

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW [204 PA. CODE CH. 71]

Order Amending Rules 203 and 204 of the Pennsylvania Bar Admission Rules; No. 552 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 14th day of October, 2011, upon the recommendation of the Pennsylvania Board of Law Examiners, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 203 and 204 of the Pennsylvania Bar Admission Rules are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments shall be effective 30 days from the date of this Order.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY

IN GENERAL

Rule 203. Admission of graduates of accredited and unaccredited institutions.

(a) *Bar examination.* The general requirements for permission to sit for the bar examination are:

(1) Receipt of an undergraduate degree from an accredited college or university or the receipt of an education which, in the opinion of the Board, is the equivalent of an undergraduate college or university education.

(2)(i) Except as provided in subparagraph 2(ii) of this Rule, completion of the study of law at and receipt without exception of an earned Bachelor of Laws or Juris Doctor degree from **[an accredited] a law school that was an accredited law school at the time the applicant matriculated or graduated.** See Rule 205 (relating to admission of graduates of foreign institutions) for standards applicable to graduates of foreign law schools; or

(ii) completion of the study of law at and receipt without exception of an earned Bachelor of Laws or Juris Doctor degree from **[an unaccredited] a law school located within the boundaries of the United States of America that was not an accredited law school either at the time the applicant matriculated or graduated,** provided that the applicant is a member of the bar of a reciprocal state and meets the following qualifications:

(A) Presentation of a certificate from the highest court or agency of such state having jurisdiction over admission to the bar and the practice of law stating that the applicant is in good standing at the bar of such court or such state.

(B) Presentation of proof satisfactory to the Board that the applicant has for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth:

(i) engaged in the practice of law in a reciprocal state or states outside this Commonwealth. For purposes of this paragraph, the phrase “engaged in the practice of law” is defined as “devoting a major portion of one’s time and energy to the rendering of legal services”; or

(ii) engaged full-time in the teaching of law at one or more accredited law schools in the United States; or

(iii) **[served] engaged primarily in the performance of legal functions while serving** on active duty in the United States military service[,] as a judge advocate **[or law specialist, as those terms are]** as defined in the Uniform Code of Military Justice, 10 U.S.C. **[Sec.] § 801,** as amended, regardless of the location of the service.

* * * * *

Rule 204. Admission of domestic attorneys.

As an alternative to satisfying the requirements of Rule 203, an attorney, licensed to practice law in another state, may be admitted to the bar of this Commonwealth if the applicant meets the following requirements:

(1) Has completed the study of law at and received without exception an earned Bachelor of Laws or Juris Doctor degree from **[an accredited] a law school that was an accredited law school at the time the applicant matriculated or graduated.**

* * * * *

(8) Has passed the Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful applicants under Rule 203.

For purposes of this rule, the phrase “practice of law” is defined as engaging in any of the following legal activities, provided such activities were performed in a state in which the applicant was admitted to practice law or in a state that affirmatively permitted such activity by a lawyer not admitted to practice law in the jurisdiction:

* * * * *

(vii) [Service] Performing legal functions while serving on active duty in the United States military service as a judge advocate as defined in the Uniform Code of Military Justice, 10 U.S.C. § 801, as amended.

* * * * *

[Pa.B. Doc. No. 11-1819. Filed for public inspection October 28, 2011, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Amendment of Form RW-02 (Petition for Probate and Grant of Letters)—Appendix to Supreme Court Orphans' Court Rules; No. 548 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 11th day of October, 2011, upon the recommendation of the Orphans' Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

(1) Form RW-02 (Petition for Probate and Grant of Letters), adopted pursuant to Pa.O.C. Rule 1.3, is rescinded and replaced with Form RW-02 (Petition for Grant of Letters); and

(2) The Index to Appendix—Orphans' Court and Register of Wills Forms is amended, all in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective in thirty days.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

INDEX TO APPENDIX

ORPHANS' COURT AND REGISTER OF WILLS FORMS

ADOPTED BY SUPREME COURT PURSUANT TO Pa.O.C. Rule 1.3

Available as Fill-in Forms on Website of Administrative Office of Pennsylvania Courts
<http://www.pacourts.us/Forms/OrphansCourtForms.htm>
Orphans' Court and Administration Forms

* * * * *

D. Register of Wills Forms

- 1. Estate Information Sheet RW-01
(Not adopted by Supreme Court; form promulgated by Department of Revenue and maintained with Register of Wills forms for convenience.)
- 2. Petition for [Probate and] Grant of Letters RW-02
- 3. Oath of Subscribing Witness(es) RW-03
- 4. Oath of Non-subscribing Witness(es) RW-04
- 5. Oath of Witness(es) to Will Executed by Mark RW-05
- 6. Renunciation RW-06
- 7. Pa.O.C. Rule 5.6 Notice RW-07
- 8. Certification of Notice under Pa.O.C. Rule 5.6(a) RW-08
- 9. Estate Inventory RW-09
- 10. Pa.O.C. Rule 6.12 Status Report RW-10

* * * * *

(Editor's Note: As part of this order, Form RW-02, Petition for Probate and Grant of Letters, which appears in 231 Pa. Code pages Appx-64 and Appx-65, serial pages (323332) and (323333), is rescinded and replaced with Form RW-02, Petition for Grant of Letters, as follows.)

PETITION FOR GRANT OF LETTERS

REGISTER OF WILLS OF _____ COUNTY, PENNSYLVANIA

Petitioner(s) named below, who is/are 18 years of age or older, apply(ies) for Letters as specified below, and in support thereof aver(s) the following and respectfully request(s) the grant of Letters in the appropriate form:

Decedent's Information

Name: _____ File No: _____
a/k/a: _____ (Assigned by Register)
a/k/a: _____
a/k/a: _____ Social Security No: _____
Date of Death: _____ Age at death: _____

Decedent was domiciled at death in _____ County, _____ (State) with his/her last principal residence at _____

Street address, Post Office and Zip Code City, Township or Borough County

Decedent died at _____
Street address, Post Office and Zip Code City, Township or Borough County State

Estimate of value of decedent's property at death:

If domiciled in Pennsylvania... All personal property \$
If not domiciled in Pennsylvania... Personal property in Pennsylvania \$
If not domiciled in Pennsylvania... Personal property in County \$
Value of real estate in Pennsylvania... \$
TOTAL ESTIMATED VALUE... \$

Real estate in Pennsylvania situated at: _____
(Attach additional sheets, if necessary.) Street address, Post Office and Zip Code City, Township or Borough County

A. Petition for Probate and Grant of Letters Testamentary

Petitioner(s) aver(s) he/she/they is/are the Executor(s) named in the last Will of the Decedent, dated _____ and Codicil(s) thereto dated _____

State relevant circumstances (e.g. renunciation, death of executor, etc.)

Except as follows: after the execution of the instrument(s) offered for probate Decedent did not marry, was not divorced, was not a party to a pending divorce proceeding wherein the grounds for divorce had been established as defined in 23 Pa. C.S. § 3323(g), and did not have a child born or adopted; and Decedent was neither the victim of a killing nor ever adjudicated an incapacitated person.

NO EXCEPTIONS EXCEPTIONS

B. Petition for Grant of Letters of Administration (If applicable)

c.t.a., d.b.n., d.b.n.c.t.a., pendente lite, durante absentia, durante minoritate

If Administration, c.t.a. or d.b.n.c.t.a., enter date of Will in Section A above and complete list of heirs.

Except as follows: Decedent was not a party to a pending divorce proceeding wherein the grounds for divorce had been established as defined in 23 Pa. C.S. § 3323(g) and was neither the victim of a killing nor ever adjudicated an incapacitated person.

NO EXCEPTIONS EXCEPTIONS

Petitioner(s), after a proper search has/have ascertained that Decedent left no Will and was survived by the following spouse (if any) and heirs (attach additional sheets, if necessary):

Table with 3 columns: Name, Relationship, Address. Multiple empty rows for listing heirs.

Oath of Personal Representative

Official Use Only

COMMONWEALTH OF PENNSYLVANIA }
} SS:
COUNTY OF _____ }

Table with 2 columns: Petitioner(s) Printed Name, Petitioner(s) Printed Address

The Petitioner(s) above-named swear(s) or affirm(s) the statements in the foregoing Petition are true and correct to the best of the knowledge and belief of Petitioner(s) and that, as Personal Representative(s) of the Decedent, the Petitioner(s) will well and truly administer the estate according to law.

Sworn to or affirmed and subscribed before me this ___ day of ___, ___ Date
By: _____ Date
For the Register _____ Date

BOND Required: [] YES [] NO
FEES:

- Letters \$
() Short Certificate(s)
() Renunciation(s).....
() Codicil(s)
() Affidavit(s).....
Bond.....
Commission.....
Other
Automation Fee.....
JCS Fee.....
TOTAL..... \$

To the Register of Wills:
Please enter my appearance by my signature below:

Attorney Signature:
Printed Name:
Supreme Court ID Number:
Firm Name:
Address:
Phone:
Fax:
Email:

DECREE OF THE REGISTER

Estate of _____ File No: _____
a/k/a: _____

AND NOW, _____, in consideration of the foregoing Petition, satisfactory proof having been presented before me, IT IS DECREED that Letters _____ are hereby granted to _____ in the above estate and (if applicable) that the instrument(s) dated _____ described in the Petition be admitted to probate and filed of record as the last Will (and Codicil(s)) of Decedent.

Register of Wills

Title 25—LOCAL COURT RULES

MONROE COUNTY

Adoption of Local Custody Rules §§ 1915.1, 1915.3, 1915.3-1, 1915.3-2, 1915.4-1, 1915.5, 1915.8, 1915.10, 1915.12, 1915.17, 1915.22 and Local Divorce Rules §§ 1920.12, 1920.43, 1920.51, 1920.54, 1920.55-2

Order

And Now, this 12th day of October, 2011, as a result of the adoption of Act 2010-112, effective January 22, 2011, amending Title 23 (Domestic Relations) of the *Pennsylvania Consolidated Statutes*, the Monroe County Rules of Civil Procedure in Custody and Divorce adopted June 27, 2001 and effective September 1, 2001, and any subsequent amendments thereafter, are hereby rescinded in their entirety, effective upon the adoption of new Local Rules of Court. Monroe County Rules of Civil Procedure §§ 1915.1, 1915.3, 1915.3-1, 1915.3-2, 1915.4-1, 1915.5, 1915.8, 1915.10, 1915.12, 1915.17, 1915.22, 1920.12, 1920.43, 1920.51, 1920.54, and 1920.55-2 are hereby adopted and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator is directed to:

1. File one (1) certified copy of the within Order and new local rules with the Administrative Office of Pennsylvania Courts;

2. Forward two (2) certified copies and a computer diskette containing the text of the local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. File one (1) certified copy of the within Order and new local rules with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania;

4. Publish a copy of the local rule changes as required on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

5. Forward one (1) copy to the *Monroe County Legal Reporter* for publication.

6. Arrange to have the local rule changes published on the Monroe County Bar Association web site at www.monroebar.org.

Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator and the Monroe County Law Library.

By the Court

RONALD E. VICAN,
President Judge

Actions in Custody

1915.1 Definitions.

"Conciliator" shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the Court.

"Conciliation Conference" shall be a prehearing negotiation meeting conducted under the auspices of the Court by the Conciliator.

"Evidentiary Hearing" shall be an evidentiary hearing before a judge of the Court of Common Pleas of Monroe County.

"Program" shall be the Monroe County Co-Parent Education Program.

"Provider" shall be the provider of the Monroe County Co-Parent Education Program.

1915.3 Commencement of Action. Complaint. Order. Fees.

1. All complaints for custody, partial custody, visitation or modification of custody, and contempt of custody order and all motions for conciliation conference shall be filed with the Prothonotary and shall be forwarded promptly to the Court Administrator.

2. Initial complaints and initial motions for conciliation conference shall be accompanied by a scheduling order, the co-parent order, information and registration forms, and a blank criminal or abuse history affidavit in the forms set forth at Local Rule 1915.22(1), (2) and (5) below.

3. Subsequent motions for conciliation conference shall be accompanied by a blank scheduling order and blank criminal or abuse history affidavit.

4. Upon the filing of any complaint, petition or motion relating to child custody, partial custody or visitation, the moving party shall pay a fee to the Prothonotary (in addition to the fees required by Local Rule 1940.5) in an amount set forth in the fee schedule adopted by the Court.

1915.3-1 Criminal or Abuse History.

1. *Criminal or Abuse History Affidavit.* Any party filing a complaint or petition for modification shall, at the time of filing the complaint or petition, file a notarized affidavit concerning any criminal and/or abusive history of the filing party and anyone living in that party's household. The affidavit shall be substantially in the form set forth in Local Rule 1915.22 (5) below. All other parties to the action shall not be required to file a responsive pleading to the complaint or petition, but must file with the Court an affidavit regarding any criminal or abuse history on their behalf and anyone living in their household on or before the initial in-person contact with the Court (including, but not limited to, a conciliation conference or mediation) or no later than 30 days after service of the complaint or petition, whichever first occurs.

2. *Initial Evaluation.* At the initial in-person contact with the Court, the judge, custody conciliator or other appointed individual shall perform an initial evaluation to determine whether the existence of a criminal or abuse history of either party or a party's household member poses a threat to the child and whether counseling is necessary. The initial evaluation required by 23 Pa.C.S.A. § 5329(c) shall not be conducted by a mental health professional. After the initial evaluation, the Court may order further evaluation or counseling by a mental health professional if the Court determines it is necessary.

3. *Affidavit.* The affidavit regarding criminal or abuse history shall be substantially in the form set forth in Local Rule 1915.22(5).

1915.3-2 Co-Parent Education Program.

1. All parties to initial custody actions and to divorce actions in which the divorce complaint contains a count for custody shall attend and complete the four hour program entitled Co-Parent Education Program. The Court, in its discretion, may require repeat attendance.

2. In divorce actions, parties with minor children may attend the Co-Parent Education Program but are not required to do so unless ordered by the Court.

3. The parties shall register for the program using the registration form set out in these Rules and served with the custody complaint or motion. The moving party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after service of the aforementioned order. The responding party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after service of the order. The provider shall certify the parties' attendance by filing a certificate of attendance with the Prothonotary.

4. Failure to comply with an order requiring attendance at the Co-Parent Education Program may result in the Court taking any appropriate action, including sanctions and/or contempt.

1915.4-1 Conciliation Conference.

1. All parties and all children specifically ordered to attend shall attend the conciliation conference. At the conciliation conference, the conciliator shall meet with the parties and their counsel to conciliate all claims and may meet with the children if deemed appropriate in the discretion of the conciliator. The conciliator shall also screen for referral of the appropriate cases to mediation.

2. To facilitate conciliation and to encourage frank, open and meaningful exchanges between the parties and their counsel, statements made by the parties, children, counsel or the conciliator at the conciliation conference shall not be admissible as evidence in court. The conciliator shall not be competent to serve as a witness for or against any party nor shall there be any testimony taken at the conciliation conference. The conciliator shall not be subject to subpoena to compel testimony regarding information revealed at the conciliation conference.

3. Promptly following the conciliation conference, the conciliator shall file a recommendation with the Court setting forth the terms of a consent agreement reached by the parties or setting forth a recommendation for an interim order that may include a requirement that the parties undergo a specific period of counseling with a licensed psychologist or therapist or with a certified mediator. In appropriate cases, the conciliator may recommend mediation pursuant to Pa.R.C.P. § 1940.1 et seq.

4. Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator shall recommend family social studies or the completion of custody questionnaires. Unless otherwise directed by the Court, the agency issuing the family social study shall mail the written study to the custody conciliation office and to counsel of record for the parties or to the parties if there are no attorneys of record, pursuant to Pa.R.C.P. § 1915.8.

5. Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator may make any additional recommendations for mental health evaluations, drug and alcohol evaluations, the appointment of experts, guardians ad litem, or counsel for the child or for any other prehearing matters the conciliator deems necessary or appropriate.

6. No exceptions may be taken from the recommendation of the conciliator.

1915.5 Motions and Petitions.

1. Motions for the scheduling of a conciliation conference shall be in accordance with Local Rules 208.2(c), 208.2(d), and 208.3(a).

1915.8 Disclosure of Expert Evaluations.

A party to a custody, partial custody or visitation action shall not disclose the contents of an expert report pursuant to Pa.R.C.P. § 1915.8, including home study evaluations, mental and physical evaluations, and drug and alcohol evaluations, to anyone except their attorney. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in a finding of contempt and sanctions.

1915.10 Evidentiary Hearing.

Upon the completion of all family social studies and any evaluations ordered by the Court, either party may move for an evidentiary hearing that shall be held before a judge of the Court. The motion for evidentiary hearing shall be filed with the Prothonotary and shall be accompanied by a proposed order scheduling a prehearing conference and the evidentiary hearing in accordance with the form set forth in Local Rule 1915.22(3) below. Prior to any evidentiary hearing, counsel to the parties shall appear for a prehearing conference to be scheduled by the assigned judge. Unless otherwise ordered by the Court, the parties shall be present for prehearing conferences.

All parties shall provide to the Court and all other parties a completed parenting plan, in accordance with 23 Pa.C.S.A. § 5331, and an updated notarized criminal or abuse history affidavit concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329 and Local Rule 1915.3-1. The completed parenting plan and criminal or abuse history affidavit shall be attached and submitted to the Court as part of the party's pre-hearing memorandum.

1915.12 Civil Contempt for Disobedience of a Custody Order.

Petitions for contempt shall be filed in the Office of the Prothonotary in accordance with Local Rule 1915.3(a) and may be scheduled for a conference before the conciliator. If the contempt matter is not resolved at conference, then the conciliator shall refer the matter to the judge for appropriate action.

Rule 1915.17. Relocation. Notice and Counter-Affidavit.

1. The procedure in any relocation case shall be expedited. There shall be no requirement for pre-judicial processes including, but not limited to, parenting education, conciliation or mediation prior to an expedited hearing before a judge.

2. Any person seeking to relocate a minor child shall first obtain:

a) the written consent of any other person who has custodial rights to the child, or

b) an order of court approving the relocation.

3. If there is no existing custody order or case number, the party seeking to relocate must file a custody complaint and be assigned a case number prior to serving a notice of relocation.

4. If there is an existing custody order, the party seeking to relocate need not file a modification petition. The party seeking to relocate must provide every other person who has custodial rights to the child with the notice of proposed relocation and a counter-affidavit by which a person may agree or object to the relocation. The notice and counter-affidavit shall comply with 23 Pa.C.S.A. § 5337(c)(3) and (d)(1), respectively. In addition, the notice and counter-affidavit shall contain the case

caption and number. The notice and counter-affidavit shall be sent by certified mail, return receipt requested, no later than the sixtieth day before the date of the proposed relocation or other time frame set forth in 23 Pa.C.S.A. § 5337(c)(2).

5. When the relocating parent seeks an order of court, has served a notice of intent to relocate as required by 23 Pa.C.S.A. § 5337 et seq., has not received notice of objection to the move, and seeks confirmation of relocation, the relocating parent shall file:

a) a petition to confirm relocation that includes the requirements set forth in 23 Pa.C.S.A. § 5337(e) when there is an existing custody case;

b) A copy of the notice served on the non-relocating party and proof of service; and

c) A proposed order.

6. When the relocating parent seeks an order of court, has served a notice of intent to relocate as required by 23 Pa.C.S.A. § 5337 et seq., and has received notice of objection to the move, the relocating parent shall file:

a) a copy of the notice served on the non-relocating party;

b) a request for a hearing.

7. If the non-relocating party seeks an order of court preventing relocation, the non-relocating party shall file:

a) a counter-affidavit as set forth in 23 Pa.C.S.A. § 5337(d)(1), and

b) a request for a hearing.

1915.22 Forms.

1. The scheduling order on complaints and motions for conciliation conferences shall be in the form attached hereto.

2. The co-parent order, information and registration forms shall be in the forms attached hereto.

3. The order for prehearing conference and final hearing shall be in the form attached hereto.

4. The parenting plan to be submitted to the Court shall be in the form attached hereto.

5. The criminal or abuse history affidavit to be filed with the Court shall be in the form attached hereto.

**COURT OF COMMON PLEAS OF
MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

_____, : NO. ____ CV 20__
Plaintiff : NO. ____ DR 20__
 :
vs. :
 : IN CUSTODY
_____, :
Defendant :

ORDER

You, _____, have been sued in court to obtain/modify custody, partial custody or visitation of the minor child(ren), _____, born _____, now age ____; _____, born _____, now age ____; _____, born _____, now age ____; _____, born _____, now age ____.

AND NOW, upon consideration of the attached Complaint/Petition, it is hereby Ordered that the parties and their respective counsel appear before _____, Esquire, Custody Conciliator, on the ____ day of _____, 2011 in the Conciliation Room, Second Floor, Monroe County Courthouse at _____ (a.m./p.m.) for a conciliation conference. At such conference, an effort will be made to resolve the issues in dispute; or, if this cannot be accomplished, to define and narrow the issues to be heard by the Court and to enter into an Interim Order. Failure to appear at the Conference may provide grounds for the entry of a Temporary Order.

You are further ordered to bring with you the following children to the conference: _____

NOTE: Children under the age of eight (8) need not attend.

You are also ordered to provide to the Court and all other parties a notarized affidavit concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329, Pa. Monroe Co. R.C.P. Rule 1915.3-1, and Pa. Monroe Co. R.C.P. Rule 1915.22(5) prior to the custody conference.

If you fail to appear as provided by this Order, to bring with you the minor child(ren), or provide the notarized affidavit concerning any criminal and/or abusive history, an Order for custody may be entered against you by the Court 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 HELP:

**MONROE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
913 MAIN STREET, P. O. BOX 786
STROUDSBURG, PENNSYLVANIA 18360
(570) 424-7288**

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

Date: _____ J.

cc: _____, Esquire, Custody Conciliator

**COURT OF COMMON PLEAS OF MONROE
COUNTY FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

_____, : NO. ____ CV 20__
Plaintiff : NO. ____ DR 20__
 :
vs. :
 : IN CUSTODY
_____, :
Defendant :

ORDER

AND NOW, this ____ day of ____, 20__, ALL PARTIES ARE HEREBY ORDERED to attend a program entitled the Co-Parent Education Program and to bring with you the Certificate of Completion you will receive at the program. You must register for the program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the program within sixty (60) days of the date that you receive this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

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 HELP:

MONROE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
913 MAIN STREET, P. O. BOX 786
STROUDSBURG, PENNSYLVANIA 18360
(570) 424-7288

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

_____ J.

cc:

2012 CO-PARENT EDUCATION PROGRAM

In cases involving minor children, attendance at a four-hour Co-Parent Education Program is required of the parties in custody and divorce actions.

MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM

Program Content

The program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

I. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.

II. Handling the Feelings: Identifying feelings; Anger in divorce: toward your co-parent, from your children, toward your children; Feeling and healing.

III. Video segments and Discussion: Explaining divorce, warning parents, visitation problems, new relationships, etc.

IV. Mediation: Explanation of mediation process and its applicability to divorce and custody matters.

When

The Program is offered every month on one Saturday morning from 9:00 a.m. until 1:00 p.m. or every month on one Tuesday evening from 5:30 p.m. until 9:30 p.m.

Where

The Program will be presented in Hearing Room A, lower level of the Monroe County Courthouse, 7th & Monroe Streets, Stroudsburg, Pennsylvania, unless otherwise directed by security. A security officer will direct you on where to go.

Attendance

Attendance at the Program is required of parties to a case where the interests of children under the age of eighteen years are involved. Additional interested persons may attend the seminar upon prior approval of Family/Divorce Services and certain fees may apply.

Presenters

Qualified counselors, educators and trainers selected by Family/Divorce Services will present the Program pursuant to arrangements with the Court of Common Pleas of Monroe County.

Notification

A copy of the Order requiring the parties to attend the Program and Registration Form will be provided to the parties at the time of the filing of the action or service of the applicable pleading.

Fees

A fee of \$40.00 per party for the Program is required and will be used to cover all program costs including the presenter's fee, handouts and administration. The fee must be submitted with the registration form.

Registration

The registration form must be received by Family/Divorce Services at least seven (7) days prior to the Program date selected. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through Family/Divorce Services.

Verification of Attendance

Upon proof of identification at the Program, Family/Divorce Services will record the party as "present" and provide to the Prothonotary of Monroe County a Certificate of Completion, which shall be filed of record. Each person successfully completing the program will be given a Certificate of Attendance. Should you have a case in another County or State, you are responsible to provide that Court with a copy of your Certificate of Completion.

Americans with Disabilities

For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's office at (570)-517-3009. All arrangements must be made at least (72) hours prior to the Co-Parent Program and you must attend the scheduled program.

Security

The Monroe County Sheriff's Office will provide armed, uniformed deputies at each Program immediately prior to, during and immediately after each presentation.

CO-PARENT EDUCATION PROGRAM— 2012 Registration Form

READ ALL INFORMATION

The Program is held on the lower level of the Monroe County Courthouse, Stroudsburg, PA. The Sheriff's Department provides security. Register by MAIL ONLY. See form below.

Further questions should be directed to Family/Divorce Services at 610-366-8868.

The Program fee is \$40 per person for all persons ordered to attend. Guests are welcome, but require an additional \$15 fee. Sign them up on form below.

A videotape or DVD to view and return is available ONLY to parties who reside more than 90 minutes driving time from Stroudsburg. See below.

Please register at least a week before you plan to attend. Confirmations are NOT sent by mail or by phone. Send in your form and come to the courthouse on the date you choose.

Children shall not be brought to the courthouse. Be prompt. Latecomers will not be admitted and will have to re-schedule.

In case of a snowstorm, a message will play at 610-366-8868 if class is canceled. Also, listen to radio 93.5FM or 840AM or WYOU TV for notices of cancellation. If you are disabled and need special assistance to enter the courthouse, call ahead.

REGISTER BY MAIL: Choose your date, fill out the form below and send money order payable to: Family/Divorce Services, P. O. Box 318, Trexlertown, PA 18087.

DOCKET NUMBERS of your divorce and custody case MUST be filled in. Include numbers-letters-year of file: _____

Your name: _____

Guest (name and relationship to child): _____

Address: _____ City _____ State _____ Zip _____

Phone: Home _____ Work _____

Pick a Saturday morning OR a Tuesday evening:

SATURDAYS 9:00 a.m.— 1:00 p.m. TUESDAYS 5:30 p.m.— 9:30 p.m.

- January 7, 2012, January 10, 2012, February 4, March 3, February 7, March 6, April 14, May 5, April 10, May 8, June 2, July 7, June 5, July 10, August 4, September 8, August 7, September 11, October 13, November 17, October 16, November 13, December 1, December 4

Videotape or DVD: \$75 fee (includes S&H and \$25 deposit. Deposit is refunded when tape is returned per instructions.)

COURT OF COMMON PLEAS OF MONROE COUNTY FORTY-THIRD JUDICIAL DISTRICT COMMONWEALTH OF PENNSYLVANIA

Plaintiff vs. Defendant NO. CV 20 NO. DR 20 IN CUSTODY

ORDER

AND NOW, this ___ day of ___, 20___, upon consideration of the attached motion for hearing, a full evidentiary hearing is scheduled for the ___ day of ___, 20___, at ___ o'clock a.m./p.m., in Courtroom No. ___ of the Monroe County Courthouse, Stroudsburg, Pennsylvania.

Further, a pre-hearing conference is scheduled for the ___ day of ___, 20___, at ___ o'clock a.m./p.m., in the Chambers of the Honorable ___, Monroe County Courthouse, Stroudsburg, Pennsylvania. Unless otherwise ordered by the Court, the parties shall be present for prehearing conferences.

On or before ___, counsel for each party shall provide to the Court and to opposing counsel a written pre-hearing memorandum which shall include the following:

- 1. Name of client, name and telephone number of attorney.
2. A statement of all legal and evidentiary issues anticipated at hearing and citation to legal authorities relied upon by counsel.
3. The names and addresses of all witnesses to be called at hearing with a notation of their specific purpose.
4. A list of all exhibits to be used at hearing and a statement certified by counsel that all exhibits were furnished to opposing counsel as part of the pre-hearing memorandum.
5. The estimated length of hearing time necessary for counsel to present evidence.
6. A proposed order providing the terms you seek.
7. A proposed order providing the terms you seek if the opposing party prevails.
8. The parties shall complete a parenting plan, in accordance with 23 Pa.C.S.A § 5331 and Pa. Monroe Co. R.C.P. Rule 1915.22(4), and an updated notarized affidavit concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329, Pa. Monroe Co. R.C.P. Rule 1915.3-1 and Pa. Monroe Co. R.C.P. Rule 1915.22(5). The completed parenting plan and notarized affidavit shall be attached and submitted to the Court as part of the party's pre-hearing memorandum.

BY THE COURT:

_____, J.

cc:

COURT OF COMMON PLEAS OF MONROE COUNTY FORTY-THIRD JUDICIAL DISTRICT COMMONWEALTH OF PENNSYLVANIA

Plaintiff vs. Defendant NO. CV 20 NO. DR 20 IN CUSTODY

PARENTING PLAN

This parenting plan involves the following child/children:

Table with 3 columns: Child's Name, Age, Where does this child live? (Rows 1-4)

If you have children not addressed by this parenting plan, name here:

Table with 3 columns: Child's Name, Age, Where does this child live? (Rows 1-4)

Legal Custody (who makes decisions about certain things):

Table for decision-making: Circle one, Diet, Religion, Medical Care, Mental Health Care, Discipline, Choice of School, Choice of Study, School Activities, Sports Activities, Additional items.

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.)

Physical Custody (where the child/children live(s)): The child's/children's residence is with _____.

Describe which days and which times of the day the child/children will be with each person:

Sunday Monday Tuesday Wednesday Thursday Friday Saturday

Describe where and when the child/children will be dropped off and/or picked up (day and time of day)?

Drop-Off: Where: When:

Pick-Up: Where: When:

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?

HOLIDAYS

Where will the child/children stay?

Table for holidays: HOLIDAY, YEAR A, YEAR B, EVERY YEAR. Includes Martin Luther King Day, President's Day, Easter, Memorial Day, Fourth of July, Labor Day, Yom Kippur, Rosh Hashanah, Thanksgiving, Vacation after Thanksgiving, Christmas Vacation, Kwanzaa, New Year's Eve/Day, Spring Vacation, Easter Sunday, Child's Birthday, Mother's Day, Father's Day, 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?
_____	_____	_____
_____	_____	_____
_____	_____	_____

Temporary changes to this parenting schedule:
From time to time, one of you might want or need to rearrange the parenting time schedule due to work, family or other events. You can 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 ___ in person ___ by letter/mail ___ by phone
No later than ___ 12 hours ___ 24 hours ___ 1 week ___ 1 month

The parent being asked for a change will reply ___ in person ___ by letter/mail ___ by phone
No later than ___ 12 hours ___ 24 hours ___ 1 week ___ 1 month

May parents contact one another? _____
When the child/children is/are with one of you, how may they contact the other parent?

When and how may _____ contact the child?

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.):

The following matter or matters 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

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

_____, : NO. ____ CV 20__
Plaintiff : NO. ____ DR 20__
: :
vs. :
: IN CUSTODY
_____, :
Defendant :

AFFIDAVIT

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

1. I and/or another adult living in my household have or have not been convicted, pled guilty or no contest to the following crimes in Pennsylvania or any other jurisdiction, as follows:

NO	YES		Me	Adult in my Household	Date
<input type="checkbox"/>	<input type="checkbox"/>	Contempt for violation of a Protection from Abuse order or agreement;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Driving under the Influence of alcohol or a controlled substance or drugs;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Possession, sale, delivery, manufacturing or offering for sale any controlled substance or other drug or device;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Criminal homicide; Murder;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Aggravated Assault;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Terroristic threats;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Stalking;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Kidnapping;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Unlawful restraint;	<input type="checkbox"/>	<input type="checkbox"/>	_____

NO	YES		Me	Adult in my Household	Date
<input type="checkbox"/>	<input type="checkbox"/>	False imprisonment;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Luring a child into a motor vehicle or structure;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, indecent exposure, sexual abuse of children, sexual exploitation of children, sexual intercourse with an animal or incest;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Sex offender non-compliance with registration requirements, statute, court order, probation or parole, or other requirements under 18 Pa. C.S.A. § 3130 and 42 Pa.C.S.A. § 9795.2;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Arson and related offenses;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Concealing death of a child;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Endangering the welfare of children;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Trading, bartering, buying, selling or dealing in infant children;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Prostitution and related offenses;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Obscene and other sexual materials and performances;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Corruption of minors or unlawful contact with a minor;	<input type="checkbox"/>	<input type="checkbox"/>	_____

2. I and/or another adult living in my household have present and/or past history of violent or abusive conduct including the following:

NO	YES		Me	Adult in my Household	Date
<input type="checkbox"/>	<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

Please list any evaluation, counseling or other treatment received following conviction: _____

If any conviction above applies to a household member, not a party, state that person's relationship to the child: _____

3. I acknowledge and understand that I must file an updated notarized affidavit concerning any criminal and/or abusive history if I and/or another adult living in my household is convicted or pleads guilty or no contest to any of the offenses listed in paragraphs 1 or 2 above after the date of this notarized statement.

Signature

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONROE

On this, the ____ day of _____, 20____, before me, a Notary Public, the undersigned officer, personally appeared _____, known to me or satisfactorily proven to be the person presenting this affidavit, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My Commission Expires: _____

Actions in Divorce

1920.12 Filing and Service of Complaint; Costs.

1. With the filing of a complaint in divorce, the plaintiff shall deposit court costs with the Prothonotary in an amount set forth in the fee schedule adopted by the Court.

1920.43 Motions and Petitions.

1. Motions practice shall be in accordance with Local Rules, 208.2(c), 208.2(d), and 208.3(a).

2. Petitions practice shall be in accordance with Local Rule 206.1(a).

3. All divorce motions or petitions including a praecipe for a master's hearing shall be filed with the Prothonotary.

1920.51 Proceedings Before the Master.

1. Monroe County shall follow the master’s hearing procedure set out at Pa.R.C.P. § 1920.55-2.

2. Upon the compliance by both parties with the requirements of Pa.R.C.P. §§ 1920.31 and 1920.33(a) and the deposit of the required fee with the Prothonotary as set forth in the fee schedule adopted by the Court, either party may file a praecipe in the form set out in these Rules, requesting the appointment of a divorce master.

3. The Court Administrator shall assign the master for each case who shall promptly recommend the amount of any additional court costs to be posted by one or both of the parties. In the event additional hearings are necessary, the master shall file a request with the Court Administrator identifying the number of additional hearing days and the amount of additional court costs to be posted by the parties. No hearing date shall be scheduled prior to the payment of court costs.

4. Promptly upon appointment, the master shall issue a notice scheduling a pretrial conference and setting a deadline for the filing and service of pretrial statements in accordance with Pa.R.C.P. § 1920.33(b). Counsel of record shall attend the pretrial conference; parties shall not attend but shall be available to consult with their counsel by telephone. The notice of the time and date of the pretrial conference and the deadline for the filing of pretrial statements shall be served by the master upon counsel of record, any unrepresented parties, and the Court. In the event that counsel for either party fails to attend the pretrial conference, or fails to file a pretrial statement, the master may recommend that the Court impose sanctions.

5. If a pretrial conference or any portion of a hearing day is held, the master shall receive a fee in the amount to be determined by the fee schedule adopted by the Court, payable from the court cost deposits. The master shall be compensated for any additional full or partial days of hearings.

6. The praecipe for master’s hearing shall be in the form set out as follows:

Form—Praecipe for Master’s Hearing in Divorce

**COURT OF COMMON PLEAS OF
MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

_____, : NO. ____ CV 20 ____
Plaintiff : NO. ____ DR 20 ____
 :
vs. :
 : IN CUSTODY
_____, :
Defendant :

**PRAECIPE FOR MASTER’S HEARING IN DIVORCE
TO THE PROTHONOTARY OF SAID COURT:**

Kindly request the Court Administrator to schedule a Master’s Hearing in the above divorce case.

- () The case is now at issue.
- () Estimated time required for Hearing is ___ day(s).
- () Approximate value of marital assets is \$ ____ .

This case to be tried by and notices sent to:

Attorney(s) for Plaintiff(s)	Attorney(s) for Defendant(s)
_____ Address	_____ Address
_____ Telephone Number	_____ Telephone Number
_____ Attorney I.D. Number	_____ Attorney I.D. Number

I hereby certify that the above entitled case is at issue and ready for Hearing; that discovery is complete or foreclosed; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed; that Inventories have been filed; that the attorneys of record are named above; and that an initial filing fee of \$750.00 has previously been paid; and that the per diem Hearing Fee and Costs Deposit, previously determined by the Court Administrator, has concurrently been deposited with the Court.

Dated _____, Esquire
Attorney for _____

1920.54 Settlement Before Scheduled Hearing.

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the master and state the terms of their settlement on the record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the master an executed divorce settlement agreement and affidavits of consent. Where parties settle on the record or by the filing of a written divorce settlement agreement, the master shall file a report and recommendation within thirty days of the scheduled hearing date.

1920.55-2 Master’s Report.

Following the conclusion of the final hearing, the master shall file the record and the report and recommendation within: a) twenty days in uncontested actions, or b) thirty days after the receipt by the master of the transcript in contested actions. Counsel for the parties shall file briefs or memoranda of law within fifteen days after the filing of the transcript. The service of the master’s report and recommendations and the filing of exceptions shall follow the procedures set out in Pa.R.C.P. § 1920.55-2. The parties shall serve a copy of any exceptions they file upon the master, by regular mail or by personal service by a competent adult at the master’s principal office.

Following the conclusion of the final hearing, the master shall file the record and the report and recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days after the receipt by the master of the transcript in contested actions.

Counsel for the parties shall file briefs or memoranda of law within fifteen days after the filing of the transcript. The service of the master’s report and recommendations and the filing of exceptions shall follow the procedures set out in Pa.R.C.P. § 1920.55-2. The parties shall serve a copy of any exceptions they file upon the master, by regular mail or by personal service by a competent adult at the master’s principal office.

[Pa.B. Doc. No. 11-1821. Filed for public inspection October 28, 2011, 9:00 a.m.]