

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Proposed Amendments to Financial Regulations Promulgated Pursuant to 42 Pa.C.S. §§ 3502, 3733 and 3733.1

The Administrative Office of Pennsylvania Courts (“AOPC”) is planning to recommend that the Supreme Court promulgate limited amendments to the financial regulations governing the collection of the “Judicial Computer System/Access to Justice/Criminal Justice Enhancement Account” Fee authorized by 42 Pa.C.S. §§ 3733 and 3733.1.

The text of the proposed amendments to the financial regulations is set forth as follows. Additions are shown in bold; deletions are in bold and brackets. An explanatory report is also provided that summarizes the various considerations that factored into these proposed amendments.

Interested persons should submit suggestions, comments, or objections concerning this proposal to:

Administrative Office of Pennsylvania Courts
ATTN: Financial Regulations Comments
1515 Market Street, Suite 1414
Philadelphia, PA 19102
financialregscomments@pacourts.us

no later than August 30, 2011.

ZYGMONT A. PINES,
Court Administrator of Pennsylvania
Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter I. BUDGET AND FINANCE

§ 29.351. Definitions.

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(d) *Court of Common Pleas. Clerk of Court.*

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2. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive and any other filing for which a fee is imposed, which can be considered a property transfer, is included and should have the fee imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

* * * * *

viii. Easements; [and]

ix. Rights of Way;

x. Leases involving mineral rights including, but not limited to, those for oil, gas and coal;

xi. Assignments of leases involving mineral rights including, but not limited to, those for oil, gas and coal; and

xii. “Memoranda” or other documents including, but not limited to, bundled filings or blanket assignments which refer to or incorporate by reference or list any property transfer(s). A separate fee shall be imposed for each such referenced, incorporated or listed property transfer at the time of filing.

* * * * *

(f) *Recorders of Deeds.* Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive and any other filing for which a fee is imposed, which can be considered a property transfer, is included. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

* * * * *

viii. Easements; [and]

ix. Rights of Way;

x. Leases involving mineral rights including, but not limited to, those for oil, gas and coal;

xi. Assignments of leases involving mineral rights including, but not limited to, those for oil, gas and coal; and

xii. “Memoranda” or other documents including, but not limited to, bundled filings or blanket assignments which refer to or incorporate by reference or list any property transfer(s). A separate fee shall be imposed for each such referenced, incorporated or listed property transfer at the time of filing.

* * * * *

EXPLANATORY REPORT

The Administrative Office of Pennsylvania Courts (“AOPC”) is proposing limited amendments to the financial regulations promulgated by the Supreme Court governing the collection of the “Judicial Computer System / Access to Justice / Criminal Justice Enhancement Account” (“JCS/ATJ/CJEA”) fee by Recorder of Deeds (“Recorder”) offices. The AOPC has been informed that there is inconsistent application of the fee by the Recorders’ offices with regard to the filing of oil and gas leases, assignments thereof, particularly concerning the manner in which these documents are being filed (i.e. “bundled” or memorandum filings involving multiple property transfers). The proposed amendments to the financial regulations are intended to clarify that the JCS/ATJ/CJEA fee should be assessed upon the filing of these documents.

The Recorder collects a \$23.50 JCS/ATJ/CJEA fee for each filing of a deed, mortgage, or property transfer for which a fee, charge or cost is now authorized. 42 Pa.C.S. § 3733(A.1)(1)(v); 42 Pa.C.S. § 3733.1(A)(1); 204 Pa. Code § 29.351(d)(2), (f). Section 3733(A.1)(1)(v) authorizes the Supreme Court to designate by financial regulations the specific filings in the Recorder's office to which this fee applies. The financial regulations are codified in 204 Pa. Code § 29.351. In order to trigger the imposition of the JCS/ATJ/CJEA fee, the filings at issue must be a property transfer for which a fee, charge or cost is now authorized. 42 Pa.C.S. § 3733(A.1)(1)(v); 204 Pa. Code § 29.351(d)(2), (f).

The statutory authorization for collection of this fee on any "property transfer for which a fee, charge or cost is now authorized" has presented challenges in the past. For example, when the AOPC learned of confusion as to whether a "right of way" was a property transfer on which the JCS/ATJ/CJEA fee should be assessed, the financial regulations were amended in 2009 to answer the question in the affirmative. This clarification was adopted, even though the current financial regulations provide that the list of nine specific documents involving property transfers for which a fee, charge or cost is authorized "is not exclusive and another other filing for which a fee is imposed, which can be considered a property transfer, is included and should have the fee imposed." 204 Pa. Code §§ 29.351(d)(2),(f).

As concerns mineral rights leases or assignments thereof, the AOPC concluded that the JCS/ATJ/CJEA fee should be imposed. First, mineral right leases or assignments thereof are property transfers. See *Lesnick v. Chartiers Natural Gas Company*, 889 A.2d 1282 (Pa. Super. 2005) ("Pennsylvania considers oil and natural gas 'leases' to be, in reality, transfer of realty"); *Jacobs v. CNG Transmission Corp.*, 332 F. Supp. 2d 759, 772-773 (W.D. Pa. 2004) ("Of equal importance is the well understood recognition that the execution [of] an oil and gas lease reflects a conveyance of property rights within a highly technical and well-developed industry . . . [the interest obtained by the gas company is a 'fee simple determinable']; *Duquesne Natural Gas Company v. Fefolt*, 198 A.2d 608, 610 (Pa. Super. 1964) ("All of the Pennsylvania cases are in accord that the original grant and conveyance by the [lessor] to the [lessee] created an estate in real property and severed the gas and oil from the rest of the real estate."). Given that in a gas and oil lease the lessee obtains a fee simple determinable from the lessor, a property transfer has occurred. Similarly, a property transfer occurs in the assignment of a gas and oil lease, because the assignee receives from the assignor a fee simple determinable as well.

In addition, a fee, charge or cost is authorized to be collected when a lease or assignment is filed with the Recorder, pursuant to 16 P. S. § 7629 (First Class Counties), 16 P. S. § 11411 (Second Class Counties) and 42 P. S. § 21051 (All Other Counties).

The AOPC has learned that some filers of property transfers (i.e. mineral rights leases or assignments) are "bundling" dozens of individual transfers into one filing and only one JCS/ATJ/CJEA fee of \$23.50, if any, is assessed by the Recorder's office. It is important to note that each individual property transfer in these "bundled" filings are property transfers to which the JCS/ATJ/CJEA fee is applicable. Thus, if these property transfers were singularly filed with the Recorder's office, a JCP/ATJ/CJEA fee would be assessed on each. Therefore, the issue is not whether the fee is applicable to these "bundled"

filings, but whether a single fee or a separate fee for each property transfer referenced, incorporated, or listed in these "bundled" filings should be imposed. The AOPC is of the opinion that "bundling" multiple property transfers together in a single filing and only paying a single fee contravenes the aforementioned Judicial Code and financial regulation provisions.

Section 3733(A.1)(1)(v) of the Judicial Code and these financial regulations provide that the JCS/ATJ/CJEA fee is charged "for each filing of a . . . property transfer." The use of the singular term "property transfer" indicates that the fee should be charged per property transfer.

Further, it is placing form over substance to interpret the aforementioned authorities as providing that a filer of "bundled" property transfers is assessed a single fee while an individual of who files multiple property transfers in non-bundled/non-memorandum documents pays multiple fees. Such a result may encourage the use of "creative filing techniques" and create confusion with regard to determining the proper fee(s) to assess.

Moreover, there is support in the current regulations for the recommended approach. Specifically, a divorce complaint may include many counts such as for support, custody, and other related matters. The financial regulations require a separate JCS/ATJ/CJEA fee to be assessed for each count rather than allowing a litigant to pay one fee for "bundling" all into one petition. 204 Pa. Code § 29.351(b)(2)(ii). The proposed amendments concerning bundled and memorandum filings relating to property transfers are consistent with this provision in the financial regulations relating to divorce matters.

Thus, to further clarify the regulations and to ensure consistent application of the JCS/ATJ/CJEA fee across the Commonwealth, the AOPC proposes amending the financial regulations contained in 204 Pa. Code § 29.351(d)(2) and (f) to add the following to the existing list of documents to which the fee applies: filings of "leases involving mineral rights, including, but not limited to, those for oil, gas and coal"; "assignments of leases involving mineral rights including, but not limited to, those for oil, gas and coal"; and filings of "Memoranda or other documents including, but not limited to, bundled filings or blanket assignments which refer to or incorporate by reference or list any property transfer(s). A separate fee shall be imposed for each such referenced, incorporated or listed property transfer at the time of filing."

[Pa.B. Doc. No. 11-1263. Filed for public inspection July 29, 2011, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BUCKS COUNTY

Order Renumbering Rule of Orphans' Court Procedure 15.4B and Promulgating Rule of Orphans' Court Procedure 15.4B; No. 35766

Order of Court

And Now, this 27th day of June, 2011, Bucks County Rule of Orphans' Court Procedure 15.4B is hereby renumbered as Bucks County Rule of Orphans' Court Procedure 15.4C.

Furthermore, Bucks County Rule of Orphans' Court Procedure 15.4B is hereby promulgated as follows:

Rule 15.4B. Pre-Hearing Procedures for Contested Involuntary Termination of Parental Rights.

1. Not later than fourteen (14) days prior to the date set for hearing on a contested involuntary termination of parental rights, Petitioner(s) shall file and serve a pre-hearing statement, and not later than seven (7) days prior to the date set for hearing, Respondent(s) shall file and serve a pre-hearing statement. The pre-hearing statement shall include the following:

(a) A factual narrative and summary of argument(s) supporting the position(s) of the filing party. If deemed relevant, reference shall be made to dependency and/or permanency proceedings which have taken place, and copies of orders and/or pleadings regarding such proceedings may be attached.

(b) The name of each person whom the party intends to call at the hearing as a witness, including expert witnesses. Notwithstanding the three (3) page limitation set forth at (d) below, the party shall attach to the pre-hearing statement the entire report of each expert witness listed in the pre-hearing statement. This report shall describe the witness's qualifications and experience and state the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion. The testimony of any person who is not identified in a timely filed pre-hearing statement may be excluded at the hearing. The testimony of an expert witness may not be inconsistent with or go beyond the fair scope of his or her report.

(c) The testimony of any witness which the proponent wishes to provide by telephone shall be noted on the pre-hearing statement. Any objections to the presentation of the testimony by telephone must be made in writing and filed at least five (5) days before the hearing, or the telephone testimony will be permitted. If a timely objection is made, telephone testimony will not be permitted at the hearing without an order of court, absent extraordi-

nary circumstances. A party seeking such an order must file a motion with the court at least three (3) days prior to the hearing.

(d) A list of all of the exhibits which the party expects to offer in evidence, containing an identifying mark for the exhibit. Petitioner(s) shall use numbered exhibits and Respondent(s) shall use lettered exhibits. Any exhibits that do not exceed three (3) pages shall be attached to the pre-hearing statement, and all exhibits not attached to the pre-hearing statement shall be described. All exhibits shall be available for inspection by any opposing party at any time after the filing of the pre-hearing statement.

(e) Those portions of the Children and Youth (Agency) record which are to be relied on at the hearing shall be described with sufficient specificity so as to enable all counsel to readily identify those portions of the record. Unless otherwise precluded by law, statute or court order, the entire Agency record shall be made available for inspection by any opposing party at any time after the filing of the pre-hearing statement.

2. Only documents or other writings and portions of the Agency record listed in the pre-hearing statement may be offered in evidence at the hearing, except as rebuttal evidence, unless otherwise permitted by the court upon cause shown at the hearing.

3. No pre-hearing statement or any modifications thereafter may be filed beyond the deadline for filing without an order of court permitting the late filing.

4. The parties shall enter into stipulations to the fullest extent possible.

5. Absent compelling circumstances, no continuance will be granted on the day of the hearing.

This Order shall become effective September 1, 2011.

By the Court

SUSAN DEVLIN SCOTT
President Judge

[Pa.B. Doc. No. 11-1264. Filed for public inspection July 29, 2011, 9:00 a.m.]

CLEARFIELD COUNTY

Local Rules of Criminal Procedure; CP-17-AD-3-2011

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Clearfield County having filed a Certification pursuant to Pa.R.Crim.P. Rule 507 criminal complaints by police officers, as defined in the Rules of Criminal Procedure, charging any of the below listed offenses shall not hereafter be accepted by any judicial officer unless the complaint and arrest warrant affidavit has the approval of an attorney for the Commonwealth prior to filing. Approval may be granted through the use of advanced communication technology or other electronic method, including but not limited to e-mail and fax transmission, and the use of electronic or digital signatures. Nothing in this rule is intended to require an original signature of the attorney for the Commonwealth to indicate approval.

**CRIMES CODE
TITLE 18**

CHAPTER 7

- | | |
|---|------------------------|
| a. Criminal Attempt to Commit any Offense in this Rule | 18 Pa.C.S.A. § 901 (a) |
| b. Criminal Solicitation to Commit any Offense in this Rule | 18 Pa.C.S.A. § 902 (a) |
| c. Criminal Conspiracy to Commit any Offense in this Rule | 18 Pa.C.S.A. § 903 (a) |

CHAPTER 25

- | | |
|----------------------|-------------------------------|
| a. Criminal Homicide | 18 Pa.C.S.A. § 2501 |
| b. Murder | 18 Pa.C.S.A. § 2502 (a)(b)(c) |

Voluntary Manslaughter	18 Pa.C.S.A. § 2503 (a)(b)
d. Involuntary Manslaughter	18 Pa.C.S.A. § 2504 (a)
e. Causing or Aiding Suicide	18 Pa.C.S.A. § 2505 (a)(b)
f. Drug Delivery Resulting in Death	18 Pa.C.S.A. § 2506 (a)
CHAPTER 26	
a. Criminal Homicide of Unborn Child	18 Pa.C.S.A. § 2603 (a)
b. Murder of Unborn Child	18 Pa.C.S.A. § 2604 (a)(b)(c)
c. Voluntary Manslaughter of Unborn Child	18 Pa.C.S.A. § 2605 (a)(b)
d. Aggravated Assault of Unborn Child	18 Pa.C.S.A. § 2606 (a)
CHAPTER 27	
a. Assault by Prisoner	18 Pa.C.S.A. § 2703 (a)
b. Aggravated Harassment by Prisoner	18 Pa.C.S.A. § 2703.1
c. Assault by Life Prisoner	18 Pa.C.S.A. § 2704
d. Ethnic Intimidation	18 Pa.C.S.A. § 2710 (a)
e. Neglect of Care Dependent Person	18 Pa.C.S.A. § 2713(a)
f. Unauthorized Administration of Intoxicant	18 Pa.C.S.A. § 2714
g. Threat to Use Weapon of Mass Destruction	18 Pa.C.S.A. § 2715 (a)
h. Weapons of Mass Destruction	18 Pa.C.S.A. § 2716 (a)(b)
CHAPTER 29	
a. Kidnapping	18 Pa.C.S.A. § 2901 (a)
b. Unlawful Restraint	18 Pa.C.S.A. § 2902 (a)
c. False Imprisonment	18 Pa.C.S.A. § 2903 (a)
d. Interference with Custody of Child	18 Pa.C.S.A. § 2904 (a)
e. Interference with Custody of Committed Person	18 Pa.C.S.A. § 2905 (a)
f. Criminal Coercion	18 Pa.C.S.A. § 2906 (a)
g. Disposition of Ransom	18 Pa.C.S.A. § 2907
h. Concealment of Whereabouts of a Child	18 Pa.C.S.A. § 2909 (a)
i. Luring a Child Into a Motor Vehicle or Structure	18 Pa.C.S.A. § 2910 (a)
CHAPTER 30	
a. Trafficking of Person	18 Pa.C.S.A. § 3002 (a)
CHAPTER 31	
a. Rape	18 Pa.C.S.A. § 3121 (a)(c)(d)
b. Statutory Sexual Assault	18 Pa.C.S.A. § 3122.1
c. Involuntary Deviate Sexual intercourse	18 Pa.C.S.A. § 3123 (a)(b)(c)
d. Sexual Assault	18 Pa.C.S.A. § 3124.1
e. Institutional Sexual Assault	18 Pa.C.S.A. § 3124.2 (a)
f. Aggravated Indecent Assault	18 Pa.C.S.A. § 3125 (a)(b)
CHAPTER 32	
a. Abortion of Unborn Child	18 Pa.C.S.A. § 3211 (a)
b. Infanticide	18 Pa.C.S.A. § 3212
c. Prohibited Acts	18 Pa.C.S.A. § 3213 (a)—(f)
d. Reporting	18 Pa.C.S.A. § 3214 (a)—(h)
e. Publicly Owned Facilities	18 Pa.C.S.A. § 3215 (a)—(j)
f. Fetal Experimentation	18 Pa.C.S.A. § 3216 (a)(b)

CHAPTER 33

- a. Arson 18 Pa.C.S.A. § 3301 (a)—(f)
- b. Causing or Risking a Catastrophe 18 Pa.C.S.A. § 3302 (a)(b)

CHAPTER 35

- a. Burglary 18 Pa.C.S.A. § 3502 (a)
- b. Criminal Trespass 18 Pa.C.S.A. § 3503 (a)

CHAPTER 37

- a. Robbery 18 Pa.C.S.A. § 3701 (a)
- b. Robbery of a Motor Vehicle 18 Pa.C.S.A. § 3702

CHAPTER 39

- a. Theft by Extortion 18 Pa.C.S.A. § 3923(a)
- b. Theft of Trade Secrets 18 Pa.C.S.A. § 3930 (a)(b)
- c. Theft of Unpublished Dramas and Musicals 18 Pa.C.S.A. § 3931

CHAPTER 41

- a. Forgery 18 Pa.C.S.A. § 4101 (a)
- b. Fraudulent Destruction, Removal or Concealment 18 Pa.C.S.A. § 4103
- c. Commercial Bribery 18 Pa.C.S.A. § 4108 (a)(b)(c)

CHAPTER 43

- a. Incest 18 Pa.C.S.A. § 4302

CHAPTER 47

- a. Bribery in Political Matters 18 Pa.C.S.A. § 4701 (a)
- b. Threats and Improper Influence 18 Pa.C.S.A. § 4702 (a)

CHAPTER 49

- a. Perjury 18 Pa.C.S.A. § 4902 (a)
- b. False Swearing 18 Pa.C.S.A. § 4903 (a)
- c. Intimidation of Witness of Victim 18 Pa.C.S.A. § 4952
- d. Retaliation Against Witness or Victim 18 Pa.C.S.A. § 4953
- e. Retaliation Against Prosecutor 18 Pa.C.S.A. § 4953.1

CHAPTER 51

- a. Dealing in Proceeds of Unlawful Activities 18 Pa.C.S.A. § 5111 (a)
- b. Escape 18 Pa.C.S.A. § 5121 (a)(b)
- c. Weapons for Escape 18 Pa.C.S.A. § 5122 (a)
- d. Contraband 18 Pa.C.S.A. § 5123 (a)—(c.2)

CHAPTER 53

- a. Official Oppression 18 Pa.C.S.A. § 5301
- b. Speculating or Wagering on Official Action 18 Pa.C.S.A. § 5302

CHAPTER 55

- a. Riot 18 Pa.C.S.A. § 5501

CHAPTER 57

- a. Interception of Communications 18 Pa.C.S.A. § 5703
- b. Possession of Distribution of Other Devices 18 Pa.C.S.A. § 5705

CHAPTER 59

- a. Obscene and Other Sexual Material 18 Pa.C.S.A. § 5903 (a)—(m)

CHAPTER 63

- a. Sexual Abuse of Children 18 Pa.C.S.A. § 6312 (b)(c)(d)
- b. Solicitation of Minors to Traffic Drugs 18 Pa.C.S.A. § 6319 (a)(b)
- c. Sexual Exploitation of Children 18 Pa.C.S.A. § 6320 (a)

**THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT
TITLE 35**

- a. Acquisition of Controlled Substance by Fraud 35 Pa.C.S.A. § 780-113 (a)(12)
- b. Administration by Practitioner 35 Pa.C.S.A. § 780-113 (a)(14)
- c. Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance 35 Pa.C.S.A. § 780-113 (a)(30)
- d. Manufacture, Distribution, Possession of Designer Drug 35 Pa.C.S.A. § 780-113 (a)(36)

**THE VEHICLE CODE
TITLE 75**

CHAPTER 37

- a. Homicide by Vehicle 75 Pa.C.S.A. § 3732 (a)
- b. Homicide by Vehicle while Driving Under the Influence 75 Pa.C.S.A. § 3735
- c. Aggravated Assault by Vehicle while Driving Under the Influence 75 Pa.C.S.A. § 3735.1

MISCELLANEOUS OFFENSES

a. Any offense arising out of or involving either directly or indirectly the State Correctional Institute Houtzdale, the Quehanna Boot Camp, the Clearfield County Jail, or the Moshannon Valley Correctional Center.

Adopted March 22, 2004. Effective 30 days after publication in the *Pennsylvania Bulletin*. Amended July 15, 2011. Effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

FREDRIC J. AMMERMAN,
President Judge

[Pa.B. Doc. No. 11-1265. Filed for public inspection July 29, 2011, 9:00 a.m.]

ERIE COUNTY

In the Matter of the Revision and Restatement of the Rules of Civil Procedure; Civil Division No. 90031-11

Order

And Now, this 11th day of July, 2011, amended Rules 1915.1 to 1915.28 of the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania are as follows and they shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

ERNEST J. DISANTIS, Jr.,
President Judge

Rule 1915.1. Scope.

(a) These rules govern the practice and procedure in all actions for custody, partial custody and grandparent custody initiated in Erie County, Pennsylvania. If not provided for in these local rules, procedure in Erie County will follow the state rules as set forth in Pa.R.C.P. 1915.1-1915.25. In the event of any conflict between these rules and the state rules, the Pennsylvania Rules shall control.

(b) All filing fees related to custody actions shall be as determined by the court, and shall be available at the Office of Prothonotary, Erie County Courthouse, Erie, Pennsylvania.

(c) Erie County Civil Rules for Motion Court practice shall apply in custody cases. See Rules 304 and 440.

Rule 1915.3. Commencement of Action. Complaint. Order.

(a) Except as provided by (c) of the state rule, an action shall be commenced by filing a verified complaint substantially in the form provided by Pa.R.C.P. 1915.15(a). The original complaint for each party shall be filed with the Office of the Prothonotary and a photo copy shall be filed with the Custody Conciliation Office.

(b) Prior to its filing at the Prothonotary's Office, the original and two copies of the verified complaint for each party shall be presented to the custody conciliation office for scheduling of a conciliation conference. The verified complaint shall include Form 1, and the Children Coping With Divorce brochure/registration form,

(c) The custody conciliation office will assign a time and date for the intake or conciliation conference, and attach the Order provided in Form 2 to the original and all copies. The moving party shall then file the original pleading with the Prothonotary, and serve the responding party or parties as further provided in these Rules.

(d) The Custody Office shall not reject any complaint for custody or modification of custody submitted for assignment of a conciliation date and time. It is the responsibility of a party objecting to jurisdiction, venue,

process, standing or any other legal defect, to file and serve the proper responsive pleading, and to request stay by the court, if appropriate.

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

Erie County adopts non record custody proceedings under Pa.R.C.P. 1915.4.3. All matters shall be initially heard by custody conciliation officers who have been previously appointed by the Court of Common Pleas of Erie County, Pennsylvania, and who have satisfied the qualification requirements of Pa.R.C.P. 1940.4. The procedures of the custody conciliation office are more full set forth in Rule 1915.19, *infra*.

Rule 1915.7. Consent Order.

(a) If the parties reach an agreement for any type of custody, partial custody, or grandparent custody, and the parties request that a consent order be entered, the parties may submit a Petition for Entry of Custody Consent Order, consistent with Form 3, and a Proposed Custody Order, consistent with Form 4, at Motion Court, or directly to the presiding administrative judge of the Family/Orphan's Court division of the Court of Common Pleas of Erie County, Pennsylvania.

(b) Upon its execution of a Consent Order, the Court will notify the moving party or attorney to pick up the signed Order for filing and distribution.

(c) No Consent Order will be executed by the court without the written signature of the parties, and counsel if an appearance has been made.

Rule 1915.8. Physical and Mental Examination of Parties.

If an evaluation or examination has been made under Pa.R.C.P. 1915.8, a copy of any report produced shall be provided to counsel for the parties, and in appropriate cases, counsel for the child, prior to any custody proceedings including conciliation conferences. If a party is un-represented by counsel, a copy of that report shall be provided to that party prior to any proceeding. The report shall be provided as soon as it is available, and in no event, less than 24 hours before a scheduled custody proceeding.

Rule 1915.10. Decision.

(a) The court may make the decision before the testimony has been transcribed. The decision may be announced by the court immediately at the conclusion of the trial, in which event it shall be properly transcribed and filed in the Office of the Prothonotary. In the alternative, the decision may be set forth in writing and filed promptly. In all actions involving a determination of custody, partial custody and visitation, the Court shall enter an order that includes:

- (1) A concise statement, in narrative form or in separate findings, of all factual findings supporting a determination on the issues of custody, partial custody and visitation;
- (2) A discussions of the issues of law involved and the Court's conclusions of law; and
- (3) An order of custody, partial custody or visitation.

(b) No motion for post-trial relief may be filed to an order of custody, partial custody or visitation.

Rule 1915.11. Appointment of Attorney for Child. Appointment of Guardian Ad Litem for Child. Interrogation of a Child. Attendance of Child at Hearing or Conference.

Erie County practice shall follow Rule 1915.11 as it provides for the appointment of counsel for the child. The

Court, on its own motion, or the motion of a party, may also appoint a guardian ad litem for the child under the provisions of 23 Pa.C.S. Section 5334.

Rule 1915.12. Civil Contempt for Disobedience of Custody Order. Petition. Service. Order.

(a) The Petition for Contempt shall follow the form set forth in Pa.R.C.P. 1915.12, and shall set out, with specificity, the alleged violations of the Custody Order then in effect. The Petition shall begin with the Notice and Order as more full set forth in Pa.R.C.P. 1915.12.

(b) The original Petition with Notice and Order, and a photo copy, shall then be presented to the Office of the Court Administrator for the Family/Civil Division, for assignment of a date and time for the contempt hearing, during regularly scheduled Motion Court hours.

(c) Upon the assignment of a date and time for the contempt hearing, the moving party shall file the original pleading with the Prothonotary, and provide for service pursuant to Pa.R.C.P. 1915.12.

Rule 1915.13. Special Relief.

(a) At any time after commencement of a custody action, the court may on application or its own motion, grant appropriate interim or special relief. The relief may include but is not limited to the award of temporary custody, partial custody or visitation; the issuance of appropriate process directing that a child or a party or person having physical custody of a child be brought before the court; and a direction that a person post security to appear with the child when directed by the court or to comply with any order of the court.

(b) If a Motion for Special Relief is presented during Motion Court, the Motion must allege, with specificity, the need for the court to enter interim or special relief. Notice to all responding parties must be provided pursuant to Erie County Rule 440, and proof of notice must be submitted to court at the time of presentation of the Motion. Absent exigent circumstances, the court will not enter *ex parte* special relief orders in custody proceedings.

Rule 1915.19. Custody Conciliation Process.

(a) All new actions for custody, partial custody and grandparent custody of minor children, and all requests for modification of outstanding orders, shall be initially referred to the Office of Custody Conciliation of Erie County, Pennsylvania, for a custody conciliation conference before an Erie County custody conciliation officer.

(b) The Conciliation Conference is not a hearing but an opportunity for parents to reach agreement early in the custody process. No evidence or testimony is presented. Ordinarily, conferences shall not last more than one hour. The objectives of the Conciliation Conference are:

- (1) To facilitate immediate agreement and the entry of consent orders where the nature of the parties' dispute is minor and can be resolved quickly without the need for formal conciliation;
- (2) To identify those cases not appropriate for resolution within the context of the conciliation process; and
- (3) To identify the need for referral to outside professionals or agencies and to provide the parties with information and other assistance needed to accomplish such referral.

(c) All agreements reached at a Conciliation Conference shall be reduced to a Consent Agreement consistent with Form 4, and shall be signed by the parties immediately upon conclusion of the proceeding. The parties shall

receive a handwritten copy of the agreement when leaving the conference, and the agreement shall be effective as of that date. The Custody Conciliation Office shall then prepare a final copy of the Consent Order to be signed by the Court, filed, and distributed by the Custody Conciliation Office to all parties and counsel of record by regular mail.

(d) If the parties fail to reach an agreement at the Conciliation Conference, the custody conciliation officer shall prepare and forward to the Court a Recommended Custody Order in the same format as Form 4, and shall also include a brief summary of the conciliation, including the areas of agreement and disagreement between the parties. The court shall then review the summary and proposed order, and if it considers the Recommended Order appropriate, shall execute the Order and return to the Custody Conciliation Office for filing and distribution. The Custody Conciliation Office will then send copies of the Order entered by Court to all parties and counsel of record by regular mail.

(e) The Recommended Order entered by the Court is effective on the parties when filed. The Order shall continue to be in effect until superseded by a subsequent Order of Court.

(f) In appropriate cases, a Temporary Order can be entered, by agreement, by recommendation, or by the court, with a provision for subsequent custody conciliation proceedings. A subsequent date and time for conciliation shall be clearly set forth in the Temporary Order.

(g) The Custody Conciliation Officer may refer custody matters directly to the Court if appropriate.

(h) Participation in Custody Conciliation Process:

(1) Children and Third Parties: Children and third parties, other than attorneys, shall not be present for or participate in custody conferences. Exceptions may be made at the discretion of the Court or the conciliator.

(2) Parties must participate in conferences in a cooperative manner and at all times adhere to the directives of the person conducting the conference.

(3) Prior to agreeing to a custody order, a party may consult with her or his attorney, and a reasonable opportunity to do so will be provided by the conciliator.

(i) An attorney who attends a Conciliation Conference with a client will participate consistent with the following standards:

(1) The manner and scope of participation in conferences shall be determined by the conciliator;

(2) Attorneys shall fully cooperate with the efforts of the custody conciliator to facilitate the agreement of the parties;

(3) Counsel shall at all times behave in a professional manner and refrain from engaging in hostile or antagonistic conduct directed toward any conference participant;

(4) Attorneys shall advise their clients in a manner not disruptive of the conciliation process which may require consulting with the client outside the conference room;

(5) Attorneys shall not engage in legal argument, except that counsel may advise of legal issues relevant to the formation of a temporary or recommended order;

(6) Counsel shall not attempt to question the other party, present evidence or engage in conduct characteristic of any adversarial proceedings;

(j) Termination of Conciliation Process: At any time during the conciliation process the conciliator may terminate the proceedings and refer the case to court.

(k) As set forth in Rule 1915.3(d), the custody office shall not reject any complaint for custody or modification of custody submitted for assignment of a conciliation date and time.

Rule 1915.20. Request for Adversarial Hearing.

(a) Upon entry of a Recommended Custody Order if agreement is not reached, either party may request an Adversarial Hearing before the Court by filing the Request for Adversarial Hearing set forth in Form 5 within twenty days of the date of mailing of the Recommended Order.

(b) The original and one copy of the Request for Adversarial Hearing, and a copy of the Order appealed from, must first be presented to the Court Administrator of the Family/Orphan's Court Division, during regular Motion Court hours, for assignment to a trial judge, and for the date and time for hearing. The presentation of the Request for Adversarial Hearing may be made ex parte, but must be submitted in person by the attorney for the moving party, or by the pro se party. The Office of Court Administrator of the Family/Orphan's Court Division shall, immediately upon submission of the Request for Adversarial Hearing, assign a judge, time and date for the Adversarial Hearing, and prepare the Pretrial Order, Form 6. At the time of scheduling, the court administrator will attempt to coordinate the time and date of the hearing with opposing counsel, if any. The original Pretrial Order shall be filed by moving party with the Prothonotary, and certified copies served by the moving party upon counsel of record for all other parties, or parties directly if unrepresented.

(c) The Pretrial Order shall include the date and time for the custody trial, and shall also include the date for filing of Pretrial Statements, which shall include full parenting plans under 23 Pa.C.S. Section 5331, Form 7.

(d) Pretrial Statements shall be served on counsel, the parties, if unrepresented, and the trial court, as set forth in the Pretrial Order. Regular mail shall constitute adequate service.

(e) Hearings requested from custody conciliation shall be de novo.

Rule 1915.21. Pretrial conference.

(a) Upon request of either party, or sua sponte, the court may schedule a brief status conference. The purpose of the status conference is to define matters to be raised before the court at the de novo trial including any legal or factual issues, and to address any unique evidentiary issues. The status conference is not a settlement conference, and the parties shall not appear, unless a party is unrepresented, or unless ordered to appear by the trial judge. If the court deems appropriate, it may enter a Revised Pretrial Order following the status conference.

(b) Exhibits, other than expert reports, need not be filed with the Pretrial Statement, nor delivered to other parties. However, either party may request in writing or by email, copies of all exhibits identified by each party, and said party shall provide copies of proposed exhibits no later than 72 hours after request.

Rule 1915.22. Criminal Convictions.

(a) At any time during custody proceedings, if a party raises consideration of criminal convictions under 23 Pa.C.S. Section 5329, the court, before entry of any

Custody Order, shall, as expeditiously as possible, conduct a hearing to determine that the party, or household member, does not pose a threat to a child.

(b) The party raising a Section 5329 objection shall present a Motion to the court requesting an expedited hearing. The court shall then determine if the custody proceeding will continue.

(c) Upon receipt of a section 5329 motion, the court shall order an evaluation as required under that section. The court shall assess the cost for the evaluation, and any counseling required by the court.

Rule 1915.23. Relocation.

(a) All relocation cases shall follow the custody procedures set forth in these rules.

(b) The party seeking relocation must comply with the requirements of 23 Pa.C.S. § 5337 by first serving the non relocating parent the Relocation Notice, Form 8, and must include the Counter Affidavit, Form 9. The Relocation Notice shall not be filed with the Prothonotary's Office, until an objection to relocation is received pursuant to 23 Pa.C.S. Section 5337(d), or confirmation of relocation is required under 23 Pa.C.S. Section 5337(e), (f). The Relocation Notice may be filed and served with a custody complaint or petition for modification of an outstanding custody order.

(c) A Relocation Notice and a Relocation Counter Affidavit shall be filed as pleadings at Prothonotary Office. The party proposing relocation shall be captioned as Plaintiff, and all other parties as Defendants, if there is no pre-existing custody or divorce action between the parties.

(d) Upon receipt of a counter-affidavit by which a party objects to relocation, the party seeking relocation must first request a conciliation conference to determine if agreement can be reached. In proper cases, the court will consider a motion by any party to waive conciliation, and schedule the relocation trial immediately before the court. See Pa.R.C.P. 1915.4-1.

(e) If a counter affidavit is filed which indicates the non relocating party has no objection to the relocation and no objection to an initial custody order or modification of an existing custody order, the relocating party may submit to the court for approval a custody order which provides the relocation and other significant custody terms. If the case has not yet been assigned to a judge, the motion for approval of relocation may be presented at motion court, with proper notice as set forth in these rules. If the case has been previously assigned to a judge, the motion shall be forwarded to the judge assigned to the case, who may approve the order directly, or determine if a hearing is necessary.

(f) Upon motion filed by any party, or sua sponte, the court may hold an expedited hearing to consider if relocation should be approved pending a full hearing.

Rule 1915.26. Counsel Fees, Costs and Expenses.

(a) If properly raised during custody litigation, the court may consider an award of counsel fees, costs and expenses as part of a Custody Order.

(b) Upon proper motion, the court may also consider assignment of counsel fees, costs and expenses during a separate proceeding.

Rule 1915.27. Children Cope with Divorce.

All parties participating in custody proceeding must attend the Children Cope With Divorce program, pursu-

ant to Erie County Administrative Order C.O. 9-1993. A copy of the brochure providing information on the program and must be included on all complaints involving parties that have not previously attended the program.

Rule 1915.28. Cancellation of Scheduled Custody Proceedings.

(a) A scheduled custody conciliation conference may not be cancelled without the written consent of both parties, or leave of court. If a responding party does not consent to cancel a conciliation conference, a motion to cancel may be presented in motion court by the party scheduling the conciliation, with proper notice as set forth in these rules.

(b) A scheduled adversarial hearing may not be cancelled without leave of court. A motion to cancel an adversarial hearing shall be presented to the judge assigned to the custody trial. If a party does not consent to cancellation of the custody trial, the court may approve the cancellation, or determine if a hearing on the motion is necessary.

FORM 1

INFORMATION SHEET

CHILDREN COPE WITH DIVORCE SEMINAR

THIS FORM MUST BE FILLED OUT IF YOU ARE FILING A DIVORCE OR CUSTODY ACTION IN THE PROTHONOTARY'S OFFICE:

TODAY'S DATE: _____

CASE NUMBER _____

PLEASE CHECK ONE:

DIVORCE FILING—NO CHILDREN _____

DIVORCE FILING—WITH CHILDREN UNDER 18 _____

CUSTODY FILING—WITH CHILDREN UNDER 18 _____

PARTICIPATION BY CONSENT AGREEMENT _____

PLAINTIFF/PETITIONER NAME AND ADDRESS:

DEFENDANT/RESPONDENT NAME AND ADDRESS:

FORM 2

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA

:
: NO.

ORDER OF COURT

You, _____ are ORDERED to appear in person in the CUSTODY CONCILIATION OFFICE, Room 02, Ground Floor, Erie County Courthouse, 140 West Sixth Street, Erie, Pennsylvania on _____, 20__ at __ o'clock a.m./pm. for an Intake Conference.

Both parents are further ORDERED to attend a custody seminar entitled "CHILDREN COPE WITH DIVORCE" prior to the Intake Conference.

_____ must attend the seminar on _____.

_____ must attend the seminar on _____.

THE DATES OF ATTENDANCE WILL NOT BE CHANGED EXCEPT FOR AN EMERGENCY.

FAILURE TO APPEAR AT THE INTAKE CONFERENCE OR FAILURE TO ATTEND THE SEMINAR WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF A FINE, IMPRISONMENT OR BOTH.

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

BY THE COURT:

J.

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 & Information Service
P. O. Box 1792
Erie, Pennsylvania 16507
(814) 459-4411
Hours: 8:30 a.m.—3:00 p.m.

If you are eligible for accommodation under the Americans With Disabilities Act, please contact us immediately so arrangements may be made.

FORM 3

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
: NO.

PETITION FOR ENTRY OF A CUSTODY CONSENT ORDER

AND NOW, to-wit, this ___ day of _____, 20___, comes _____, the mother and _____, the father, and petitions this Court for the entry of a "Consent Order" concerning the custody of our child(ren), and in support thereof state as follows:

1. We are the parents of:

Name Date of Birth Age

2. Our addresses are as follows:

Name Street Address City/State/Zip County

3. The child(ren) is/are presently in the custody of:

Name Street Address City/State/Zip County

4. The parties have no knowledge of a custody proceeding concerning the child(ren) pending in any other court.

5. There is/is not an order presently in effect concerning the custody of our child(ren).

6. The parties know/do not know of a person not a party to the proceedings who has physical custody of the child(ren) or claims to have custody or visitation rights with respect to the child(ren).

7. We presently live separate and apart and wish to have a custody order confirming our agreement concerning the custody of our child(ren).

8. We believe that the arrangement set forth in the Consent Order is the best interest of the child(ren) and we recognize our continuing obligation to act in our child's(ren's) best interest.

9. We agree, as a condition of our agreement, to attend the "Children Cope With Divorce" seminar.

WHEREFORE, we request that the Court grant our Petition and enter the Consent Order.

Mother Father
Witness Date

FORM 4

(CAPTION)

CONSENT AGREEMENT

We have agreed to the following appropriate arrangement for the custody of our children:

1. The parents shall share the legal and physical custody of their child(ren). The names of the child(ren) are as follows: _____.

2. The child(ren) shall reside with his/her/their mother/father at _____, except that the mother/father shall have partial custody/visitation with the child(ren) as follows:

- a. Weekdays - _____
b. Weekends - _____
c. Summer/Vacation periods - _____
d. Holidays of Thanksgiving - _____
Easter - _____
Christmas - _____
The non-festive holidays of July Fourth, Memorial Day, and Labor Day shall be - _____
OTHER - _____

3. The children shall be with the mother on Mother's Day and with the father on Father's Day. The hours shall be from 10:00 a.m. until 6:00 p.m. unless mutually agreed otherwise.

4. All holiday schedules shall supersede any other partial custody or visitation schedule unless the parties mutually agree to do otherwise.

5. Each parent shall keep the other informed of the child(ren)'s health, progress in school, and general welfare and shall consult the other parent concerning major decisions affecting the child(ren).

6. Each parent is entitled to receive directly from schools, health care providers, or other relevant sources, information concerning their child(ren).

7. Neither parent shall engage in any conduct which presents to the child(ren) a negative or hostile view of the other.

8. Each parent shall encourage the child(ren) to comply with the custody arrangement and foster in the child(ren) a positive view of the other.

9. This custody arrangement may be modified by an agreement of the parties when required for the best interest of the child(ren).

10. Each parent shall plan a birthday celebration for the child(ren) on his or her regularly scheduled partial custody day near the child(ren)'s birthday.

11. This custody arrangement may be modified by an agreement of the parties when required for the best interest of the child(ren). The term "mutual agreement" contemplates good faith discussions by both parents to reach an agreement as to specific dates and times of partial custody or visitation, and the unilateral determination of one parent to deny contact shall be viewed as a violation of this provisions.

12. The parents agree, as a condition of this consent order, to attend the "Children Coping With Divorce" Seminar.

13. VIOLATIONS OF THIS ORDER BY ANY PERSON MAY REUSLT IN CIVIL AND CRIMINAL PENALTIES, INCLUDING PROSECUTION TO SECTION 2904 OF THE PENNSYLVANIA CRIMES CODE, INTERFERENCE WITH CUSTODY OF CHILDREN.

14. Relocation Notice. No party with custody rights to a child may relocate with the child prior to agreement of all parties with custody rights to the child or prior approval of court. Relocation is defined as changing residence of the child which significantly impairs the ability of the non relocating party to exercise custodial rights. A party proposing relocation must comply with all provisions of 23 Pa.C.S. Section 5337 before relocating with the child. A sample relocation notice and counter-affidavit are available at www.eriecountygov.org/courts/custodyconciliation.aspx

15. Jurisdiction of the aforementioned child and this matter shall remain in the Court of Common Pleas of Erie County, Pennsylvania unless and until jurisdiction would change under the Child Custody Jurisdiction and Enforcement Act.

We agree to abide by the agreement developed this ____ day of _____, 20____, and submit to the Court of Common Pleas to be formalized into an order of court.

Mother _____ Father _____
Attorney _____ Attorney _____
Witnessed by: _____
Custody Conciliator

FORM 5

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
: NO.

REQUEST FOR ADVERSARIAL HEARING

At a recent Custody Conciliation conference, an acceptable custody/visitation agreement could not be reached. I have reviewed the Recommended Order and request an Adversarial Hearing before the Family Court Judge.

The issues to be considered at the hearing are as follows: (Place a check mark before the issues to be considered)

- Relocation
Time/Length/Number of Visits
Primary Residence
Other:
Estimated Length of Time for Trial

I verify that the statements made in this demand for Court hearings are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date: _____
(Petitioner or Petitioner's Attorney)

This form must be brought to Court Administration (Room 204) between the hours of 9:00 a.m. and 12:00 p.m. and 1:30 p.m. and 4:00 p.m., Monday through Friday, within twenty (20) days from the date the Order was mailed or within twenty (20) days from the date the Order was received by you, whichever occurs first. Please attach a copy of the Order of Court that you are appealing.

NOTE: Upon notification of the date and time of your Custody Trial by the Family Court Administrator, a Pre-Trial Status Conference may be requested by either party by contacting the assigned Judge.

FORM 6

PLAINTIFF : IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
VS. : FAMILY DIVISION—CUSTODY
:
DEFENDANT : NO.

ORDER

AND NOW, to-wit, this _____ day of _____, 20____, it is hereby ORDERED, ADJUDGED and DECREED as follows: All parties shall file an original Pre-Trial Narrative Statement with the Prothonotary's Office and must submit a copy of the Pre-Trial Narrative Statement to Judge _____ office and serve a copy to the other party by _____, 20____. Failure to file Pre-Trial Narratives may result in sanctions. (Judge _____, Erie County Courthouse, 140 West 6th St., Room _____, Erie, Pa 16501)

The Pre-Trial Narrative Statement SHALL include as an attachment a fully completed Parenting Plan.

The Parenting Plan shall include a proposed custody schedule, address the child(ren)'s needs, (i.e. education, health care, religion, third-party childcare), address how decisions will be made regarding the child(ren)'s needs and propose a procedure to make changes to, and resolve disputes regarding, the custody order. The Parenting Plan shall be substantially in the form provided with the Domestic Relations Code at 232 Pa.C.S. § 5331(c). A sample Pre-Trial Narrative Statement and Parenting Plan form are available at www.eriecountygov.org/courts/custodyconciliation.aspx.

It is further ordered that the Custody Trial has been scheduled before Judge _____ in Courtroom _____ for _____, 20____ at ____ .m. and concludes at ____ .m. at the Erie County Courthouse.

Finally, on your scheduled Court date, you are expected to follow proper courtroom attire and etiquette. This includes proper dress, i.e. no shorts, tee shirts, flip flops; no gum chewing, no food or drink; ALL cell phones or pagers MUST BE TURNED OFF while in the courtroom.

BY THE COURT:

J. _____

CC: Judge John J. Trucilla
Custody Conciliation Office

****Please notify Court Administration if case is settled/dismissed prior to trial: Family Court Administration,

FORM 7

PLAINTIFF : IN THE COURT OF COMMON PLEAS
 : OF ERIE COUNTY, PENNSYLVANIA
 VS. : FAMILY DIVISION—CUSTODY
 :
 DEFENDANT : NO.

PARENTING PLAN OF MOTHER/FATHER/PARTY WITH STANDING

This parenting plan involves the following child(ren):

CHILD'S NAME	DATE OF BIRTH

LEGAL CUSTODY

(who makes major decisions on behalf of the child):

Circle One

- a.) Diet - both parties decide together/Plaintiff/Defendant
- b.) Religion - both parties decide together/Plaintiff/Defendant

- c.) Medical care - both parties decide together/Plaintiff/Defendant
- d.) Mental Health care - both parties decide together/Plaintiff/Defendant
- e.) Discipline - both parties decide together/Plaintiff/Defendant
- f.) Choice of School - both parties decide together/Plaintiff/Defendant
- g.) Choice of Study - both parties decide together/Plaintiff/Defendant
- h.) School Activities - both parties decide together/Plaintiff/Defendant
- i.) Sports Activities - both parties decide together/Plaintiff/Defendant
- j.) Additional items - both parties decide together/Plaintiff/Defendant

Explain what process you will use to make decisions? (For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline.) _____

FORM 8

PHYSICAL CUSTODY
 (where the child(ren) live)

The child(ren)'s residence is with _____

Describe which days and which times of the day the child(ren) will be with each person:

Week 1

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mother							
Father							
(Other)							

Week 2

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mother							
Father							
(Other)							

Describe where and when you will exchange custody of the child(ren) (day and time of day)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Place							
Time							

If one of you doesn't show up, how long will the other wait? _____

If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs?

THE COURTS

HOLIDAYS
(where will the child(ren) stay)

HOLIDAY	ODD-NUMBERED YEARS	EVEN-NUMBERED YEARS
Thanksgiving Day		
Thanksgiving Vacation		
Christmas Eve		
Christmas Day		
Christmas Vacation		
New Year's Eve		
New Year's Day		
Easter Sunday		
Spring Break		
Fall Break		
Mother's Day		
Father's Day		
Child's Birthday		
Memorial Day		
Fourth of July		
Labor Day		
Other		
Other		
Other		

Summer Vacation Plans _____

SPECIAL ACTIVITIES OR SCHOOL ACTIVITIES
(will both of you attend)

Child's Name	Activity	If not, which of you will attend?
_____	_____	_____
_____	_____	_____
_____	_____	_____

When the child(ren) is/are with one of you, how may they contact the other parent? _____

When and how may mother/father contact the child(ren)?

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specify method of arbitration, mediation, court action, etc.) _____

TEMPORARY CHANGES TO THIS PARENTING SCHEDULE

From time to time, one of you might want or need to rearrange the custody schedule due to work, family or other events. You should attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision.

- The parent asking for the change will ask (circle as many as apply):
 in person by letter by phone by e-mail
- The parent asking for the change will ask no later than (circle one):
 12 hours 24 hours 1 week 1 month
- The parent being asked for a change will reply (circle as many as apply):
 in person by letter by phone by e-mail
- The parent being asked for a change will reply no later than (circle one):
 12 hours 24 hours 1 week 1 month

May parents contact one another? _____

OTHER

The following matter(s) shall be as specified by the court:

Other (anything else you want to agree on) _____

Date: _____ Signature of Mother

Date: _____ Signature of Father

Date: _____ Signature of Witness

RELOCATION NOTICE

TO:

This notice of my intention to relocate with child is given pursuant to 23 Pa.C.S. Section 5337 by registered U.S. Mail, Return Requested, on _____.

- 1. The child's new residence will be _____
- 2. The child's new mailing address will be _____
- 3. The following persons will reside with the child/children at the new residence _____
- 4. The phone number of the new residence is _____
- 5. The child's new school district and school are _____
- 6. The date of relocation is _____
- 7. Relocation is necessary because _____
- 8. I propose the following custody schedule upon relocation _____
- 9. Other appropriate information _____
- 10. Enclosed with this notice is a counter-affidavit that must be filed within 30 days if you intend to object to the relocation. Failure to file an objection to the proposed relocation with the court within 30 days of the receipt of this notice will result in your objection to relocations being foreclosed.

Parent

FORM 9

COUNTER AFFIDAVIT REGARDING RELOCATION

This proposal of relocation involves the following child/children:

Child's Name	Age	Currently residing at:
_____	_____	_____

I have received a notice of proposed relocation and:

- 1. _____ I do not object to the relocation and I do not object to the modification of the custody order consistent with the proposal for revised custody schedule as attached to the notice.
- 2. _____ I do not object to the relocation, but I do object to modification of the custody order, and I request that a hearing be scheduled:
 - a. _____ Prior to allowing (name of child/children) to relocate.
 - b. _____ After the child/children relocate.
- 3. _____ I do object to the relocation and I do object to the modification of the custody order, and I further request that a hearing be held on both matters prior to the relocation taking place.

I understand that in addition to checking (2) or (3) above, I must also file this notice with the court in writing and serve it on the other party by certified mail, return receipt requested. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I shall be foreclosed from objection to the relocation.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 (relating to unsworn falsification to authorities).

Parent

Dated: _____

[Pa.B. Doc. No. 11-1266. Filed for public inspection July 29, 2011, 9:00 a.m.]

SNYDER COUNTY

Increase in Alcohol Safety Class Fee; No. MC-28-2011-FC; No. CT-55-AD-5-2011-CPCMS

Order

And Now, this 14th day of July, 2011, the court hereby Approves, Adopts and Promulgates Snyder County Administrative Order MC-28-2011-FC/CT-55-AD-5-2011-CPCMS, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

The Court Administrator of the 17th Judicial District is ordered and directed to do the following:

- 1. File seven (7) certified copies of this Order and Administrative Order MC-28-2011-FC/CT-55-AD-5-2011-CPCMS with the Administrative Office of Pennsylvania Courts.
- 2. Furnish two (2) certified copies of this Order and Administrative Order MC-28-2011-FC/CT-55-AD-5-2011-CPCMS and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.
- 3. File one (1) certified copy of this Order and Administrative Order MC-28-2011-FC/CT-55-AD-5-2011-CPCMS with the Criminal Rules Committee.

By the Court

MICHAEL H. SHOLLEY,
President Judge

Increase in Alcohol Safety Class Fee; No. MC-28-2011-FC; No. CT-55-AD-5-2011-CPCMS

Order

And Now, this 14th day of July, 2011, it is hereby Ordered and Directed that the Court of Common Pleas of Snyder County, Pennsylvania, adopts an increase in the Alcohol Highway Safety Class fee from \$150.00 to \$200.00. The Court Reporting Network evaluation fee will remain at \$50. This fee is authorized by 75 Pa.C.S.A. § 3815.

1. This fee is effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

2. The Alcohol Highway Safety Class fee of two hundred dollars (\$200.00) and the Court Reporting Network evaluation fee of fifty dollars (\$50.00) shall be collected by the Snyder County Clerk of Courts whenever a defendant has been ordered to attend the Alcohol Highway Safety Class and/or a Court Reporting Network evaluation has been ordered as part of a sentence, plea or as a condition of being accepted into the Accelerated Rehabilitative Disposition Program. This fee is in addition to all other authorized fines, costs and supervision fees legally assessed.

[Pa.B. Doc. No. 11-1267. Filed for public inspection July 29, 2011, 9:00 a.m.]

SNYDER COUNTY

Increase in ARD Fees; No. MC-27-2011-FC; CP-55-AD-4-2011-CPCMS

Order

And Now, this 12th day of July, 2011, the court hereby Approves, Adopts and Promulgates Snyder County Administrative Order MC-27-2011-FC/AD-4-2011, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

The Court Administrator of the 17th Judicial District is ordered and directed to do the following:

1. File seven (7) certified copies of this Order and Administrative Order MC-27-2011-FC/AD-4-2011 with the Administrative Office of Pennsylvania Courts.

2. Furnish two (2) certified copies of this Order and Administrative Order MC-27-2011-FC/AD-4-2011 and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3. File one (1) certified copy of this Order and Administrative Order MC-27-2011-FC/AD-4-2011 with the Criminal Rules Committee.

By the Court

MICHAEL H. SHOLLEY,
President Judge

Increase in ARD Fees; No. MC-27-2011-FC; CP-55-AD-4-2011-CPCMS

Order

And Now, this 12th day of July, 2011, it is hereby Ordered and Directed that the Court of Common Pleas of Snyder County, Pennsylvania, adopts an increase in the ARD (Accelerated Rehabilitation Disposition) fee for program time from a year and over \$500.00 to \$750.00 and adopts an increase in the ARD fee for program time less than a year from \$250.00 to \$400.00. This fee is authorized by 75 Pa.C.S.A. § 3815(f)(1)(iii).

1. This fee is effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*,

pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

2. The ARD fee of seven hundred fifty dollars (\$750.00) and four hundred dollars (\$400.00) shall be collected by the Snyder County Clerk of Courts after a defendant is accepted into the Accelerated Rehabilitative Disposition Program. Said fees shall be assessed as court costs. This fee is in addition to all other authorized fines, costs and supervision fees legally assessed.

[Pa.B. Doc. No. 11-1268. Filed for public inspection July 29, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Anita C. Ogbuji, a/k/a Anita C. Kanu, a/k/a Anita C. Justin, having been disbarred from the practice of law in the District of Columbia by Opinion and Order of the District of Columbia Court of Appeals decided September 30, 2010, the Supreme Court of Pennsylvania issued an Order on July 12, 2011, disbaring Anita C. Ogbuji, a/k/a Anita C. Kanu, a/k/a Anita C. Justin, from the Bar of this Commonwealth, effective August 11, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 11-1269. Filed for public inspection July 29, 2011, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Richard G. Solomon, having been disbarred by consent from the practice of law in the State of Maryland by Order of the Court of Appeals of Maryland dated September 9, 2010, the Supreme Court of Pennsylvania issued an Order on July 12, 2011, disbaring Richard G. Solomon, from the Bar of this Commonwealth, effective August 11, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 11-1270. Filed for public inspection July 29, 2011, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Chet Williams, III, having been disbarred from the practice of law in the State of California by Order of the Supreme Court of California dated March 3, 2003, the Supreme Court of Pennsylvania issued an Order on July 12, 2011, disbaring Chet Williams, III from the Bar of this Commonwealth, effective August 11, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 11-1271. Filed for public inspection July 29, 2011, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated July 12, 2011, Robert Turnbull Hall is Suspended on Consent from the Bar of this Commonwealth for a period of 2 years, to be effective August 11, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 11-1272. Filed for public inspection July 29, 2011, 9:00 a.m.]
