

THE COURTS

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

Rule 430 Service by Publication; No. 2004-J-60

Order

Now, this 29th day of October, 2004, *It Is Ordered* that Rule 430 of the Lehigh County Rules of Civil Procedure, in and for the 31st Judicial District of Pennsylvania composed of Lehigh County, be, and the same is, amended to read as set forth as follows, said amendment to become effective on the 30th day following publication in the *Pennsylvania Bulletin*.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.

By the Court

WILLIAM H. PLATT,
President Judge

Rule 430 Service by Publication

(1) Every motion for a special order directing the method of service pursuant to Pa.R.C.P. 430 shall be accompanied by a cover sheet in the form set forth as Appendix 1 of these rules.

(2) The Lehigh Law Journal shall be the legal periodical for the publication of all notices.

Appendix 1

REQUIREMENTS FOR SPECIAL SERVICE

CHECKLIST

)
)
) File Number:
)
)

Counsel for the moving party has attempted the following efforts marked with an "X":

Prerequisites:

- _____ Attempted Sheriff service to all known addresses
_____ Examination of motor vehicle records
_____ Penn Dot's Forms DL-503 and 503B (need both forms) (may obtain forms from Penn Dot's website)
_____ Inquiry of postal authority
_____ Examination of local phone directories

Discretionary Efforts:

- _____ Examination of local tax records
_____ Examination of voter registration records
_____ Inquiry of relatives, neighbors, friends and employers of defendant(s)
_____ Other:

The court will not consider a motion for special service pursuant to Pa.R.C.P. 430 (a) until an affidavit is submitted to Chambers indicating that all prerequisites have been attempted, and at least on discretionary effort.

[Pa.B. Doc. No. 04-2062. Filed for public inspection November 19, 2004. 9:00 a.m.]

WASHINGTON COUNTY Local Civil Rules; No. 2004-1

Order

And Now, this 26th day of October, 2004, *It Is Hereby Ordered* that the following Washington County Local Civil Rules be adopted.

These changes shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

MARK E. MASCARA,
Judge

Rule L-1915.3 Commencement of Action, Complaint, Order

(a) All actions raising custody, partial custody, visitation or modification of existing orders for minor children shall be commenced by the filing of a verified complaint or petition and a separate scheduling order as set forth in L-1915.15. The scheduling order located in Appendix E must also be filed and processed in accordance with this rule when any Divorce Complaint with a Custody Count is filed or when any Custody Count is filed separately.

(b) The petitioner shall proceed to the Divorce and Custody Office located in the Washington County Family Court Center with an original and two (2) copies of the complaint or petition and the separate scheduling order for an assignment of a date and time for the Pre-Custody Conciliation Conference Meeting. The Pre-Custody Conciliation Conference Meeting shall be scheduled for a date and time not later than forty-five (45) days after filing of the complaint or count. The Divorce and Custody Office will present the complaint to the Family Court Judge for signature and return the signed complaint to the petitioner. The Divorce and Custody Office will attach parenting program information as well as the Parent Plan. The moving party shall attach copies of each to the filed, time-stamped copies of the complaint and serve the defendant.

(c) The moving party shall file proof of service of the complaint or petition with the Washington County Pro-

thonotary and provide a copy of the proof of service to the Divorce and Custody Office prior to the Pre-Custody Conciliation Conference Meeting.

(d) If necessary, the presentation of the pleadings referred to in subdivision (a) shall be the responsibility of the moving party and may be ex parte. The moving party shall be responsible for filing and serving the pleadings in accordance with Pa.R.C.P. 1915.3 and 1915.4. The moving party shall insure that a minimum of seven (7) days notice of the conference or any other appropriate proceeding is afforded to any interested parties. In the event seven (7) days' notice cannot be afforded to any interested parties, the moving party shall notify the Divorce and Custody Office forthwith.

(e) All appropriate costs and fees shall be paid at the time of filing.

Rule L-1915.4 Parenting Program

All parties to the action shall be ordered to attend the mandatory parenting program prior to the Pre-Custody Conciliation Conference Meeting. See Administrative Regulation 2002-1.

Rule L-1915.5 Motions

(a) Objections to jurisdiction or venue, motions concerning discovery, joinder of parties, psychological or psychiatric examinations and appointment of counsel for minors, shall be presented to the Family Court Judge.

(b) If the issue of paternity is raised, the parties shall immediately apply to the Family Court Judge for appropriate relief, with all Custody proceedings to be stayed pending resolution of the paternity issue.

Rule L-1915.6—L-1915.11 Reserved

Rule L-1915.12 Contempt

All petitions for contempt for failure to comply with a custody Order shall be presented to the Family Court Judge. The Family Court Judge may refer the Petition, at his/her discretion, to the Child Custody Conference Officer for conference and review. If a resolution of the matter cannot be made promptly, the Child Custody Conference Officer will refer the contempt proceeding to the Family Court Judge and a date for a hearing will be set by the Court. The petition for contempt shall begin with a notice and order conforming with Pa.R.C.P. 1915.12.

Rule L-1915.13 Special Relief

Motions for special relief should be of an emergency nature and shall be presented to the Family Court Judge. A Complaint for Custody must be prepared if one has not already been filed, a Child Custody Conference Officer appointed and a Pre-Custody Conciliation Conference Meeting date set, which then is presented to the Judge with the motion for special relief. Other matters of a non-emergency nature, as set forth in Local Rule 1915.32 shall be disposed of in accordance with that Rule. Special Relief may be denied without a hearing.

Rule L-1915.14—L-1915.25 Reserved

Rule L-1915.26 Child Custody Conference Officer

The position of Child Custody Conference Officer is hereby established. The Child Custody Conference Officer shall be appointed by the Court and shall be a member in good standing of the Pennsylvania Bar.

Rule L-1915.27 Process

Where a claim for custody, partial custody or visitation is joined with an action of divorce, having been raised by

complaint, counterclaim or a subsequent petition, this claim will not be heard by the Court unless the matter is placed at issue by either of the parties filing a Complaint for Custody in accordance with Local Rule 1915.3.

Rule L-1915.28 Continuances

(a) Requests for continuances of proceedings before the Child Custody Conference Officer which are not contested shall be presented in writing to the Director of the Divorce and Custody Office prior to the scheduled proceeding.

(b) The practice relating to continuances shall conform to Local Rule 1920.51, except that references to "The Master" shall mean the Child Custody Conference Officer.

(c) A \$25.00 fee will be charged for continuances requested ten (10) days or more prior to the scheduled proceeding. A fee of \$50.00 will be charged for all continuances requested less than ten (10) days prior to the scheduled proceeding. In cases involving true emergencies, the Family Law Judge may consider waiving the \$50.00 fee. No proceeding will be rescheduled until the Divorce and Custody Office has received payment of the appropriate fee.

(d) The fee shall be paid in the form of a check or money order made payable to the Washington County Divorce Office upon presentation of the request for a continuance.

(e) Request for continuances shall be set forth in writing containing the following information:

1. A clear, concise and certain reason for the request.
2. A statement that opposing counsel or the opposing party, if unrepresented, has no objection to the request for continuance.
3. A statement of the number of prior continuances, if any.
4. If another court appearance is the reason for the request, a copy of the notice or Order of the conflicting hearing shall be attached.
5. A certification that a copy of the request has been sent to opposing counsel or the opposing party, if unrepresented.

(f) Requests before a Child Custody Conference Officer for continuances of proceedings that are contested shall be presented in writing to the Family Court Judge after proper written notice, in accordance with the Local Rules, of the intention to do so, given to opposing counsel or the opposing party, if unrepresented.

Rule L-1915.29 Pre-Custody Conciliation Conference Meeting Procedure

(a) The parties shall make a good faith effort to resolve the custody and/or visitation issues prior to the meeting. If resolution occurs prior to or at the time of the meeting, a proposed order shall be drafted in accordance with Pa.R.C.P. No. 1915.7 and submitted to the Court for approval through the Child Custody Conference Officer.

(b) The Divorce and Custody Office will give counsel of record at least seven (7) days notice before any proceeding is conducted.

(c) The Divorce and Custody Office will give a party who is not represented by counsel at least seven (7) days notice before any proceeding is conducted.

Rule L-1915.30 Pre-Custody Conciliation Conference Meeting

(a) Each parent shall file a Washington County Parent Plan no later than thirty (30) days from the filing of the

Custody Complaint or Modification with the Custody Office. Parent Plan may be found at Appendix F.

(b) The parties may also at any time present a Consent Custody Order to the Family Court Judge.

(c) If no Consent Custody Order pursuant to subsection (b) is presented to the Family Court Judge, the Custody Conference shall proceed as originally scheduled.

(1) All parties, and any child, for whom custody or visitation is sought, shall be present at the Pre-Custody Conciliation Conference Meeting, unless otherwise ordered by the Court.

(2) The Child Custody Conference Officer will attempt to mediate the differences between the parties using mediation skills to come to an amicable settlement of those differences.

(3) The Child Custody Conference Officer will insure that the parties have submitted the Parent Plan. The Child Custody Conference Officer shall also insure that *the* parenting program has been completed by the parties and certification presented.

Rule L-1915.31 Custody Conciliation Conference

(a) All parties, and any child, for whom custody or visitation is sought, shall be present at the Custody Conciliation Conference, unless otherwise ordered by the Court. Failure of a party to appear at the Custody Conciliation Conference may result in the entry of a custody or visitation order by the Court on the recommendation of the Child Custody Officer in the absence of that party. The absent party may also be subject to contempt proceedings, if appropriate.

(b) The Child Custody Conference Officer will conduct informal proceedings and allow the parties and their witnesses to participate. The Child Custody Conference Officer shall control the presentation of evidence and will determine the amount of time allotted to each party for presentation of their case. Counsel, or the party themselves if unrepresented, may summarize their case to the Child Custody Conference Officer. The Child Custody Conference Officer may take testimony from the parties and any witnesses by swearing in said parties and offering testimony under oath. The proceeding will not be transcribed. At the discretion of the Child Custody Conference Officer, a witness(es) may be permitted to participate via telephone pursuant to Administrative Order 2004-1, In Re Family Court, dated October 26, 2004, pertaining to telephone testimony, and subject to subsection (d) below. The conference will last no longer than one-half (1/2) day unless the Child Custody Conference Officer deems one or more issues complex in which event additional proceedings may be scheduled. If an agreement is reached the agreement shall be prepared and signed in the form of a "Custody Consent Order." If no agreement can be reached the Child Custody Conference Officer will prepare a summary report and recommended order and forward same to the Court for the Court's consideration.

(1) The report and recommendation will be prepared and presented to the court within 10 days of the date of the proceeding. The report will include the following:

- a. The recommendation will include mental and physical evaluations and home studies.
- b. Findings of fact on jurisdiction on venue issues.
- c. Recommendations for custody/visitation.

(c) The order will become a final order unless a Request for Custody Trial De Novo and Pretrial Conference is filed within ten (10) days of the date of the service of

the order. A copy of the order shall be provided to the parties by the Prothonotary in accordance with Pa.R.C.P. 236 with a copy to the Divorce and Custody Office.

(d) A party requesting to participate by telephone shall submit to the Director written consent from the opposing party (parties). If represented by counsel, counsel shall provide written consent to the Divorce/Custody Office at least ten (10) days prior to the conference. If no consent is given by the opposing party to the requesting party (parties), relief must be obtained from the Family Court Judge by way of a motion pursuant to Administrative Order 2004-1, In Re Family Court, dated October 26, 2004, pertaining to telephone testimony.

Rule L-1915.32 Interim Orders

(a) Where issues regarding the temporary rights of the parties to custody or visitation of a non-emergency nature, as well as the arrangements for psychiatric or psychological examinations and home evaluations, are presented to the Child Custody Conference Officer, the Officer may submit to the Family Court Judge a proposed interim order which will be reviewed by the Court and signed, if the Court deems the order appropriate. A copy of this signed order will be provided to the parties by the Prothonotary in accordance with Pa.R.C.P. 236.

(b) Any person not satisfied with the interim order may pursue an application for special relief in accordance with Local Rule 1915.13.

Rule L-1915.33 Request for Custody Trial De Novo and Pretrial Conference

(a) A party may file a Request for Custody Trial De Novo and Pretrial Conference in the Washington County Prothonotary's Office within ten (10) days of the mailing of the Child Custody Conference Officer's Recommended Order issued as a result of the Custody Conference. The request must be presented to the Family Court Judge for the scheduling of the Pretrial Conference. Form of Order may be found at Appendix G.

(b) A copy of the filed request with the scheduled Pretrial Conference date and time must be served on the other counsel, or, if the party is a pro se litigant, then the request must be served on the party. A copy must be delivered to the Director of the Divorce and Custody Office.

(c) A Trial De Novo will be scheduled, barring extenuating circumstances, within ninety (90) days of the request. The Pretrial Conference shall be held during the period between the request for Custody Trial De Novo and the scheduled hearing. Any psychological reports ordered should be obtained during the same period and presented to the Family Law Judge, along with the parties' Pretrial Statements, at least forty-eight (48) hours in advance of the Pretrial Conference.

Rule L-1915.34 Pretrial Child Custody Conference

(a) All parties and any child for whom custody or visitation is sought shall be present at the judicial pretrial custody conference unless said required attendance is waived by way of Court Order. Failure of a party to appear at the judicial pretrial custody conference may result in the entry of a custody/visitation order by the court.

(b) The court will attempt to obtain a consent agreement on any pending custody issues. Any agreement shall be reduced to writing and entered as an order of court. Upon request, the Family Law Judge will meet privately

with the parties' counsel in an attempt to better define the issues and settle the custody dispute.

Rule L-1915.35 Uncontested Motions Verification Form

Any party may utilize, in an effort to comply with the local rules, the Family Court Judge's Uncontested Motions Verification Form, which shall be in the format contained in Appendix H.

Appendix E

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA CIVIL DIVISION

_____,)
Plaintiff,)
VS.) No. _____
_____,)
Defendant.)

NOTICE AND ORDER TO APPEAR

You, _____ have been sued in Court to obtain custody of _____.

You are ORDERED to appear in person at the Family Court Center, 29 West Cherry Avenue, Washington, Pennsylvania 15301, on day ____ of _____, 20____, at _____ o'clock ____ .m., for a Pre-Custody Conciliation Conference Meeting before _____, Esquire, Child Custody Conference Officer.

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.

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

LAWYER REFERRAL SERVICE
523 WASHINGTON TRUST BUILDING
WASHINGTON PA 15301
(724) 225-6710

DATE: _____ J

Appendix F

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA CIVIL DIVISION

_____,)
Plaintiff,)
vs.) No. _____
_____,)
Defendant.)

WASHINGTON COUNTY PARENT PLAN

THE FOLLOWING INFORMATION SHALL BE COMPLETED AND RETURNED TO THE DIVORCE/CUSTODY OFFICE AT THE FAMILY COURT CENTER,

SUITE 209, 29 WEST CHERRY AVENUE, WASHINGTON PA 15301, NO LATER THAN ONE WEEK PRIOR TO THE SCHEDULED CONFERENCE.

1) YOUR NAME: _____

ADDRESS: _____

TELEPHONE (HOME): _____ (WORK) _____

DATE OF BIRTH: _____

MARITAL STATUS: _____

EDUCATION: _____

2) CURRENT OCCUPATION: _____

PLACE OF EMPLOYMENT: _____

WORK SCHEDULE: _____

3) IF SEPARATED DATE OF SEPARATION: _____

4) NAME OF CURRENT PARTNER; IF APPLICABLE: _____

5) MEMBERS OF PRESENT HOUSEHOLD; AND RELATIONSHIP TO CHILD(REN): _____

6) FULL NAMES AND DATES OF BIRTH OF CHILDREN INVOLVED IN THIS PROCEEDING:

1) NAME: _____ DOB: _____

2) NAME: _____ DOB: _____

3) NAME: _____ DOB: _____

4) NAME: _____ DOB: _____

5) NAME: _____ DOB: _____

7) CHILDREN'S SCHEDULES: (School, Extra Curricular Activities, Clubs)

8) CURRENT CUSTODY SCHEDULE:

9) YOUR RECOMMENDATION FOR CUSTODY/
VISITATION:

10) ISSUES/PROBLEMS/CONCERNS:

11) CHILD SUPPORT ORDER DATE, AMOUNT AND
ARREARAGES, IF ANY:

12) ANY ADDITIONAL INFORMATION YOU WISH
TO LIST:

Appendix G
IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

Plaintiff,)
)
vs.) No. _____
)

Defendant.)

ORDER

AND NOW, this _____ day of _____, 2004, upon the request of _____ for trial De Novo, a Pretrial Conference in the above-referenced matter is scheduled for _____, 2004, at _____ .m. All parties are to be present and Pretrial Statements are due at least forty-eight (48) hours before the conference date.

The Court further directs all parties to immediately contact Dan Gittins, Southwestern Pennsylvania Human Services at the C.A.R.E. Center, Inc., 62 East Wheeling Street, Washington, PA 15301, phone number (724) 228-2200. The parties are to enroll in and successfully complete the programs on Parenting, Improved Communication Skills and Conflict Resolution, as well as Individual and Family Counseling. Each party must contact the C.A.R.E. Center and schedule an appointment with that organization before trial De Novo. In the event that any of the parties fail to schedule an appointment and/or actively participate in the counseling sessions directed by the Court, the offending party may be subject to sanctions upon proper Motion.

BY THE COURT:

Family Court Judge

Appendix H
IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

)

Plaintiff,)
)
vs.) No. _____
)

)

Defendant.)

UNCONTESTED MOTIONS VERIFICATION FORM

I, _____, Esquire, hereby represent to the Court, as indicated by the signature of opposing counsel or litigant(s) below (facsimile accepted), as the case may be, that the attached motion has been served on opposing counsel/litigant(s) and has been consented to by opposing counsel/litigant(s). I further acknowledge and agree to be responsible for retrieving the instant motion after it is signed by the Judge, filing of said motion and order, and service of a copy of the order on all opposing counsel/litigant(s), all in a timely fashion.* I understand that failure of myself or my client to appear for scheduled hearings may result in imposition of penalties and/or sanctions in the form of fines or attorney's fees upon myself, my firm, and/or my client.

Opposing Counsel/Litigant(s) Presenting Attorney

Date Date

Phone Number

Phone Number

*In cases where a hearing date is to be scheduled, please advise the Judge's secretary of any special scheduling requests, such as vacations, conflict dates, etc.; otherwise a date will be assigned.

[Pa.B. Doc. No. 04-2063. Filed for public inspection November 19, 2004, 9:00 a.m.]
