenting coordinator shall petition the court and provide a copy of the petition to the parties or the parties' attorneys.

(5) The parenting coordinator shall set forth in a separate written agreement with the parties:

(i) the amount of any retainer;

(ii) the hourly rate to be charged;

(iii) the process for invoices and payment for services;

(iv) information on the parenting coordination process; and

(v) provide a signed copy of the agreement to the parties before initiating any services.

Note: The parenting coordinator shall include in the parties' written agreement the hourly rate established by the judicial district.

(b) Qualifications of the Parenting Coordinator.

(1) A parenting coordinator shall be licensed to practice in the Commonwealth of Pennsylvania as either an attorney or a mental health professional with a master's degree or higher. At a minimum, the parenting coordinator shall have:

(i) practiced family law for five years or have five years of professional post-degree experience in psychiatry, psychology, counseling, family therapy, or other comparable behavioral or social science field; and

(ii) specialized training by a provider approved or certified by the American Psychological Association, Pennsylvania Psychological Association, American Bar Association, Pennsylvania Bar Association, Pennsylvania Bar Institute, or American Academy of Matrimonial Lawyers. The training shall include:

(A) five hours in the parenting coordination process;

(B) ten hours of family mediation;

(C) five hours of training in domestic violence; and

(D) in each two-year period after the initial appointment, ten continuing education credits on any topic related to parenting coordination with a minimum of two hours on domestic violence.

(2) An attorney or a mental health professional seeking an appointment as a parenting coordinator:

(i) shall sign an affidavit attesting that he or she has met the qualifications outlined in (b)(1);

(ii) shall submit the affidavit to the president judge or administrative judge of the judicial district where the parenting coordinator is seeking appointment; and

(iii) after submission of the initial affidavit, a parenting coordinator shall submit a new affidavit every two years attesting that he or she continues to meet the qualifications for a parenting coordinator outlined in (b)(1).

(c) *Appointment Order.* The parenting coordinator's authority as delineated in subdivision (d) shall be included in the order appointing the parenting coordinator, which shall be substantially in the form set forth in Pa.R.C.P. No. 1915.22.

(d) *Scope of Authority of the Parenting Coordinator.* The parenting coordinator shall have the authority to recommend resolutions to the court on issues related to the custody order if the parties are unable to reach an agreement.

(1) To implement the custody order and resolve related parenting issues about which the parties cannot agree, the parenting coordinator is authorized to recommend resolutions to the court about issues that include, but are not limited to:

(i) places and conditions for custodial transitions between households;

(ii) temporary variation from the custodial schedule for a special event or particular circumstance;

(iii) school issues, apart from school selection;

(iv) the child(ren)'s participation in recreation, enrichment, and extracurricular activities, including travel;

(v) child-care arrangements;

(vi) clothing, equipment, toys, and personal possessions of the child(ren);

(vii) information exchanges (e.g., school, health, social) between the parties and communication with or about the child(ren);

(viii) coordination of existing or court-ordered services for the child(ren) (e.g., psychological testing, alcohol or drug monitoring/testing, psychotherapy, anger management);

(ix) behavioral management of the child(ren); and

(x) other related custody issues that the parties mutually have agreed in writing to submit to the parenting coordinator, which are not excluded in subdivision (d)(2).

(2) The following issues are excluded from the parenting coordinator's scope of authority:

(i) a change in legal custody as set forth in the custody order;

(ii) a change in primary physical custody as set forth in the custody order;

(iii) except as set forth in subdivision (d)(1)(ii), a change in the court-ordered custody schedule that reduces or expands the child(ren)'s time with a party;

(iv) a change in the residence (relocation) of the child(ren);

(v) determination of financial issues, other than allocation of the parenting coordinator's fees as set forth in subdivision (g)(1);

(vi) major decisions affecting the health, education, or religion of the child(ren); and

(vii) other issues limited by the appointing judge.

(3) Unless the parties consent, the parenting coordinator shall not contact collateral sources or speak with the child(ren) and to effectuate this provision, the parties shall execute releases, as necessary, authorizing the parenting coordinator to communicate with the appropriate individuals. Any communication with the collateral sources or child(ren) shall be limited to the issue(s) currently before the parenting coordinator.

(e) Communications. No Testimony.

(1) Communication between the parties or the parties' attorneys and the parenting coordinator is not confidential.

(2) A party or a party's attorney may communicate in writing with the parenting coordinator, but shall contemporaneously send a copy of the written communication to the other party or the other party's attorney. Documents, recordings, or other material that one party gives to the parenting coordinator shall be promptly made available to the other party or the other party's attorney for inspection and copying.

(3) The parties and their attorneys may receive, but not initiate, oral *ex parte* communication with the parenting coordinator. A parenting coordinator may initiate oral communication with a party or party's attorney, but shall promptly advise the other party or the other party's attorney of the communication.

(4) Communication between the parenting coordinator and the court shall be in writing and copies of the written communication shall be sent contemporaneously to the parties or the parties' attorneys.

(5) A party cannot compel the testimony of a parenting coordinator without an order of court.

(f) *Recommendations. Objecting to the Recommendation. Judicial Review. Record Hearing.*

(1) The parenting coordinator shall provide to the parties notice and an opportunity to be heard on the issues.

(2) The parenting coordinator's recommendation shall be in writing on the Summary and Recommendation of the Parenting Coordinator form set forth in Pa.R.C.P. No. 1915.23 and sent to the court for review within two days after hearing from the parties on the issues. The parenting coordinator shall serve a copy of the Summary and Recommendation on the parties or the parties' attorneys.

(3) A party objecting to the recommendation shall file a petition for a record hearing before the court within five days of service of the Summary and Recommendation of the Parenting Coordinator form. The petition must specifically state the issues to be reviewed and include a demand for a record hearing. A copy of the recommendation shall be attached to the petition. In accordance with Pa.R.C.P. No. 440, the objecting party shall serve the petition on the other party or the other party's attorney and the parenting coordinator.

(4) If the parties do not file an objection within five days of service of the parenting coordinator's recommendation, the court shall:

- (i) approve the recommendation;
- (ii) approve the recommendation in part and conduct a record hearing on issues not approved;
- (iii) remand the recommendation to the parenting coordinator for more specific information; or
- (iv) not approve the recommendation and conduct a record hearing on the issues.

(5) As soon as practical, the court shall conduct a record hearing on the issues specifically set forth in the petition. The court shall render a decision within the time set forth in Pa.R.C.P. No. 1915.4(d).

(6) If a party makes a timely objection, the recommendation shall become an interim order of court pending further disposition by the court.

(g) *Fees.*

(1) The appointing judge shall allocate between the parties the fees of the parenting coordinator. The parenting coordinator may reallocate the fees, subject to the approval of the court, if one party has caused a disproportionate need for the services of the parenting coordinator.

(2) To limit the financial burden on the parties, a parenting coordinator should meet with the parties only upon a request of a party to resolve an issue about which the parties disagree.

(3) *Waiver of fees or reduced fees. Judicial districts implementing a parenting coordination program shall effectuate a policy or program by local rule so that indigent or low-income parties may*

participate in the parenting coordination program at a reduced fee or no fee.]

(The following text is entirely new.)

(*Editor's Note:* The following text is proposed to be added and is printed in regular type to enhance readability.)

(a) *Parenting Coordination Program.*

(1) If a judicial district implements a parenting coordination program, the court shall:

- (i) maintain a roster of qualified individuals to serve as parenting coordinators; and
- (ii) establish the hourly rate at which parenting coordinators shall be compensated.

(2) The parenting coordinator shall:

- (i) attempt to resolve issues arising out of the custody order by facilitating an agreement between the parties; and
- (ii) if unable to reach an agreement, recommend a resolution to the court.

(b) *Parenting Coordinator Appointment.*

(1) *Appointment.* After a final custody order has been entered, a judge may appoint a parenting coordinator to resolve parenting issues in cases involving repeated or intractable conflict between the parties, that affects the implementation of the final custody order.

(i) A parenting coordinator should not be appointed in every case.

(ii) The appointment may be made on the motion of a party or the court's motion.

(2) *Domestic Violence Exception.* In matters that involve domestic violence, a hearing shall be held to determine if the appointment of a parenting coordinator is appropriate.

(i) Domestic violence matters include the following:

(a) the parties to the action have a protection from abuse order in effect;

(b) the court finds that a party has been the victim of domestic violence perpetrated by a party to the action, either during the pendency of the action or within 36 months preceding the filing of the action; or

(c) the court finds that a party to the action has been the victim of a personal injury crime, as defined in 23 Pa.C.S. § 3103, which was perpetrated by a party to the action.

(ii) In the hearing, the court may consider abuse occurring beyond the 36 months provided in subdivision (b)(2)(i).

(iii) Safety measures shall be in place to protect the parties, parenting coordinator, and third parties if a parenting coordinator is appointed in these matters.

(3) *Duration of Appointment.*

(i) The appointment of a parenting coordinator shall be for a specified period, which shall not exceed 12 months.

(ii) A party may petition the court for an extension of the appointment or the court in its discretion may extend the appointment for an additional period.

(4) *Withdraw.* If the parenting coordinator seeks to withdraw from service in a case, the parenting coordinator shall petition the court and provide a copy of the petition to the parties or the parties' attorneys.

(5) *Written Agreement.* The parenting coordinator shall set forth in a separate written agreement with the parties:

- (i) the amount of any retainer;
- (ii) the hourly rate to be charged;
- (iii) the process for invoices and payment for services;
- (iv) information on the parenting coordination process; and
- (v) provide a signed copy of the agreement to the parties before initiating any services.

(c) *Parenting Coordinator Qualifications.*

(1) A parenting coordinator shall be licensed to practice in the Commonwealth of Pennsylvania as either an attorney or a mental health professional with a master's degree or higher.

(2) At a minimum, the parenting coordinator shall have:

(i) practiced family law for five years or have five years of professional post-degree experience in psychiatry, psychology, counseling, family therapy, or other comparable behavioral or social science field; and

(ii) specialized training by a provider approved or certified by the American Psychological Association, Pennsylvania Psychological Association, American Bar Association, Pennsylvania Bar Association, Pennsylvania Bar Institute, or American Academy of Matrimonial Lawyers. The training shall include:

- (A) five hours in the parenting coordination process;
- (B) ten hours of family mediation;
- (C) five hours of training in domestic violence; and

(D) in each two-year period after the initial appointment, ten continuing education credits on any topic related to parenting coordination with a minimum of two hours on domestic violence.

(3) An attorney or a mental health professional seeking an appointment as a parenting coordinator:

(i) shall sign an affidavit attesting that he or she has met the qualifications outlined in subdivisions (c)(1) and (c)(2);

(ii) shall submit the affidavit to the president judge or administrative judge of the judicial district where the parenting coordinator is seeking appointment; and

(iii) after submission of the initial affidavit, a parenting coordinator shall submit a new affidavit every two years attesting that he or she continues to meet the qualifications for a parenting coordinator outlined in subdivision (c)(1) and (c)(2).

(d) *Appointment Order.* The parenting coordinator's authority as delineated in subdivision (e) shall be included in the order appointing the parenting coordinator, which shall be substantially in the form set forth in Rule 1915.22.

(e) *Scope of Authority of the Parenting Coordinator.* If the parties are unable to reach an agreement, the parenting coordinator shall have the authority to recommend resolutions to the court on issues related to the custody order.

(1) *Issues Included.* To implement the custody order and resolve related parenting issues about which the parties cannot agree, the parenting coordinator is autho-

ized to recommend resolutions to the court about issues that include, but are not limited to:

(i) places and conditions for custodial transitions between households;

(ii) temporary variation from the custodial schedule for a special event or particular circumstance;

(iii) school issues, apart from school selection;

(iv) the child's participation in recreation, enrichment, and extracurricular activities, including travel;

(v) child-care arrangements;

(vi) clothing, equipment, toys, and the child's personal possessions;

(vii) information exchanges (e.g., school, health, social) between the parties and communication with or about the child;

(viii) coordination of existing or court-ordered services for the child (e.g., psychological testing, alcohol or drug monitoring/testing, psychotherapy, anger management);

(ix) the child's behavioral management; and

(x) other related custody issues that the parties mutually have agreed in writing to submit to the parenting coordinator, which are not excluded in subdivision (e)(2).

(2) *Excluded Issues.* The following issues are excluded from the parenting coordinator's scope of authority:

(i) a change in legal custody as set forth in the custody order;

(ii) a change in primary physical custody as set forth in the custody order;

(iii) except as set forth in subdivision (e)(1)(ii), a change in the court-ordered custody schedule that reduces or expands the child's time with a party;

(iv) a change in the child's residence (relocation);

(v) determination of financial issues, other than allocation of the parenting coordinator's fees as set forth in subdivision (h)(1);

(vi) major decisions affecting the child's health, education, or religion; and

(vii) other issues limited by the appointing judge.

(3) *Collateral Sources.*

(i) Unless the parties consent, the parenting coordinator shall not contact collateral sources or speak with the child.

(ii) To effectuate subdivision (e)(3)(i), the parties shall execute releases, as necessary, authorizing the parenting coordinator to communicate with the appropriate individuals.

(iii) Any communication with the collateral sources or child shall be limited to the issue currently before the parenting coordinator.

(f) *Communications. No Testimony.*

(1) Communication between the parties or the parties' attorneys and the parenting coordinator is not confidential.

(2) *Written Communication.*

(i) A party or a party's attorney may communicate in writing with the parenting coordinator.

(ii) Contemporaneously with communications with the parenting coordinator as provided in subdivision (f)(2)(i),

the party shall send a copy of the written communication to the other party or the other party's attorney.

(3) Documents, recordings, or other material that a party gives to the parenting coordinator shall be promptly made available to the other party or the other party's attorney for inspection and copying.

(4) *Oral Communication.*

(i) The parties and their attorneys may receive, but not initiate, oral *ex parte* communication with the parenting coordinator.

(ii) A parenting coordinator may initiate oral communication with a party or party's attorney but shall promptly advise the other party or the other party's attorney of the communication.

(5) Communication between the parenting coordinator and the court shall be in writing and copies of the written communication shall be sent contemporaneously to the parties or the parties' attorneys.

(6) A party cannot compel the testimony of a parenting coordinator without an order of court.

(g) *Recommendations. Objecting to the Recommendation. Judicial Review. Record Hearing.*

(1) The parenting coordinator shall provide to the parties notice and an opportunity to be heard on the issues.

(2) The parenting coordinator's recommendation shall be in writing on the Summary and Recommendation of the Parenting Coordinator form, which shall be substantially in the form set forth in Rule 1915.23.

(i) The parenting coordinator shall send the recommendation to the court for review within two days after hearing from the parties on the issues.

(ii) The parenting coordinator shall serve a copy of the recommendation on the parties or the parties' attorneys, concurrently with sending the recommendation to the court.

(iii) The parenting coordinator's recommendation shall be binding on the parties pending the court's disposition pursuant to subdivisions (3) or (4) below.

(3) A party objecting to the recommendation shall file a petition for a record hearing before the court within five days of service of the recommendation.

(i) The petition must specifically state the issues to be reviewed and include a demand for a record hearing. A copy of the recommendation shall be attached to the petition.

(ii) In accordance with Rule 440, the objecting party shall serve the petition on the other party or the other party's attorney and the parenting coordinator.

(iii) As soon as practical, the court shall conduct a record hearing on the issues specifically set forth in the petition.

(4) If the parties do not file an objection within five days of service of the parenting coordinator's recommendation, the court shall:

(i) approve the recommendation;

(ii) approve the recommendation in part and conduct a record hearing on issues not approved;

(iii) remand the recommendation to the parenting coordinator for more specific information; or

(iv) not approve the recommendation and conduct a record hearing on the issues.

(5) The court shall render a decision within the time set forth in Rule 1915.4.

(6) The court's decision shall be served on the parties and the parenting coordinator.

(h) *Fees.*

(1) *Allocation.*

(i) The appointing judge shall allocate between the parties the fees of the parenting coordinator.

(ii) The parenting coordinator may reallocate the fees, subject to the approval of the court, if one party has caused a disproportionate need for the services of the parenting coordinator.

(2) *Limitation.* To limit the financial burden on the parties, a parenting coordinator should meet with the parties only upon a request of a party to resolve an issue about which the parties disagree.

(3) *Enforcement.* If one or both parties fail to pay according to the parenting coordinator's agreement, the parenting coordinator may file a recommendation with the court to order the parties to pay.

(4) *Waiver of Fees or Reduced Fees.* Judicial districts implementing a parenting coordination program shall effectuate a policy or program by local rule so that indigent or low-income parties may participate in the parenting coordination program at a reduced fee or no fee.

Comment:

The parenting coordinator shall include in the parties' written agreement the hourly rate established by the judicial district.

(Editor's Note: The following rule is proposed to be added and is printed in regular type to enhance readability.)

Rule 1915.11-3. Certification of Parenting Coordination Program.

(a) *Implementation.* Each judicial district may determine if they are implementing a parenting coordination program.

(b) *Certification.* The president judge or the administrative judge of the Family Division of each judicial district shall certify if they have established a parenting coordination program. The certification shall be filed with the Domestic Relations Procedural Rules Committee, and shall be substantially in the following form:

I hereby certify that _____ County has implemented a parenting coordination program in accordance with Pa.R.Civ.P. 1915.11-1.

(_____
(President Judge)

(_____
(Administrative Judge)

Comment:

For a list of judicial districts having a parenting coordination program see <https://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>.

Rule 1915.23. Form of the Summary and Recommendation of the Parenting Coordinator.

The recommendation of the parenting coordinator shall be in writing and shall be in substantially the following form:

(Caption)

SUMMARY AND RECOMMENDATION
OF THE PARENTING COORDINATOR

The undersigned, the duly appointed parenting coordinator in the above-captioned matter, pursuant to the Order of Court dated _____, 20 __, after submission of the issue described below and after providing the parties with an opportunity to heard on the issue, the parenting coordinator sets forth the following:

SUMMARY OF THE ISSUE(S)

1. Description of the issue(s):

2. The respective parties' position on the issue(s):

AGREEMENT

If the parties reached an agreement, please provide the terms below:

RECOMMENDATION

Within five days of the date set forth below, a party may object to this recommendation by filing a petition with the court and requesting a record hearing before the judge as set forth in Pa.R.Civ.P. [No.] 1915.11-1(f)(3).

The undersigned parenting coordinator certifies that this Summary and Recommendation of the Parenting Coordinator has been served on the court and the parties or the parties' attorneys on the date set forth below

Date

Parenting Coordinator

ORDER OF COURT

JUDICIAL REVIEW OF PARENTING
COORDINATOR'S RECOMMENDATION

The Recommendation is approved.

The Recommendation is approved in part. The issue(s) not approved by the court is/are:

and a record hearing is scheduled for _____, 20 __ at ____ a.m./p.m. before the undersigned.

The Recommendation is remanded to the parenting coordinator for additional information on the following issue(s):

The Recommendation is not approved and a record hearing on the issue(s) is scheduled for _____, 20__ at _____ a.m./p.m. before the undersigned.

By the Court:

Date

J.

**SUPREME COURT OF PENNSYLVANIA
DOMESTIC RELATIONS PROCEDURAL RULES
COMMITTEE**

PUBLICATION REPORT

The Domestic Relations Procedural Rules Committee (Committee) proposes the adoption of Pennsylvania Rule of Civil Procedure 1915.11-3 and the amendment of Pennsylvania Rules of Civil Procedure 1915.11-1 and 1915.23. These rules pertain to parenting coordination.

The Committee received a written request to publicly provide a list of all counties that have adopted local rules related to parenting coordination. It was suggested that this will assist attorneys, particularly those who have multiple county practices in advising their clients on the availability of parenting coordination. To address this request, the Committee proposes Rule 1915.11-3, which requires certification by counties that have implemented parenting coordination procedures. This approach is similar to the requirement that counties certify their conference procedures in support, custody, and divorce. *See* Pa.R.Civ.P. 1910.10, 1915.4-1, and 1920.55-1.

The Committee was also requested to amend Rule 1915.11-1. Initially, the Committee proposes that the rule be re-structured stylistically for ease of reading and reference.

It was suggested that the current requirement of consent from both parties in matters that involve domestic violence creates the opportunity for the abuser to further control the victim by withholding consent to parenting coordination, and therefore requiring more costly litigation, rather than resolving issues through the parenting coordinator. After discussing the complexities of this issue, the Committee proposes that subdivision (b)(2) of the rule be amended to remove the consent provision and to require that the court hold a hearing before appointing parenting coordinators in all matters that involve domestic violence. This would allow the court to determine the appropriateness of parenting coordination and ascertain if appropriate safety measures are possible.

The Committee also considered methods for parenting coordinators to enforce payment of their fees. In the absence of a provision related to the enforcement of their fee agreement, the parenting coordinator cannot enforce the agreement except by reaching out directly to the judge who assigned the case to them. To address this issue, the Committee proposes that the rule be amended in subdivision (h)(3) to permit, if one or both parties fail to pay according to the parenting coordination agreement, the parenting coordinator to file a recommendation with the court requiring the parties to pay before seeking to withdraw from the case.

An additional proposal is to add language to subdivision (g)(2)(iii) to confirm that the parenting coordinator's recommendation is binding pending the disposition by the court even if objections are not filed. This is the current practice; however, it is not specifically stated in the rule.

Some parties or courts may interpret this omission as the parenting coordinator's recommendation having no effect until the court approves it.

The Committee also proposes that language be added to subdivision (g)(6) stating that the court will serve the parenting coordinator with decisions regarding recommendations. Currently, there is no such requirement which may result in the parenting coordinator not being aware of the terms of the final order.

Finally, the Committee received a request to amend the form in Rule 1915.23 to include a recitation of the parties' agreement if one is reached. Currently, there is no uniform method for parenting coordinators to submit agreements to the court. The Committee believes revising this form will allow parenting coordinators to record the parties' agreement quickly and efficiently. The revision may also assist the court to have a record of the agreement for purposes of enforcement and context in any subsequent modification or special relief hearings.

The Committee invites comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 23-927. Filed for public inspection July 14, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Order Amending Rule of Civil Procedure No. 4019(g)(1)(c); Administrative Order No. 61

Order of Court

And Now, this 27th day of June 2023, Bucks County Rule of Civil Procedure No. 4019(g)(1)(c), promulgated by Administrative Order No. 61, is amended to read in its entirety as follows:

Rule 4019(g)(1)(c). Discovery Motions Court.

(1) In lieu of the procedure set forth in B.C.R.C.P. No. 4019(g)(1)(a), counsel in any civil action, excluding Family Court matters, may present any motion regarding discovery in Discovery Motions Court. The motion must comply with the requirements of Pa.R.C.P. No. 208.2, but need not include the alternative language set forth in B.C.R.C.P. No. 4019(g)(1)(a) in its proposed order.

Note: All actions filed in the Criminal and Orphans' Court divisions are specifically excluded from the procedures set forth by the rule. For the purpose of this rule, "Family Court matters" are actions before the Domestic Relations Section [actions for Support (Pa.R.C.P. No. 1910.1 et seq.)] and family court matters such as actions pursuant to the Protection from Abuse Act (Pa.R.C.P. No. 1901 et seq.), actions for Custody (Pa.R.C.P. No. 1915.1 et seq.), and actions for Divorce (Pa.R.C.P. No. 1920.1 et seq.).

(2) Discovery Motions Court shall be held each Friday morning at 9:30 a.m. Discovery motions may be presented to the motions judge only after a copy of the motion and the proposed order of court have been served on all counsel of record and any unrepresented party not later than the Friday preceding the intended date of presentation.

Note: Motions shall be filed in the Prothonotary's office immediately prior to presentation. Counsel shall appear in the designated courtroom no later than 9:00 a.m. to check in with Court Administration staff.

(3) Notice of the date, time and place of presentation must accompany the copy of the motion and the proposed order of court. Service may be made in any manner as authorized by the Pennsylvania Rules of Civil Procedure, including facsimile transmission pursuant to Pa.R.C.P. No. 440(a)(1)(ii) and/or e-mail pursuant to Pa.R.C.P. No. 205.4(g)(1), with service of the required documents to be completed no later than the Friday preceding the date of presentation. Motions seeking sanctions in the form of dismissal of an action or any claim therein, or for a financial penalty levied against a party, must be served upon the party as well as upon his or her counsel.

(4) The presenting party must attach to the motion a certification of compliance with this rule setting forth the date on which the motion was served on counsel, unrepresented parties, and represented parties against whom sanctions are sought, the manner of service, and that such service was made in compliance with the Rule of Civil Procedure under which it was effected.

(5) Prior to serving a motion and proposed order of court, the parties have an obligation to make a good faith

effort to resolve their discovery dispute. At least one writing evidencing such a good faith effort shall be sent by the movant to the respondent prior to filing a motion pursuant to this rule. The motion shall further specifically identify what good faith efforts were made in an attempt to resolve the discovery dispute without court action, and shall include as attachments:

a. copies of any and all writings sent to respondent(s) which evidence good faith efforts to resolve the dispute; and

b. an affidavit pursuant to B.C.R.C.P. No. 208.2(e).

EXPLANATORY COMMENT: The purpose of this rule is to foster the use of Discovery Motions Court practice. At the hearing, the Motions Court Judge may in the judge's discretion determine that the matter is too complex to handle during Motions Court and refer the matter to the judge assigned to the said case. Sufficient notice and receipt of the motion or petition and proposed order of court is required by law and fundamental fairness. Counsel desiring to take advantage of Discovery Motions Court practice must be diligent in complying with the notice requirement.

This Order shall become effective 30 days from the date of publication in the *Pennsylvania Bulletin*.

By the Court

WALLACE H. BATEMAN, Jr.,
President Judge

[Pa.B. Doc. No. 23-928. Filed for public inspection July 14, 2023, 9:00 a.m.]