

# THE COURTS

## Title 255—LOCAL COURT RULES

### CHESTER COUNTY

#### Adoption of Local Rules of Civil Procedure; 2014- 0064R-CM

##### Administrative Order No. 9-2014

*And Now*, this 2nd day of April, 2014, the Court approves and adopts the following Chester County Local Rules of Civil Procedure. These Rules shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*. The Court Administrator is directed to publish this Order once in the *Chester County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239 & 239.8, certified copies of the within Order shall be filed by the Court Administrator, as follows: Two (2) certified copies with the Administrative Office of Pennsylvania Courts—one (1) copy for publication on the Pennsylvania Judiciary's Web Application Portal; Two (2) certified copies and a computer diskette containing the text of the local rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; One (1) certified copy shall be filed with the Domestic Relations Procedural Rules Committee; One (1) copy shall be filed with the Prothonotary of Chester County, one (1) copy with the Clerk of Courts, (1) one copy with the Court Administrator of Chester County, one (1) copy with the Law Library of Chester County and one (1) copy with each Judge of this Court.

*By the Court*

JAMES P. MacELREE, II,  
*President Judge*

#### ACTIONS FOR LEGAL AND PHYSICAL CUSTODY[ , PARTIAL CUSTODY AND VISITATION ] OF MINOR CHILDREN

Rule 1915.3.A. Commencement of Action. Complaint, Order. **Parenting Class.**

(a) Notice of a custody action and conciliation conference shall include the date and time for each party to attend parenting class, the date and time for custody conciliation, the name of the assigned mediator and instructions to contact the mediator within three (3) days.

(b) *Relocation.*

(1) Upon petition of either party, issues of relocation shall be heard before the Court. Each petition shall be accompanied by a Rule Returnable that sets forth separate Rule and Hearing dates.

(2) **All orders for custody shall include a statement that neither party shall relocate the children without proper consent and/or Court approval as required by 23 Pa.C.S. § 5337. Strict compliance with 23 Pa.C.S. § 5337 is required.**

(c) All custody matters alleging the prior existence of a Children, Youth and Families (CYF) proceeding shall include a copy of the order closing the case file prior to the institution of an action for custody in the Family Court.

(d) **All initial complaints for custody and petitions for modification shall include an executed**

copy of the moving party's Custody Crimes Affidavit. Within ten (10) days of service or at the conciliation conference/appearance before the court, whichever occurs first, the responding party shall file a similar affidavit.

(e) **Parenting Class:** When an initial complaint or petition to modify custody is filed, all parties shall be required to attend the Court approved Parenting Program. Upon good cause shown, a party may request permission in writing to the Family Court Administrator to attend an approved alternate program. Should the Court grant permission to attend an alternate program proof of attendance must be produced. Any party attending the Court approved program within one (1) calendar year may be excused from attendance. Failure to attend the Parenting Program as directed may result in a finding of Contempt and/or the issuance of Sanctions.

(f) **Mediation:** In appropriate cases, the parties to a custody proceeding shall be required to attend a Mediation Orientation session. Failure to attend the Mediation Orientation session may result in a recommendation by the custody conciliator that sanctions be entered including but not limited to a fine of up to \$100.00.

*Comment:* For form of the order as required by Pa.R.C.P. 1915.3(a) see C.C.R.C.P. 1915.15.A.(a). [ **Information regarding the appearance of children at a conciliation conference has been moved in its entirety to C.C.R.C.P. 1915.11.A. to coincide with the Pa.R.C.P. 1915.11. ]**

See C.C.R.C.P. 1915.4.A.(c) for pleadings to be filed in conjunction with a Petition for Relocation.

For the form of the Custody Crimes Affidavit required by 23 Pa.C.S. §§ 5328, 5329 see C.C.R.C.P. 1915.15.(A)(b).

**The current Court approved Parenting Program is Children in Between. Parties residing outside the Commonwealth of Pennsylvania may be given permission to attend the online version of Children in Between. It is the party's responsibility to provide the Court with the certificate of completion.**

Rule 191 5.4.A. Prompt Disposition of Custody Cases. Custody Hearing Demand. Pre-Trial Statement. Certificate of Readiness. **Relocation.**

(a) *Initial Contact with the Court.*

(1) All complaints for custody and petitions for modification shall be scheduled for mediation within thirty (30) days of filing with the Office of the Prothonotary and/or

(2) All parties shall attend parenting classes within thirty (30) days of filing the initial Complaint with the Office of the Prothonotary.

(b) *Listing Trials before the Court.*

(1) All temporary orders for custody unless otherwise specifically indicated on the order shall automatically become a Final Order of the Court no later than 180 days of the filing of the Complaint or Petition to Modify except in those cases where the parties have demanded trial within the time limitations set forth in Pa.R.C.P. 1915.4 and C.C.R.C.P. [ **1915.4.A.(c)(3)(4) ] 1915.4.A.(c)(4).**

(2) All temporary orders for custody shall include the following language:

Notice: Unless a demand for trial, [ has ] a certificate of trial readiness and a pre-trial statement have been filed, this order shall become a final order of the court within [ 180 days of the filing of the complaint or petition for modification or ] 90 days of the most recent conciliation conference[ , whichever is earlier ].

Notice: Neither party shall relocate the children without proper consent and/or court approval as required by 23 Pa.C.S. § 5337. Strict compliance with 23 Pa.C.S. § 5337 (related to relocation) is required.

(c) Trial

(1)

(i) When trial is demanded by any party, within thirty (30) days of filing the demand or [ at the time ] in conjunction with the filing of a petition for relocation, the moving party shall file with the Prothonotary a completed Certificate of Readiness and a Pre-trial statement containing the following information:

(a) a brief statement of the claim(s) being made by the moving party or the defense(s) made by the responding party;

(b) a concise statement of the facts;

(c) a concise statement of the factual or legal issues involved, if any, including citations to applicable statutes or case law, if any;

(d) a list showing the names and addresses of all witnesses each party intends to call at trial; [ and ]

(e) a schedule of all exhibits to be offered at trial;

(f) a proposed Final Order and Parenting Plan; and

(g) updated Custody Crimes Affidavit.

(ii) Attached to the Pre-trial statement shall be the reports of any experts intended to be called [ and a proposed order setting forth the requested disposition of the matter ].

(iii) All Pre-trial statements shall not exceed three (3) pages in length;

(iv) A time-stamped copy of the filed Pre-Trial shall be served upon Family Court and opposing counsel;

(v) The responding party shall file his/her Pre-trial statement within twenty (20) days of the filing of the movant's statement.

(vi) Failure to comply with the timely filing of a pre-trial statement may result in the imposition of sanctions including but not limited to exclusion of evidence at trial, fines and costs.

(vii.) Failure to comply with the timely filing of a certificate of trial readiness shall result in the recommendation of the custody conciliator being entered as a final order for custody.

(2)

(i) The form of Demand for Trial as required by C.C.R.C.P. 1915.4.A.(c)(1)(i) shall be substantially in the following form:

: IN THE COURT OF COMMON PLEAS
Plaintiff
: CHESTER COUNTY, PENNSYLVANIA
vs
: NO.
: ACTION—LAW
Defendant : IN CUSTODY

DEMAND FOR TRIAL

TO THE FAMILY COURT ADMINISTRATOR:

I, \_\_\_\_\_, plaintiff/defendant, hereby demand trial in the above-captioned custody matter.

Date: \_\_\_\_\_ Attorney for I.D. # \_\_\_\_\_

Address \_\_\_\_\_

Date of Most Recent Conciliation Conference: \_\_\_\_\_ (Must be within 90 days of filing)

N.B. No case shall receive a trial date until such time as a Certificate of Trial Readiness [ is ] and a Pre-Trial Statement are filed of record. All Certificates of Trial Readiness and Pre-Trial Statements shall be filed within thirty (30) days of filing a demand for trial. Failure to file within the time frame as specified will result in the recommendation of the custody conciliator becoming a Final Order of the Court.

(ii) The form of Certificate of Readiness required by C.C.R.C.P. 1915.4.A.(C)(1)(i) shall be substantially in the following form:

: IN THE COURT OF COMMON PLEAS
Plaintiff
: CHESTER COUNTY, PENNSYLVANIA
vs
: NO.
: ACTION—LAW
Defendant : IN CUSTODY

CERTIFICATE OF READINESS—CUSTODY

I hereby certify that all reports are completed and the above custody matter is ready for trial.

Date: \_\_\_\_\_ Attorney for \_\_\_\_\_

Date: \_\_\_\_\_ Attorney for \_\_\_\_\_

Estimated time of hearing: \_\_\_\_\_ (An estimated time of hearing must be entered or the certificate will be rejected by the Family Court Administrator and the case will not be listed for trial.

I hereby certify that on \_\_\_\_\_, I served a copy of this certificate on \_\_\_\_\_ [ with a request that he/she join in this certificate ].

Date: \_\_\_\_\_ Attorney for \_\_\_\_\_

[ N.B. This form must be completed in its entirety or the certificate will be rejected by the Family Court Administrator and the case will not be listed for trial. ]

(iii)(a) A copy of the Certificate of Trial Readiness **and the Pre-Trial Statement** shall be served upon the Family Court Administrator, who shall schedule the case for hearing and promptly notify all counsel and unrepresented parties in the case. Any certificate of readiness that fails to include an estimated time of trial will be rejected and not **[ placed on the trial list ] scheduled for trial.**

**(b) Failure to timely file a Certificate of Trial Readiness and Pre-Trial Statement shall result in the temporary order entered after the conciliation conference being entered as a Final Order for Custody unless good cause can be shown for the matter to proceed to trial.**

(4)(a) All demands for trial shall be filed within ninety (90) days of the most recent conciliation conference.

(b) A copy of the demand for trial shall be served upon the Family Court Administrator.

*Comment:* In the event no demand for trial has been filed, the docket will automatically reflect that the Order of the Court was finalized no later than 180 days after the filing of the Complaint or Petition for Modification. This rule does not apply to collateral matters not involving actual custody issues such as legal, physical, partial physical and primary physical custody.

See 23 Pa.C.S. § 5331 for the contents of the proposed Parenting Plan.

In the event the Certificate of Readiness is filed without the Pre-Trial Statement, no hearing date will be scheduled until the Pre-Trial Statement is filed.

The demand for trial must be served upon Family Court in order for the case to be placed on the trial list.

**Rule 1915.5.A. Questions of Jurisdiction. No Responsive Pleading by Defendant Required. Counterclaim. Venue. Discovery.**

(a)(1) All references to hearing in Pa.R.C.P. 1915.5 shall be construed as referring to the conference before the custody conciliator. If a question of jurisdiction or venue is raised by timely Preliminary Objections, the conciliation shall be continued until decision by the court.

(2) All Preliminary Objections to jurisdiction or venue shall be accompanied by a Rule to Show Cause stating separate Rule Returnable and Hearing Dates.

(b) Requests for discovery shall be in accordance with C.C.R.C.P. [ 206.1.C. ] 208, et seq. except that no brief shall be required.

**Rule 1915.5.B. Custody Conciliator. Conference.**

(a) The Court shall appoint appropriate persons as custody conciliators.

(b) The custody conciliator:

(1) shall conciliate custody, and visitation cases filed with the court;

(2) may hear contempt cases filed with the court;

(3) may recommend to the court that interim temporary and final custody orders be entered; and

(4) may recommend the appointment of counsel and/or a guardian ad litem for the child.

(c) All custody matters shall be scheduled for conference before the custody conciliator no sooner than ten (10) days after filing of an action. Emergency matters may be

scheduled for an earlier conference on a standby basis. All parties shall be present at such conference. Failure of a party to appear at the conference may result in the entry of an order in the absence of such party.

(d) An appearance by counsel before the custody conciliator shall be deemed an entry of appearance on behalf of the party represented.

(e) To facilitate the conciliation process and encourage frank, open and meaningful exchanges between the parties and their respective counsel all statements, except agreements made by the parties, shall not be the subject of direct or cross examination at a later hearing before the court. The custody conciliator shall not be subject to subpoena as a witness.

(f)(1) **[ At ] An order, agreed upon by the parties or recommended by the custody conciliator shall issue at the conclusion of [ every ] the conciliation conference or at the discretion of the conciliator [ or attorney designated by the conciliator shall prepare an order either agreed upon by the parties or to be recommended by the conciliator ] by the close of the next business day. In the event a recommendation does not issue at the conclusion of the conference, upon letter request of counsel or the party(ies), the custody conciliator may conduct a brief conference call limited to minor issues regarding the implementation of his/her recommendation.** The conciliator shall submit the order reflecting the agreement or recommendation to the Court for approval.

(2)

(i) **[ which are not agreed upon by the parties, shall be scheduled for hearing before the Court. Any party requesting the issuance of the recommendation as an interim order shall present to the Family Court Administrator within two (2) business days of the conciliation conference an order for scheduling a hearing. Said matter shall be scheduled within thirty (30) days of the conciliation conference for a brief hearing on the issuance of an interim order. The moving party shall also file a demand for trial no later than the day and time set for the hearing on the issuance of an interim order. ] Recommendations that change primary custody:** The recommendation of the custody conciliator shall state whether or not the recommendation will result in a change in primary custody that is not agreed upon by the parties. The conciliator shall advise the objecting party to an Order recommending a change in primary custody that a request for stay of the entry of the recommended order shall be filed within five (5) days of the conciliation conference. If no stay is filed within five (5) days, the order shall be entered. If no demand for trial is filed within ninety (90) days, the recommended order shall become a final order of court. If a request for stay is timely filed, a hearing shall be scheduled within thirty (30) days to determine if the recommended order shall be made a temporary pending trial. The party seeking the stay shall submit an order for hearing. The objecting party shall file a Demand for Trial and serve Family Court Administration no later than the date set for the hearing. A certificate of trial readiness and pre-trial statement shall be filed within thirty (30) days of the filing of the demand for trial. The certificate of trial readiness and pre-trial statement shall be served upon Family Court Administration.



Failure to file a timely demand for trial or certificate of trial readiness and pre-trial statement shall result in the recommendation of the conciliator being entered as a final order of court.

(ii) The form of order required by C.C.R.C.P. 1915.5.b.(F)(2)(i) shall be substantially in the following form:

Plaintiff : IN THE COURT OF COMMON PLEAS
: CHESTER COUNTY, PENNSYLVANIA
vs : NO.
: CIVIL ACTION—LAW
Defendant : IN CUSTODY

NOTICE AND ORDER TO APPEAR

A recommended order for a change in primary custody has been forwarded to the Court by \_\_\_\_\_, Conciliator. At the request of \_\_\_\_\_, a hearing has been scheduled before the Court to determine if the recommended order should be entered as an Interim Order pending trial.

The parties and counsel are ordered to appear for a hearing on \_\_\_\_\_ at \_\_\_\_\_ m. in Courtroom No. \_\_\_\_\_ of the Chester County Courthouse, West Chester, PA. The Court has set aside fifteen (15) minutes for each side to present their case in the format of their choice (evidentiary testimony, legal argument). At the conclusion of which, the Judge will render a decision regarding the entry of an Interim order pending trial. [ Upon the filing of a Demand for Trial and the requisite Certificate of Trial Readiness, the matter shall be set for trial in the normal course of business. Failure to demand trial within ninety (90) days of the conciliation conference shall result in the Interim Order, if entered, becoming a final Order of the Court. ] Failure to demand trial by the aforementioned date shall result in the recommendation of the custody conciliator being entered as a final order of court.

BY THE COURT:

Date: \_\_\_\_\_

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, PLEASE CONTACT THE OFFICE SET FORTH BELOW:

Lawyer Referral Service
15 West Gay Street
West Chester, PA 19380
610-429-1500

IF YOU CANNOT AFFORD A LAWYER, PLEASE CONTACT THE OFFICE SET FORTH BELOW:

Legal Aid of Southeastern Pennsylvania
Chester County Division
[ 14 East Biddle Street ]
222 North Walnut Street, 2nd floor
West Chester, PA 19380
610-436-4510

[ AMERICAN WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Chester 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.

BY THE COURT:

Date: \_\_\_\_\_ ]

Comment: It is the general practice of this Court to schedule Custody conciliation conferences not later than 90 days from the filing of the Complaint or Petition to Modify. [ Hearing requested pursuant to C.C.R.C.P. 1915.B.(f)(2)(i) will be approximately 30 minutes in length (15 minutes each side) for the presentation of evidence on the issue of a change in primary custody. ]

Rule 1915.11.A. Appointment of Attorney for Child. Interrogation of Child. Attendance of Child at Hearing or Conference.

(a) If counsel or a guardian ad litem is appointed for the child, fees may be assessed against the parties.

(b) (1) No child(ren) shall be present at a conciliation conference unless specifically ordered to appear.

(2)

(i) Parties requesting the presence of children ages ten (10) and older at a conciliation conference shall do so by submitting their request in the form of a proposed order to the Office of the Family Court Administrator. That office shall maintain such forms in blank, for this purpose. The proposed order shall be served by the requesting party on all other parties promptly and in sufficient time so that the opposing parties are given at least ten (10) days notice, prior to the conciliation conference, of the entry of the order.

(ii) The form of order required by C.C.R.C.P. 1915.11.A.(b)(2) shall be substantially in the following form:

Plaintiff : CHESTER COUNTY, PENNSYLVANIA
vs : NO.
: ACTION—LAW
Defendant : IN CUSTODY

ORDER FOR APPEARANCE

WHEREAS, a Custody Conciliation Conference in this matter has been scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ m. before a Chester County Custody Conciliator in the Child Custody Conciliation Room at Courthouse, Third Floor Annex, West Chester, Pennsylvania, and,

WHEREAS, \_\_\_\_\_, who is a party to these proceedings has requested the presence at the Conciliation Conference of the children named below who are the subject of these proceedings and are ten (10) years of age or older,

IT IS HEREBY ORDERED that the following minor children shall attend the aforesaid Conciliation Conference:

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_
Name \_\_\_\_\_ Date of Birth \_\_\_\_\_
Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

BY THE COURT:

Date: \_\_\_\_\_

(3) The custody conciliator may at his/her discretion reschedule a conference and may direct the appearance of a child or children of any age.

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

(a) All petitions for Contempt shall be accepted for filing by the Office of the Prothonotary upon payment of the appropriate fee.

(b) All petitions for Contempt shall allege with specificity the facts that constitute a willful failure to comply and indicate the remedy the party is seeking.

(c) All Petitions for Contempt may be scheduled for a hearing before the Custody Conciliator. The hearing shall be limited to one (1) hour in duration at which time the parties may present evidentiary testimony. At the conclusion of the hearing, the custody conciliator shall make a recommendation and advise the parties they have ten (10) days in which to request a hearing de novo. At the conclusion of the ten (10) days if no objections have been filed, the recommendation shall become an order of the court. In the event objections are filed, the matter shall be listed, in the normal course of business, for a hearing de novo before the Court. The hearing shall be limited to the issues raised by the [pleadings] petition for contempt.

(d) The recording of testimony during an evidentiary hearing before the custody conciliator is precluded.

(e) Timely objections to the recommendation of the custody conciliator shall be filed in writing with the Office of the Prothonotary. A copy of the objections shall be filed upon the Family Court Administrator who shall promptly schedule the matter for hearing before the Court.

(f) The form of order required by Pa.R.C.P. 1915.12(a) shall be in the following form:

  : IN THE COURT OF COMMON PLEAS  
 Plaintiff  
   : CHESTER COUNTY, PENNSYLVANIA  
 vs  : NO.  
   : CIVIL ACTION—LAW  
 Defendant                             : IN CUSTODY

**NOTICE AND ORDER TO APPEAR**

Legal proceedings have been brought against you alleging you have willfully disobeyed an order of court for custody[ , **partial custody, visitation** ]. If you wish to defend against the claim set forth in the following pages, you may but are not required to file in writing with the court your defenses or objections.

An evidentiary hearing has been scheduled for \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. in the Chester County Justice Center, 201 West Market Street, Fifth Floor, Hearing Room #1, West Chester, PA.

Whether or not you file in writing with the court your defenses or objections, you must appear in person for this hearing.

**IF YOU DO NOT APPEAR IN PERSON, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.**

If the court finds that you have willfully failed to comply with its order for custody[ , **partial custody or**

**visitation** ], you may be found to be in contempt of court and committed to jail, fined or both.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT**

**HAVE A LAWYER, PLEASE CONTACT THE OFFICE SET FORTH BELOW:**

Lawyer Referral Service  
 15 West Gay Street  
 West Chester, PA 19380  
 610-429-1500

**IF YOU CANNOT AFFORD A LAWYER, PLEASE CONTACT THE OFFICE SET FORTH BELOW:**

Legal Aid of Southeastern Pennsylvania  
 Chester County Division  
 222 North Walnut Street, 2nd Floor  
 West Chester, PA 19380  
 610-436-4510

**AMERICAN WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Chester 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.

**BY THE COURT:**

Date: \_\_\_\_\_

**Rule 1915.13.A. Special Relief.**

(a) Petitions seeking a stay or other immediate, substantive relief may be presented to the court at any time.

(b) The court will not enter a stay or grant the relief ex parte unless:

(1) *Notice*—it appears from the petition or motion that reasonable notice, under the circumstances, has been given to all parties in interest of the date, time and place of the application; or

(2) *Stipulation*—it appears from the petition or motion that there is an agreement by all parties in interest; or

(3) *Exigency*—the court in its discretion shall determine that there are extraordinary circumstances justifying a stay or immediate relief. Such exigent circumstances include those where immediate action is necessary to protect the mental or physical well-being of a child or children, or to undo the effects of a “snatch” (that is, a recent sudden change in a long-standing custody arrangement brought about contrary to the wished of the custodial parent), or to preserve the status quo.

(c) Where prompt action is necessary, the family court may also enter temporary orders based on:

(1) the recommendations of the conciliator; or

(2) affidavits, depositions, reports of physicians, police or school personnel, and the oral representations of counsel; or

(3) investigations of child service agencies, or

(4) a combination of the foregoing.

**Rule 1915.15.A. Form of Complaint. Caption. Order. Petition to Modify a Partial Custody or Visitation Order.**

(a) The form of order required by Pa.R.C.P. 1915.3(a) shall be in the following form:

[ : IN THE COURT OF COMMON PLEAS

Plaintiff

: CHESTER COUNTY, PENNSYLVANIA

vs

: NO.

: CIVIL ACTION—LAW

Defendant : IN CUSTODY

NOTICE AND ORDER TO APPEAR

A complaint has been filed in the Court of Common Pleas of Chester County concerning custody/partial custody/visitation of your children.

You are ordered to appear in person at the Chester County Justice Center, 5th Floor, Custody Conciliation Room 5206, 201 West Market Street, West Chester, PA 19380 for a Custody Conciliation Conference on \_\_\_\_\_, at \_\_\_\_\_, \_\_.m.

If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you.

You, \_\_\_\_\_, Plaintiff, are ordered to appear in person to attend a Parenting Class on Thursday, \_\_\_\_\_ at 4:30 p.m. in Room 4112, Fourth Floor, Chester County Justice Center, 201 West Market Street, West Chester, PA.

You, \_\_\_\_\_, Defendant, are ordered to appear in person to attend a Parenting Class on Thursday, \_\_\_\_\_ at 4:30 p.m. in room 4112, Fourth Floor, Chester County Justice Center, 201 West Market Street, West Chester, PA.

Failure to attend the session as scheduled may affect your rights to custody, partial custody or visitation.

You are ordered to contact the Mediator assigned to your case within three (3) days of receiving these papers.

Mediator: \_\_\_\_\_ Phone \_\_\_\_\_

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, PLEASE CONTACT THE OFFICE SET FORTH BELOW:

Lawyer Referral Service
15 West Gay Street
West Chester, PA 19380
610-429-1500

IF YOU CANNOT AFFORD A LAWYER, PLEASE CONTACT THE OFFICE SET FORTH BELOW:

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Chester County Division
222 North Walnut Street, 2nd Floor
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AMERICAN WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Chester 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.

BY THE COURT:

Date: \_\_\_\_\_ ]

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CHESTER COUNTY, PENNSYLVANIA

vs

: NO.

: CIVIL ACTION—LAW

Defendant : IN CUSTODY

NOTICE & ORDER TO APPEAR

You \_\_\_\_\_, defendant, have been sued in court to obtain/modify custody of the child(ren):

You are hereby notified of the following:

1. Court Ordered Mediation: You are ordered to contact the Mediator assigned to your case within three (3) days of receiving these papers to schedule mediation orientation.

Mediator: \_\_\_\_\_ Phone \_\_\_\_\_

Failure to contact the mediator and attend mediation orientation may result in sanctions, including, but not limited to, a fine of up to \$100, delay in your custody proceedings or other appropriate sanction.

2. Custody Conciliation Conference: You are ordered to appear in person at the Chester County Justice Center, 5th Floor, Hearing Room 5206, 201 West Market Street, West Chester, PA 19380 for a Custody Conciliation Conference on \_\_\_\_\_, at \_\_\_\_\_, \_\_.m. at which time a recommendation for a custody Order may be entered.

If you fail to appear, an order for custody may be entered against you or the court may issue a warrant for your arrest.

3. Parenting Class:

a. You, \_\_\_\_\_, Plaintiff, are ordered to appear in person to attend a Parenting Class on Thursday, \_\_\_\_\_ at 4:30 p.m. in Room 4112, Fourth Floor, Chester County Justice Center, 201 West Market Street, West Chester, PA.

b. You, \_\_\_\_\_, Defendant, are ordered to appear in person to attend a Parenting Class on Thursday, \_\_\_\_\_ at 4:30 p.m. in room 4112, Fourth Floor, Chester County Justice Center, 201 West Market Street, West Chester, PA.

Failure to attend your parenting session as scheduled may affect your rights to custody, partial custody or visitation.

4. You must file with the Court a verification as required by Pa.R.C.P. 1915.3-1 in the form attached regarding any criminal record or abuse history regarding you and anyone living in your household within thirty days of the service of the within complaint or petition on you, but not later than the custody conciliation conference scheduled in Paragraph 2, above.

No party may make any change in the residence of any child which significantly impairs the ability

of the other party to exercise custodial rights without first complying with all the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. 1915.17 regarding relocation.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, PLEASE CONTACT THE OFFICE SET FORTH BELOW:

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West Chester, PA 19380
610-429-1500

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AMERICAN WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Chester County is required by law to comply with the Americans with Disabilities Act of 1990. For information about ac-

cessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact Family Court Administration at 610-344-6405. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference.

BY THE COURT:

Date: \_\_\_\_\_

(b) The form of Custody Crimes Affidavit as required by 23 Pa.C.S. §§ 5328, 5329 shall be in the following form:

: IN THE COURT OF COMMON PLEAS
: CHESTER COUNTY, PENNSYLVANIA
:
vs. : NO.
:
Defendant :
: CIVIL ACTION—CUSTODY

AFFIDAVIT PURSUANT TO 23 PA.C.S.A. § 5328 AND § 5329

I \_\_\_\_\_, hereby swear or affirm that:
(print name)

1. Please state whether or not you and/or another adult living in your household have been convicted of, pled guilty or no contest to the following crimes in Pennsylvania or any other jurisdiction, as follows:

Table with 5 columns: NO, YES, Me, Adult in my Household, Date Of Conviction. Rows include crimes like Contempt for violation of a Protection from Abuse order, Driving under the Influence, Possession, sale, delivery, manufacturing or offering for sale any controlled substance, Criminal homicide; Murder, Aggravated Assault, Stalking, Kidnapping, Unlawful restraint, False imprisonment.

<i>NO</i>	<i>YES</i>		<i>Me</i>	<i>Adult in my Household</i>	<i>Date Of Conviction</i>
<input type="checkbox"/>	<input type="checkbox"/>	Luring a child into a motor vehicle or structure;	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____
<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, incest;	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____
<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. § 9795.2;	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	Arson and related offenses;	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	Concealing death of a child;	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	Endangering the welfare of children;	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	Trading, bartering, buying, selling or dealing in infant children;	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	Prostitution and related offenses;	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	Obscene and other sexual materials and performances; or	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	Corruption of minors or unlawful contact with a minor.	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____

2. Please state whether or not you and/or another adult living in your household have a present and/or past history involving violent or abusive conduct as follows:

<i>NO</i>	<i>YES</i>		<i>Me</i>	<i>Adult in my Household</i>	<i>Date Of Finding</i>
<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"/>	_____
				Name: _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	Has been subject to a Protection from Abuse order in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
				Name: _____	_____



I verify that the statements made in this affidavit are true and correct. I understand that any false statements herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name

CRIMINAL CHARGE INFORMATION FOR INDIVIDUALS INVOLVED IN CHILD CUSTODY CASES CAN BE FOUND BY ACCESSING THE JEN & DAVE PROGRAM AT WWW.JENDAVEPROGRAM.US

(c) All Petitions for Modification shall be accepted for filing by the Office of the Prothonotary upon the payment of the appropriate fee.

(d) All Petitions for Modification shall allege with specificity the modification sought and the reasons for seeking the modification.

#### ACTION OF DIVORCE OR ANNULMENT OR MARRIAGE

##### Rule 1920.16.A. Severance of Actions and Claims. Bifurcation.

(a) Upon [ **motion** ] petition of either [ **party** ] party or upon consent of the parties and after [ **hearing** ] a record proceeding the Master may recommend bifurcation of the divorce proceedings and issuance of a divorce decree, prior to a determination of other matters raised, by written report in accordance with Pa.R.C.P. 1920.53. The court shall permit bifurcation for good cause shown. In such event, this decree shall be indexed in the judgment docket to give notice of the divorced spouse's equitable interest in the property of the other.

(b) The decree of divorce in such circumstances shall be substantially in the form as prescribed by Pa.R.C.P. 1920.76.

(c) A copy of the Petition for Bifurcation shall be served upon the appointed Master.

(d)(1) **Requests for Interim Distribution where equitable distribution has been raised by the pleadings and grounds have been met shall be referred to the appointed Master for disposition.**

(2) **Claims for Interim Distribution shall be raised by the filing of a verified petition with a rule returnable. No hearing will be assigned at the time of filing.**

(3) **In those cases where a master has not been appointed, the moving party shall motion for the appointment of an equitable distribution master and pay the appropriate fee.**

(4) **The assigned master shall schedule a preliminary conference and ultimately a hearing, if necessary. At the conclusion of the hearing, a report shall issue.**

(5) **Objections to a recommendation for Interim Distribution shall be made by the filing of exceptions.**

**Comment: Grounds for divorce pursuant to 23 Pa.C.S. § 3301 shall have been met prior to the hearing on the petition raising the request for Interim Distribution.**

**Exceptions to the recommendation for Interim Distribution are deemed to be interlocutory. Oral**

**argument, as necessary, will be scheduled when the final report and recommendation is filed.**

**Rule 1920.31.A. Joinder of Related Claims. Child and Spousal Support. Alimony. Alimony Pendente Lite. Counsel Fees. Expenses. Registration of Alimony. Registration of Foreign Decrees.**

(a)(1) [ **A party in whose favor the court has entered an order for alimony may** ] Any party to an alimony order/award may register the order/award upon payment of the required fee to the domestic relations office [ **a fee of one hundred (\$100.00) dollars, register the order** ]. Upon registration, and notice to the opposing side, the [ **order** ] order/award shall be enforced in the same manner as other support orders.

(2) All orders for alimony [ **shall** ] may be subject to [ **automatic** ] wage attachment **consistent with Pa.R.C.P. 1910.21.**

(b)(1) Petitions to register, adopt and enforce foreign decrees as provided in Section 3705 of the Divorce Code shall be filed with the Prothonotary and shall contain the following:

(i) identification of parties and their respective residences;

(ii) a certified copy of the decree and any subsequent modifications; and

(iii) a reference to laws of the issuing state which impact on enforcement of such decree.

(2) Upon filing of the petition, the Family Court Administrator is authorized to issue, per curiam, a Rule to Show Cause why the prayer of the said petition should not be granted, returnable in not less than twenty (20) days. Each rule shall notify respondents that well pled facts of the petition will be admitted unless an answer specifically denying the same is filed by the close of court on the return date of the rule.

(3) The [ **petitions** ] petition shall be served in the same manner as in original process for divorce.

(4) All well pled factual averments in the petition shall be deemed admitted unless an answer specifically denying the same is filed on the return date of the rule. The requirements of Pa.R.C.P. 1029 shall apply.

(5) An answer to the petition for registration shall contain all defenses to the requested relief including those based upon jurisdiction and the law of the issuing state. Any statutes or applicable law upon which the respondent bases his defense shall be cited, and in the case of foreign statutes, a copy of the applicable statute shall be attached.

(6) If no answer has been timely filed, the petitioning party, five (5) days after the return date, may move to have the rule made absolute, granting the prayer of the petition.

(7) When an answer has been timely filed and any issue(s) raised in the petition and answer is (are) ripe for

consideration, subject to the provisions of Pa.R.C.P. 206.7 any party may file a praecipe for determination in the form [ **described in** ] **prescribed by** C.C.R.C.P. [ **206.2** ] **206.6**, with a supporting brief. Responsive briefs shall be filed with fifteen (15) days of the filing of the praecipe for determination.

(8) A decree granting registration and adoption of a foreign decree with respect to alimony or alimony pendente lite may be registered with the Domestic Relations Office in the same manner as provided in C.C.R.C.P. 1920.31.A.

**Comment: All requests for registration of an alimony or alimony pendente lite order/award must comply with C.C.R.C.P. 1910.17.A.(e).**

**Rule 1920.32.A. Joinder of Related Claims. Custody. Hearing by Court. Joinder of Custody Claim.**

If a custody claim is asserted in a divorce complaint, a duplicate copy of the complaint shall be filed with the Prothonotary and it shall receive a [ **court** ] **docket** number separate from the divorce action. Such filing shall contain the information required by Pa.R.C.P. 1915.3(a), 1915.15(a) and C.C.R.C.P. 1915.3.A. An additional filing fee may be required for this duplicate complaint. A copy of the duplicate, with the separate court number, shall be served on the defendant.

**Rule 1920.42.A. Affidavit and Decree Under § 3301(c) or § 3301(d)(1) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in § 3301(c) and § 3301(d)(1)(i) Divorces. Counter-Affidavit. Praecipe to Transmit Record. Incorporation of Agreement in Divorce Decree.**

(a) *Withdrawal of Claims*—Prior to the filing of the praecipe to transmit the record, any ancillary claim that has not been resolved by an agreement to be incorporated into the decree shall be withdrawn by praecipe of the party who raised the claim. All praecipos to withdraw ancillary claims shall include a certification that opposing counsel, any unrepresented party and the Master, if appointed, have been served with a copy of said praecipe and notice of intention to file same at least twenty (20) days prior to the date of its filing. The notice of intention to file the withdrawal of ancillary claims may be waived. Waivers shall be in writing and signed by counsel of record, or the parties and filed of record.

*Note:* The required notice of intention to file a praecipe to withdraw ancillary claims may be given at the same time as the notice of intention to file a praecipe to transmit the record. The praecipe to withdraw ancillary claims may then be filed immediately prior to the filing of the praecipe to transmit the record.

(b) In those cases where a Master has been appointed, at the time of filing the Notice of Intention to file the Praecipe to Transmit the Record or the Waiver of Notice of Intent with the Prothonotary, the filing party shall notify the Master, in writing, that the action has been settled and file a certification of said notice with the Prothonotary.

(c) Within eight (8) days of the Master's receipt of a notice of intention to file a praecipe to transmit record, the master shall return the court file to the Prothonotary of Chester County.

(d) If the parties conclude a written agreement as to any or all ancillary matters and desire to have such agreement incorporated in the divorce decree, the agreement to be so incorporated must be filed of record. The

Praecipe to Transmit the Record should request incorporation and a written stipulation agreeing to same, executed by the parties and/or their respective counsel, must be filed of record. Should incorporation be included in the agreement, the Praecipe to Transmit the Record shall refer to the paragraph and page number(s) of the agreement at which the terms providing for incorporation may be found.

**Rule 1920.43.A. Special Relief.**

(a) All petitions for special relief shall be in the form prescribed by C.C.R.C.P. [ **206.1.A.(1)(a)** ] **206.2** and **1930.1.A.(6)**.

(b) A rule to show cause assigned a return date not sooner than twenty (20) days after the date of filing shall be issued per curiam when presented to the deputy court administrator, family court.

(c) Any petitioner seeking a return date sooner than twenty (20) days of filing, or seeking a rule which stays proceedings or which by its terms grants substantive relief, shall present the petition, proposed order and rule to the signing judge of the Family Court. The court will not enter a stay or grant more immediate relief ex parte unless:

(1) *Notice*—It appears from the petition or motion that reasonable notice, under the circumstances, of the date, time and place of the presentation of the petition has been given to all counsel and unrepresented parties;

(2) *Stipulation*—It [ **appeals** ] **appears** from the petition or motion that there is an agreement by all counsel and unrepresented parties; or

(3) *Exigency*—The court in its discretion shall determine that there are extraordinary circumstances justifying a stay or more immediate relief.

(d) Immediately after filing documents with the Prothonotary, each party shall serve upon all other counsel and unrepresented parties complete copies of such documents. Within five (5) days of such filing, the moving party shall file with the Prothonotary a separate document certifying such service in the form prescribed by C.C.R.C.P. 206.3

**Rule 1920.46.A. Military Service.**

(a) If the defendant has not appeared and the plaintiff avers in the affidavit regarding military service that the defendant is in the military service or that the plaintiff cannot determine whether or not the defendant is in the military service, then the plaintiff shall file with the affidavit a motion and order for the appointment of an attorney to represent the defendant and shall deposit with the Prothonotary [ **two** ] **four** hundred [ **(\$200.00)** ] **(\$400.00)** dollars to cover the attorney's fees.

(b) The attorney appointed to represent the defendant shall promptly perform the following duties:

(1) The attorney shall make diligent inquiry to ascertain the whereabouts of the defendant.

(2) If the attorney ascertains that the defendant is in the military service, the attorney shall inform the defendant of the action pending and ascertain whether the defendant wishes to appear and be heard, shall attend all hearings before the Master, and shall take any action proper to protect the interests of the defendant.

(3) If the defendant is in the military services and wishes to appear and be heard, or if in the opinion of the attorney the defendant is prejudiced by said military service, the attorney shall state this in an interim report

filed with the Prothonotary, copies of which shall immediately be served upon the attorney for the plaintiff and the Master, if appointed. In such event all proceedings shall be stayed until further order of the court.

(4) If the attorney cannot ascertain the whereabouts of the defendant or whether or not the defendant is in the military service, the attorney shall, within ninety (90) days from the date of appointment, file with the Prothonotary an interim report stating what information has been ascertained and what steps were taken to ascertain such information, copies of which report shall immediately be served upon the attorney for the plaintiff and the Master, if appointed. The attorney shall attend all hearings before the Master and take any action proper to protect the interest of the defendant.

(5) Within ten (10) days after the hearings before the master have closed, the attorney shall file with the Master a final report stating whether or not the defendant's whereabouts have been ascertained, and if the defendant is in the military service, whether or not the defendant is prejudiced by said military service. The final report shall be attached to and made a part of the report of the Master.

(6) Upon the filing of an interim report resulting in the staying of all proceedings until further order of the court, or upon the filing of a final report, the attorney shall be entitled to receive the [ **two** ] **four** hundred [ **(\$200)** ] **(\$400.00)** dollars previously filed with the Prothonotary.

Rule 1920.51.A. Hearing by the Court. Appointment of Master. **Interim Distribution.** Notice of Hearing. Applicable Masters' Fees.

(a) In actions where ancillary claims have been raised and are at issue, **or a petition for Interim Distribution has been filed**, on the motion of either party, a Master shall be appointed by the court to hear testimony and prepare a report and recommendation.

(b) *Motion for Appointment of a Master*—A motion for the appointment of a Master may be filed at any time after the filing of a complaint in divorce and shall state specifically what claims are at issue, what claims have been settled by agreement and whether any such agreement is to be entered as a court order. The moving party must be in compliance with Pa.R.C.P. 1920.31 and 1920.33. The motion shall include a certification that the completed inventory has been filed and served on the other party. The motion and order shall be in the form prescribed by Pa.R.C.P. 1920.74(a), (b).

(1) *Certification of Service*—The movant shall file, along with the motion for appointment of Master, as certification that opposing counsel or any unrepresented party has been served with a copy of the motion and all other documents required pursuant to subsection (b) hereof.

(2) The motion for the appointment of a Master shall aver whether any acting Master is disqualified from acting as a Master in the action and the basis for disqualification.

(c) Objections to the Motion for the Appointment of Master shall be filed within ten (10) days of the filing of the motion and shall be in accordance with C.C.R.C.P. [ **201.1.C.** ] **206.2** and **206.6** except that no brief shall be required.

(d) *Cover Sheet*—Any motion for appointment of a Master shall be filed in the office of the Prothonotary and shall be accompanied by a cover sheet, available at the office of the Prothonotary.

(e) *Appointment of Master*—Upon filing of the motion for the appointment of a Master, in the form prescribed by Pa.R.C.P. 1920.74, the required cover sheet and the posting of the required fee, the Office of the Prothonotary shall forward the motion to the Masters' Unit for the scheduling of a preliminary conference. When a party files a motion for the appointment of a Master, the moving party shall pay the Prothonotary the applicable fee pursuant to this Rule. No Master shall be appointed without such payment.

(f) *Applicable Fee*—The party filing for the appointment of a Master shall specify on the cover sheet the matters sought to be heard by the Master, which shall determine the applicable fee. In addition to posting the requisite fee, the moving party shall pay [ **eight dollars (\$8)** ] **ten dollars and thirty-five cents (\$10.35)** for filing fee with the Prothonotary.<sup>[1]</sup>

(1) The fee for the appointment of a Master to hear only marital dissolutions issues shall be \$130.00.

(2) The fee for the appointment of a Master to hear interim issues of alimony pendente lite, counsel fees/and or litigation expenses shall be \$100. The party moving for the appointment of a Master to hear a claim for alimony pendente lite shall file a time-stamped copy of the motion filed with the Prothonotary pursuant to subsection (1) hereof and a copy of the receipt or payment of the requisite fee, in the Domestic Relations Office of Chester County. The Domestic Relations Office shall then schedule a conference in accordance with Pa.R.C.P. 1910.12 and C.C.R.C.P. 1910.12.A.

(3) Whenever a party moves for the appointment of a Master to hear equitable distribution of marital property, whether or not there are other claims to be heard by the Master, the moving party shall deposit \$500 for the Master's fee plus [ **eight dollars (\$8)** ] **ten dollars and thirty-five cents (\$10.35)** for filing with the Prothonotary.

(g) The above fees are non-refundable.

**Comment: All fees are subject to change consistent with the Prothonotary's published fee schedule which may be found at [www.chesco.org](http://www.chesco.org).**

[ <sup>1</sup> **The filing fee with the Prothonotary is subject to change.** ]

**Rule 1920.53.A. Hearing by Master. Master's Report.**

(a) *Master's Duty to Determine Jurisdiction*—The Master shall examine the formal sufficiency and regularity of the proceedings and the question of jurisdiction on the face of the pleading. If defective, but curable by amendment, the Master shall notify counsel and suspend further action until the necessary amendment is made. When the Master is satisfied of the formal sufficiency and regularity of the proceeding and the existence of jurisdiction, the hearing shall proceed as follows:

(b) *Divorce and Annulment Cases—(Not Involving Equitable Distribution.)*

(1) Counsel **or any unrepresented party** shall be provided with written notice of the hearing at least ten (10) days prior thereto.

(2) The Plaintiff shall, prior to the hearing, submit to the master a written "Plaintiff's Record of Testimony" bearing the case caption, and consisting of the following:

(i) The Plaintiff's testimony, in question and answer form, signed and verified by the Plaintiff,



(ii) Any exhibits specifically identified in the Plaintiff's evidence, and

(iii) The testimony of each of the Plaintiff's witnesses, in question-and-answer form, signed and verified by the witnesses.

(c)(1) The Master's hearing in uncontested cases shall be conducted as follows:

(i) At the time hearing, the Plaintiff and all witnesses whose Record of Testimony has been prepared in advance shall be present and shall affirm their prerecorded evidence, under oath or affirmation, in the Master's presence.

(ii) The Master may examine the Plaintiff and the witnesses regarding the prerecorded evidence to evaluate their credibility, and may interrogate them as to any relevant matter whether or not included in the prepared record of testimony.

(iii) The Master, upon being satisfied that the Plaintiff's record of testimony is credible, shall accept it and include it in the Master's report in lieu of findings on the merits, provided however, that in the report the Master certifies that:

(a) At the hearing and in the Master's presence the Plaintiff and witnesses offering prerecorded testimony were placed under oath and were examined and that they, by credible evidence, substantiated the facts set forth in the Plaintiff's record of testimony, and

(b) No witness who was sworn or affirmed presented testimony or evidence contrary to the facts set forth in such record testimony.

(c) A report and recommendation of the Master shall issue at some time after hearing.

(d) The Master's hearing, in contested divorce and annulment cases, shall be conducted as follows:

(1) The parties shall appear and present evidence, with a Court Reporter present.

(2) The Master may inquire of the parties under oath.

**Rule 1920.54.A. Hearing by Master. Report. Related Claims.**

(a) *Preliminary Conference*—

(1) A Master shall hold a preliminary conference within thirty (30) days after being appointed to determine the scope of the ancillary issues raised. No stenographic record shall be made of this conference unless requested by a party, and approved by the Master, in which case that party shall engage and bear the cost of the stenographer.

(2) A Master may recommend to the court the entry of orders for alimony pendente lite, child support, counsel fees, expenses or costs following the preliminary conference.

(b) *Discovery*—

(1) Counsel may prepare and submit to the assigned Master and opposing counsel a list of requested discovery at the preliminary conference.

(2) A Master may recommend to the court the entry of orders for discovery, including but not limited to, the filing of an inventory, an income and expense statement and affidavit of vital statistics. Said discovery orders may include discovery deadlines upon the request of either party or at the direction of the Master.

**(3) In any divorce matter in which a Master has been appointed, all discovery motions, which do not involve a non-party, filed pursuant to Pa.R.C.P. 1930.5 and Pa.R.C.P. 4001 et seq. shall be heard by the Master.**

**(4) An argument, if requested by either party, shall be scheduled before the Master. At the conclusion of the argument or within a reasonable time, the Master may make a recommendation and advise the parties they have ten (10) days in which to request an argument before the Court. At the conclusion of the ten (10) days, if no objections have been filed, the recommendation shall become an order of the Court. In the event objections are filed, the matter shall be listed, in the normal course of business for argument before the Court. Argument shall be limited to the issues raised by the pleadings.**

**(5) All Objections shall be in writing and filed within ten (10) calendar days of the recommendation. A copy shall be served upon the Family Court Administrator who shall schedule the case for argument and promptly notify all counsel and unrepresented parties in the case.**

(c) *Settlement Conference*—The Master shall conduct a settlement conference at which both parties shall submit a statement, which:

(1) Gives biographical information of each party, including but not limited to, age, education, occupation, income, health and children;

(2) Contains any updates on valuation of property at issue;

(3) Identifies any and all legal or factual disputes or issues; and

(4) Contains a proposed specific schedule of distribution of all property including the percent of distribution to each party.

(d) *Certification of Trial Readiness*—

(1) At the conclusion of the settlement conference, if all discovery has been completed, the deadline for discovery has passed, the case has not settled and divorce grounds have been established, the parties may file a Certification of Trial Readiness.

(2) A time-stamped copy of the completed Certification of Trial Readiness shall be served upon the assigned Master and proof thereof, shall be filed with the Prothonotary. Any certificate that fails to include an estimated time of trial will be rejected by the Master and not placed on the Master's trial list.

(3) Upon receipt of the Certification of Trial Readiness by the Master, the matter shall be placed on the assigned Master's trial list in accordance with the filing date as indicated by the Prothonotary's time-stamp.

(4) All certifications of trial readiness shall be filed on blue paper with the Office of the Prothonotary.

*Comment:* The form certificate has been moved to C.C.R.C.P. 1920.74.A. to be consistent with Pa.R.C.P. 1920.71, et seq.

*Note:* This form of certification of trial readiness amends the prior form originally published in 1993.

(e) *Hearing*—

(1) The Master shall hold a formal record hearing for the determination of all matters at issue. Each party



shall file a pre-trial statement **in conformance with Pa.R.C.P. 1920.33(b)** not less than 10 **calendar** days prior to the scheduled Master’s hearing [ **not exceeding 3 pages setting forth:** ]

[ (i) a brief statement of the claim(s) being made by the moving party or the defense(s) made by the responding party;

(ii) a concise statement of the facts;

(iii) a concise statement of the factual or legal issues involved including citations to the applicable statutes or case law, if any;

(iv) a list identifying the names and addresses of all witnesses each party intends to call at trial;

(v) copies of all exhibits to be offered at trial intended to be admitted during the party’s case in chief;

(vi) identify and attach reports of all experts;

(vii) contain any updates on valuation of property at issue;

(viii) contain an updated, proposed specific schedule of distribution of all property including the percent of distribution to each party.

(ix) the pre-trial statement shall conform to Pa.R.C.P. 1920.33(b). ]

(2) Failure to comply with the above rule may result in the imposition of sanctions recommended by the Master and will, in addition, permit the drawing of adverse inferences by the Master and the court.

(3) A copy of the pre-trial statement shall be served upon the Master and opposing counsel or any unrepresented party. Proof of service shall be filed with the Prothonotary.

(4) The time and place of hearing shall be designated by the court. Court reporters shall be made available to the Masters. Once a hearing begins, it shall proceed to its conclusion within the limits of the estimated trial time. Thereafter, scheduling shall be consistent with the schedule of the Master.

(5) The Master shall file a report in accordance with Pa.R.C.P. 1920.53, 1920.54 and 1920.55-2(a)(1), (2).

*Comment:* Exhibits not attached and intended to be used as rebuttal or on cross-examination are still subject to relevancy standards by the finder of fact.

*Comment:* See generally, Pa.R.C.P. 1920.33

**Rule 1920.55-2-A. Master’s Report. Notice. Exceptions. Final Decree.**

(a) *Dismissal*—Exceptions shall be dismissed in any case in which the notes of testimony have not been ordered, and paid for if required, within thirty (30) days of the filing of the exceptions.

(b) *Briefs*—

(1) No less than three (3) weeks before the date set for oral argument, the excepting party or parties shall file a brief with the Prothonotary, shall serve copies of the brief upon all counsel, unrepresented parties and the judge assigned to hear the exceptions, and shall file a certification that service has been made.

(2) No less than one (1) week before the day set for oral argument, the responding party shall file a brief and certification or service in the manner prescribed in (1) above.

(3) In the event that both parties file exceptions, each party shall be treated as an excepting party for the purposes of the briefing schedule as set forth above.

(c) *Argument*—If a non-excepting party fails to file a brief within the time prescribed by these rules, or within the time as extended, he will not be heard at oral argument except by permission of the court.

(d) **A time-stamped copy of any exceptions filed shall be served upon the assigned Master.**

*Comment:* These motions to dismiss may be made at any time prior to commencement of oral argument and are not subject to the requirements of C.C.R.C.P. [ 206.1(a) ] 206.2.

*Comment:* In order to preserve the issue for review, Exceptions filed to a recommendation for Interim Distribution, Alimony Pendente Lite, Interim Counsel Fees and Date of Separation shall be filed within 20 days of the filing of the Report and Recommendation of the Master. However, oral argument shall be deferred until the filing of the Final Report and Recommendation of the Master.

**Rule 1920.72.A. Form of Complaint. Affidavit. Affidavit Under § 3301(c) or 3301(d) of the Divorce Code. Counter-affidavit. Waiver of Notice of Intention to Request Decree Under § 3301(c) and § 3301(d). Form of Continuance.**

(a) All requests for continuance for any proceeding under these rules shall be in the form prescribed by C.C.R.C.P. 1920.30.1.A.

(b) All requests for continuance shall be by original motion. No facsimile requests will be accepted.

**Rule 1920.74.A. Form of Motion for Appointment of Master. Order. Form Certification of Trial Readiness—Divorce.**

(a) All certifications of trial readiness shall be filed on blue paper with the Office of the Prothonotary. Upon the filing of the certificate, a copy shall be served upon the appointed Master.

(b) The certificate of trial readiness shall be substantially in the following form:

: IN THE COURT OF COMMON PLEAS

Plaintiff : CHESTER COUNTY, PENNSYLVANIA

vs : NO.

: CIVIL ACTION—LAW

Defendant : IN DIVORCE

**CERTIFICATION OF TRIAL READINESS—DIVORCE**

Please place the above-captioned case on the trial list of \_\_\_\_\_, Esquire, Master and schedule it for a hearing. NO CONTINUANCES SHALL BE GRANTED WITHOUT GOOD CAUSE SHOWN. FAILURE TO BE READY AT THE TIME THE CASE IS CALLED MAY RESULT IN THE REASSIGNMENT OF THE CASE ON THE TRIAL LIST.

If after fifteen (15) days the adverse party fails to execute this certificate, the moving party may certify the matter as an active case.

Estimated trial time \_\_\_\_\_ .

I hereby certify that on \_\_\_\_\_, I notified all interested parties.

Signature of Attorney for Plaintiff

Signature of Attorney for Defendant

Type Name & Attorney I.D. No.

Type Name & Attorney I.D. No.

Address of Attorney

Address of Attorney

Telephone # of Attorney

Telephone # of Attorney

Unrepresented party (signature), name and address typed TO BE FILED WITH THE PROTHONOTARY.

(This form is printed on blue paper).

[ Comment: C.C.R.C.P. 1920.76.A. has been moved in its entirety and renumbered as C.C.R.C.P. 1920.42.A.(d). ]

Rule 1930.1.A. Form of Pleadings. Form of Caption. Form of Continuance Request and Order. Form of Rule Returnable.

(a) The form of request for continuance, of matters listed before a Judge, as required by C.C.R.C.P. 1920.72.A.(a) shall be substantially in the following form:

: IN THE COURT OF COMMON PLEAS
Plaintiff
: CHESTER COUNTY, PENNSYLVANIA
vs
: NO.
Defendant : FAMILY COURT
Motion for Continuance

I, \_\_\_\_\_, Attorney for Plaintiff/Defendant move for continuance of \_\_\_\_\_ scheduled for \_\_\_\_\_ in Courtroom No. \_\_\_\_\_ for the following reasons:

Counsel/Plaintiff/Defendant

The opposing party has been notified and AGREES/DISAGREES. (circle)

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, based upon the foregoing Motion, the continuance is GRANTED/DENIED.

The above matter is hereby rescheduled to the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ in Courtroom NO. \_\_\_\_\_ at \_\_\_\_m.

BY THE COURT:

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

(b) [ The form of Rule to Show Cause as required by Pa.R.C.P. 206.6, in Family Matters shall be sub-

stantially in the following form:] The form of request for continuance, of matters listed before a Custody Conciliator, Support Hearing Officer or Master in Divorce, required by C.C.R.C.P. 1920.72.(A)(a) shall be substantially in the following form:

(1)

: IN THE COURT OF COMMON PLEAS
Plaintiff
: CHESTER COUNTY, PENNSYLVANIA
vs
: NO.
Defendant : (DIVORCE) (CUSTODY) (SUPPORT)

MOTION FOR CONTINUANCE

I, \_\_\_\_\_, Esquire, attorney for Plaintiff/Defendant (or pro se Plaintiff or Defendant), move for a continuance of the \_\_\_\_\_ (specify type of hearing or conference) scheduled for \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ a.m./p.m. before Master \_\_\_\_\_ for the following reason(s):

- 1.
2.

I certify that I served the opposing party/counsel, \_\_\_\_\_ (name), on \_\_\_\_\_ (date) by \_\_\_\_\_ (mail/fax/email) with a copy of this motion and attempted to resolve the issue with opposing party/counsel before filing this motion. The opposing party/counsel AGREES/DISAGREES (circle one) to the relief sought in the motion and REQUESTS/DOES NOT REQUEST (circle one) a conference call with the Master or Conciliator. I understand that the agreement of the counsel/parties does not mean the continuance will necessarily be granted. The opposing party/counsel shall submit any relevant information opposing the request to the Master/Conciliator in writing within twenty-four (24) hours of service of the motion.

Attorney for Plaintiff/Defendant; Pro Se Telephone # \_\_\_\_\_

DISPOSITION OF CONTINUANCE REQUEST

The continuance is:
\_\_\_\_\_ GRANTED; New date: \_\_\_\_\_
\_\_\_\_\_ DENIED.

Date: \_\_\_\_\_ Master/Conciliator

(2) Motions for continuance/objections may be faxed. Faxes shall be directed to the appropriate department for consideration.

[ (b) ] (c) The form of Rule to Show Cause as required by Pa.R.C.P. 206.6, in Family Matters shall be substantially in the following form:

: IN THE COURT OF COMMON PLEAS
Plaintiff
: CHESTER COUNTY, PENNSYLVANIA
vs
: NO.
: CIVIL ACTION—LAW
Defendant : IN CUSTODY

## RULE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of with Petition for \_\_\_\_\_, a Rule is issued upon the Respondent, \_\_\_\_\_, to show cause, if any he may have, why the prayer of the Petition should not be granted.

Rule Returnable the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, with hearing the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ a.m. in Courtroom No. \_\_\_\_\_, Chester County Courthouse, West Chester, PA.

The respondent is advised the well-pled facts of the Petition shall be deemed admitted unless a response specifically denying same is filed by close of court on or before the rule returnable date as set forth above.

BY THE COURT:

**Rule 1910.1.A. Definitions.**

As used in this chapter, unless the context of a rule indicates otherwise, the following term shall have the following meaning:

“private pay order”—An order for support payable directly to the obligee and not made payable through the Pennsylvania State Collection and Disbursement Unit (PA SCDU).

**Rule 1910.4.A. Commencement of Action. Entry of Appearance.**

(a) Any attorney who appears on behalf of a client at any stage of the proceedings shall be deemed to have entered his or her appearance. The attorney shall be required to continue such representation until a final order is entered that resolves all outstanding issues in that case. Any attorney who wishes to withdraw his or her appearance after entry of a final order shall file a Praecepto to Withdraw as Counsel as well as a Praecepto for Entry of Appearance by the new attorney. If the new attorney is to be Staff Counsel employed by Domestic Relations, Staff Counsel must sign the Praecepto for Entry of Appearance.

(b) This rule shall not preclude any attorney from filing, at any stage of the proceedings, a Petition to Withdraw as Counsel pursuant to Pa.R.C.P. 1012.

**Rule 1910.5.A. Complaint.**

All complaints shall be accompanied by a completed Domestic Relations Office Standard Intake Form.

*Comment:* This form is available on the Domestic Relations Office’s website @ [www.chesco.org/domestic.html](http://www.chesco.org/domestic.html).

**Rule 1910.7.A. Question of Jurisdiction or Venue.**

All Preliminary Objections to jurisdiction or venue; in support, shall be accompanied by a Rule to Show Cause stating separate Rule Returnable and Hearing dates.

**Rule 1910.10.A. Alternative Hearing Procedures.**

(a) This court chooses to use the procedures set forth in Pa.R.C.P. 1910.12, except for those cases in which a motion for a separate listing pursuant to Pa.R.C.P. 1910.12(c)(1) has been granted. Cases separately listed pursuant to [ **Pa.R.C.P. 1910.12(c)(1)** ] **C.C.R.C.P. 1910.12A(i)** shall be scheduled for hearing before the Court pursuant to Pa.R.C.P. 1910.11.

*Editor’s note:* Notice to the Bar. Effective December 1, 1996 protracted support matters are to be listed before

the Court pursuant to Pa.R.C.P. 1910.12(c) and C.C.R.C.P. 1910.10.A, as amended. All matters involving complex issues of law or fact or any case requiring more than two hours for hearing shall be placed on the long-day list. Cases inappropriately placed on either the Hearing Officer’s regular support list or the Court’s long-day list will be rescheduled, in the normal course of business, on the proper list. Any request for continuance or settlements of matters properly scheduled on the long-day list shall be in writing and submitted no less than 72 hours prior to the scheduled date. Failure to do so within the appropriate time frame will necessitate an appearance of all parties at the hearing.

*Comment:* For the form of Motion for Separate Listing and information on the conduct of long day hearings, see C.C.R.C.P. 1910.12.A(i), et seq.

**1910.11.A. Office Conference. Subsequent Proceedings. Order.**

(a) If entitlement is challenged at the Office Conference, a Temporary Order of Support shall issue if the parties are subject to a pending Chester County Divorce proceeding in which a claim for Equitable Distribution has been raised.

*Comment:* The requirement that a Chester County Divorce proceeding be pending is to permit an adjustment from equitable distribution proceeds should it be determined the bar to entitlement claim is meritorious.

Rule 1910.12.A. Office Conference. Hearing. Record. Exceptions. Order. **Interpreter.**

(a) Whenever possible, all matters dealing with the same parties shall be scheduled for office conference/hearing at the same time.

(b) Continuances of office conferences and matters before Hearing Officers may be granted by agreement of all counsel or counsel and unrepresented parties. All other continuances shall be governed by Pa.R.C.P. 216 and C.C.R.C.P. 216.1.

(c)(1) Should a petitioner fail to appear at the office conference or hearing, as scheduled, the petition may be dismissed.

(2) Should a respondent fail to appear at the office conference or hearing, as scheduled, an order may be entered in his/her absence or a bench warrant for his/her appearance may issue.

(d) Recommendations on the matters set forth in Pa.R.C.P. 1910.11(d) and 1910.19 shall be made initially by the conference officer.

(e) At the domestic relations office conference the plaintiff may request the entry of a temporary order in all cases in which there has been filed:

- (1) A complaint for the support of minor children;
- (2) A complaint for the support of spouse and entitlement is not challenged;
- (3) A petition for alimony pendente lite; or
- (4) A complaint for the support of spouse and minor children and entitlement is not challenged as to spouse. If entitlement is challenged, a temporary order may be requested for the minor children and a spouse who is a party to a Chester County divorce proceeding pursuant to C.C.R.C.P. 1910.11.A.

(f) When [ **a temporary** ] **an interim** order is requested at a domestic relations office conference, as above, the domestic relations office shall submit a recom-

mentation to the court as to the amount of the requested order. The recommendation shall be based on the Pennsylvania Support Guidelines in accordance with Pa.R.C.P. 1910.16-2.

(g) If the dependent spouse is not employed, no earning capacity will be assigned to him/her for the purpose of entering the [ **temporary** ] **interim** order. The parties shall be informed by the domestic relations conference officer that earning capacity will be taken into consideration at the hearing before the Hearing Officer.

(h) When a complaint or petition is scheduled for hearing before a Domestic Relations Hearing Officer and the parties reach an agreement that resolves the outstanding issues prior to the scheduled hearing, the parties shall immediately notify the Domestic Relations Office in writing and within thirty (30) days after the date set for hearing:

(i) File a stipulation and order outlining the terms of their agreement, or

(ii) File a written statement detailing the current status of the case. Domestic Relations shall automatically review the case every thirty (30) days and submit a report to Family Court regarding any case which has not been resolved within sixty (60) days after the scheduled hearing date. The Court may, sua sponte, direct the parties to file a stipulation and order within a reasonable time or direct the Domestic Relations Office to schedule a new hearing date.

(2) If the parties fail to comply with the terms set forth in part (1) of this rule, the Court may, sua sponte, dismiss the outstanding complaint or petition without prejudice.

(i) *Separate Listings*

(1) The request for a long day listing shall be in the following form:

  : IN THE COURT OF COMMON PLEAS  
 Plaintiff  
   : CHESTER COUNTY, PENNSYLVANIA  
 vs  : NO.  
   : CIVIL ACTION—LAW  
 Defendant                              : IN SUPPORT

MOTION FOR A SEPARATE LISTING

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Plaintiff/Defendant moves the Court for a separate listing and in support thereof avers the following:

- (1) The hearing will be protracted in nature and requires more than two (2) hours for hearing; or
- (2) There are complex questions of law, fact or both.
- (3) Issues for resolution: (state if case entails a determination of income or if incomes exceed the guidelines, whether or not it is a self-employment case, whether or not valuations are at issue)
- (4) Estimated duration of hearing:
- (5) Number of witnesses: (state whether or not witnesses are experts).

Respectfully submitted,

\_\_\_\_\_  
 Counsel for

cc: \_\_\_\_\_, Esquire—Attorney for \_\_\_\_\_

N.B. Failure to complete this form in its entirety will result in its rejection by the Family Court Administrator and the case will not be placed on the Long Day Hearing List.

(2)

(i) Requests for separate listings shall be filed no later than five (5) [ **business** ] **calendar** days prior to the scheduled hearing before the Support Hearing Officer.

(ii) Objections to requests for separate listings shall be filed within ten (10) **calendar** days of the filing of the request for separate listing.

*Comment:* Objections shall be brought pursuant to C.C.R.C.P. [ **206.1(a)** ] **206.2, et seq.**

(3) In all matters where a motion for a separate listing has been filed each party shall submit to the Court and opposing counsel at least **five** (5) **calendar** days before the scheduled hearing date a Pre-Trial Statement not exceeding 3 pages setting forth:

(i) a brief statement of the claim(s) being made by the moving party or the defense(s) being made by the responding party;

(ii) a concise statement of the facts;

(iii) a concise statement of the factual or legal issues involved including citations to the applicable statutes or case law, if any;

(iv) a list showing the names and addresses of all witnesses each party intends to call at trial;

(v) [ **copies** ] a **schedule** of all exhibits to be offered at trial intended to be admitted during your case in chief **and a certification that copies of these exhibits have been provided to opposing counsel and any unrepresented party; and**

**(vi) a certification that opposing counsel and/or any unrepresented party have been served with any expert report to be presented at trial.**

Any and all reports of any experts intended to be called and a form of proposed Order setting forth the requested disposition and supporting calculations shall be attached to the Pre-Trial statement.

(j) *Exceptions*

(1) *Dismissal*—Exceptions shall be dismissed in any case in which the notes or tape recording of testimony have not been ordered, and paid for it required, within five (5) days of the filing of exceptions.

(2) *Briefs:*

[ (i) **Within two (2) weeks of the filing of exceptions, the excepting party shall file a brief with the Domestic Relations Office, serve copies of the brief upon all counsel and unrepresented parties and shall file a Certification of Service.**

(ii) **Within four (4) weeks of the filing of exceptions, the responding party shall file a brief and Certification of Service in the manner prescribed above.**

(iii) **Upon the expiration of the time for the filing of all briefs and oral argument, if any, the exceptions shall be submitted to the assigned judge. ]**



(i) No less than three (3) weeks before the date set for oral argument, the excepting party or parties shall file a brief with the Domestic Relations Office, shall serve copies of the Brief upon all counsel, unrepresented parties and the Judge assigned to hear the exceptions, and shall file a Certification that service has been made.

(ii) No less than one (1) week before the date set for oral argument, the responding party shall file a Brief and Certification of Service in the manner prescribed in (i) above.

(iii) In the event that both parties file exceptions, each party shall be treated as an excepting party for the purposes of the briefing schedule as set forth above.

(3) A time-stamped copy of any exceptions filed shall be served upon the assigned Hearing Officer.

[ (3) ] (4) *Oral Argument*

(i) [ Oral argument shall be scheduled unless both parties or counsel of record execute and return to the Domestic Relations Office a written waiver.

(ii) The form of waiver of oral argument shall be substantially in the following form:

: IN THE COURT OF COMMON PLEAS

Plaintiff

: CHESTER COUNTY, PENNSYLVANIA

vs

: NO. : CIVIL ACTION—LAW

Defendant : IN SUPPORT

**WAIVER OF ORAL ARGUMENT ON EXCEPTIONS**

Oral argument on Plaintiff's/Defendant's exceptions to the findings and recommendations of the Hearing Officer in Support dated \_\_\_\_\_, 20\_\_\_\_, has been scheduled before the Court on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ .m \_\_\_\_ in Courtroom No. \_\_\_\_ .

**NOTE:**

**IF BOTH PARTIES, OR THEIR COUNSEL, AGREE IN WRITING TO WAIVE ORAL ARGUMENT, THE EXCEPTIONS WILL BE SUBMITTED TO THE COURT FOR CONSIDERATION IMMEDIATELY UPON RECEIPT OF THE PARTIES' BRIEFS.**

**IF EITHER PARTY, OR HIS/HER COUNSEL, CHOOSES NOT TO WAIVE ORAL ARGUMENT, BOTH PARTIES MUST APPEAR AT THE DATE AND TIME LISTED ABOVE AND ON THE ATTACHED NOTICE.**

**IF YOU AGREE TO WAIVE ORAL ARGUMENT, SIGN BELOW AND RETURN THIS PAGE WITHIN THE NEXT SEVEN (7) CALENDAR DAYS TO:**

Chester County Domestic Relations  
Attention: Scheduling, Master Hearing Unit  
117 West Gay Street  
P.O. Box 2748 2746  
West Chester, PA 19380-0991 0989

I, \_\_\_\_\_, Plaintiff/Defendant or Counsel for Plaintiff/ Defendant (circle one) hereby waive oral argument on the exceptions filed to the findings and recommendations of the Hear-

ing Officer in Support dated \_\_\_\_\_, 20\_\_\_\_. I understand that the exceptions will be submitted to the Judge for consideration immediately and that I will receive a written decision by U.S. Mail.

**Plaintiff/Defendant or Counsel**

(iii) [ Argument before the court shall be made only on the basis of the record made before the Hearing Officer. The parties may, by agreement, supplement the record by depositions or stipulations prior to argument, but no live testimony will be heard by the court, unless the court shall permit same for cause shown.

(k)(1)(a) Requests for interpreters in accordance with C.C.R.C.P. 233.3 shall be made no less than twenty-four (24) hours in advance of the proceeding when an interpreter will be needed.

(b) Requests for interpreters shall be made by contacting the Assistant Family Court Administrator providing the name of the parties, the date, time and place of the hearing and the type of interpreting services needed.

(2)(a) The party requesting the services of an interpreter shall be responsible for the cost of the interpreter if they fail to notify the Court no less than forty-eight (48) hours in advance of the conference/hearing if the case has been settled, continued or will not go forward for any reason. In the event both parties request the services of an interpreter, the costs will be split between the parties.

(b) Requests for cancellation of an interpreter services shall be in writing or other form of verifiable means. Costs will be paid by the County only in those circumstances where the interpreter is not cancelled after receiving a specific request.

*Comment.* Any [ motions ] motion to dismiss may be made at any time prior to commencement of oral argument [ and is not subject to the requirements of C.C.R.C.R 206.1 ].

**Rule 1910.13-1.A. Failure or Refusal to Appear Pursuant to Order of Court. Failure to Produce.**

(a) If a party is properly served with a subpoena duces tecum for production of records and documents or a notice to attend and produce before a Hearing Officer and does not have good reason for failure to produce, such failure may be deemed disobedience of a court order, and will, in addition, permit the drawing of adverse inferences by the Hearing Officer and the court.

(b) If either party has failed to comply with the initial Order of Court requiring the production of certain documents and information at the Domestic Relations Office Conference, a per curiam order shall issue requiring that party to produce a copy of said documents and information to both the Domestic Relations Office and to counsel for the other party (or to an unrepresented party) within ten (10) days of the conclusion of the Domestic Relations Office Conference. Failure to comply with said per curiam order may result in the imposition of sanctions recommended by the Hearing Officer or court and will, in addition, permit the drawing of adverse inferences by the Hearing Officer and the court.

**[ Rescinded**

*Note:* the provisions in this Rule are addressed in Pa.R.C.P. 1910.15. ]

**Rule 1910.17.A. Support Order. Private Pay Orders. Arrears. Property Settlement Agreements. Registration. Effective Date.**

(a) All orders for Support shall be paid through the Domestic Relations Office. No orders providing for direct payment of moneys shall be accepted for filing at the Domestic Relations Office, except as follows:

(1) In those cases where a Chester County Divorce action is pending, private pay support orders may be filed with the Office of the Prothonotary under the Divorce Docket number.

(b) In no instance will a miscellaneous docket number be issued either by the Domestic Relations Office or the Office of the Prothonotary.

*Comment:* In lieu of utilizing private pay orders the parties may request no wage attachment issue on matters payable through PA SCDU.

(c) Requests for modification shall be brought under the Divorce Docket number and heard before the Court. The Court may in its discretion order the matter be registered at the Domestic Relations Office for the purposes of the instant modification hearing and subsequent payment.

(d) Every order filed under a Domestic Relations Office docket number and PACSES identification number shall include a provision for payment toward outstanding arrears of **not less than 20% of the monthly support order**. Domestic Relations shall not accept for filing any order that fails to include such a provision.

*Comment:* This provision applies to all support orders filed with the Domestic Relations Office. If there are no arrears due on a case, the arrears provision in the order will not be enforced via wage attachment or any other enforcement remedy. If arrears become due at a later date, the Domestic Relations Office will enforce the arrears provision via wage attachment and any other applicable enforcement remedy.

(e) The Domestic Relations Office shall enforce the support terms and provisions of any property settlement agreement effective the date such agreement is registered with that office.

(1) Any party seeking registration of an incorporated Property Settlement Agreement for enforcement purposes shall:

(i) pay to the Domestic Relations Office a fee of one hundred **fifty** dollars [ **(\$100.00)** ] **(\$150.00)** for the registration of an alimony order. No fee shall be required to register an order for child support;

(ii) provide to the Domestic Relations Office a certified copy of the divorce decree including a complete, executed copy of the property settlement agreement; and

(iii) completed copies of the Domestic Relations Office information sheets.

*Comment:* For the time period prior to registration with the Domestic Relations Office, the parties may seek to enforce the provisions of a property settlement agreement by filing the appropriate petition with the Family Court.

**[ IFSA and UIFSA Comment: All Intrastate cases are governed by the provisions of Pa.R.C.P. 1910.2-1 and the Intrastate Family Support Act , 23 Pa. C.S. sec. 8103 et seq. All Interstate cases are governed**

**by the provisions of Pa.R.C.P. 1910.2-1 and the Uniform Interstate Family Support Act, 23 Pa. C.S. sec. 7101, et seq. ]**

**Rule 1910.19.A. Support Modification.**

(a) *Modification of Property Settlement Agreement.* **[ In those cases in which a property settlement agreement was executed prior to February 12, 1988, or in which a property settlement agreement was executed after February 11, 1988, but not incorporated into a divorce decree, any ]** Any party seeking modification of any child support provision **included in a property settlement agreement** of such agreement **[ must ]** may petition the court for modification. Such petition must be filed with the Prothonotary's Office under the divorce caption and will be heard by a family court judge. In the event that a judge determines that the child support provision of the agreement is modifiable, the matter may be remanded to a Hearing Officer for consideration of the merits of the alleged grounds for modification.

**[ (b) Registration and Modification. In those cases which involve property settlement agreements signed after February 11, 1988 and which have been incorporated into a final divorce decree, the procedure for modification of a child support provision of the agreement shall be as follows:**

**(1) The party seeking modification shall register the executed property settlement agreement with the Domestic Relations Office.**

**(2) The party seeking modification shall file a petition to modify with the Domestic Relations Office. The registration of the property settlement agreement and the petition to modify may be filed simultaneously.**

**(3) The petition to modify will be handled in the same manner as a petition to modify an existing court order for child support. ]**

**(b) The effective date of any modification shall be retroactive to the date of the filing of the modification petition unless otherwise directed by the Court.**

**Rule 1910.20.A. Credit Bureau Notice.**

Notice shall be in the following form in all instances wherein any consumer credit bureau has requested information regarding arrearages:

: IN THE COURT OF COMMON PLEAS  
Plaintiff  
: CHESTER COUNTY, PENNSYLVANIA  
vs : NO.  
: CIVIL ACTION—LAW  
Defendant : IN SUPPORT

Pursuant to § 4303 of Act 1985-66, a Consumer Credit Bureau Organization has requested the amount of arrearages owed by you under your existing support order. Domestic Relations must provide this information to the Consumer Credit Bureau Organization on any arrearage in excess of \$1,000.00

Our records show an arrearage of \$ \_\_\_\_\_ on the above order.

You may contest the accuracy of this information by contacting the Domestic Relations Office at [ 117 ] 201 West [ Gay ] Market Street, West Chester, PA, (610) 344-6215 no later than \_\_\_\_\_. If you fail to contact Domestic Relations by said date, the figure stated above will be reported to the Consumer Credit Bureau Organization.

**Rule 1910.25-5.A. Civil Contempt. Order. Incarceration.**

Any individual incarcerated pursuant to a bench warrant issued for failure to comply with an order of support shall be brought before the Court consistent with the procedures outlined in the Court of Common Pleas of Chester County, Pennsylvania Administrative Regulation No. 3—2004 and/or its successors.

[Pa.B. Doc. No. 14-913. Filed for public inspection May 2, 2014, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Amendment to Local Rule of Civil Procedure 230.2—Termination of Inactive Cases; No. 2014-00001**

**Order**

*And Now*, this 10th day of April, 2014, the Court hereby amends Montgomery County Local Rules of Civil Procedure 230.2—Termination of Inactive Cases. This Local Rule amendment shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.C.P. 230, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

*By the Court*

WILLIAM J. FURBER, Jr.,  
President Judge

**Rule 230.2\*. Termination of Inactive Cases.**

Following the filing of a statement of intention to proceed pursuant to Pa.R.C.P. 230.2, the Court may schedule a Discovery Management Conference in the subject case as set forth in Montgomery County Local Rule of Civil Procedure 4019\*(5). This Local Rule shall not apply to family or zoning cases. This Local Rule shall be applicable to all remaining civil cases regardless of the nature or extent of the relief sought.

*Comment*—“assessment appeal” cases were previously excluded from the application of this Local Rule. They are now subject to same.

[Pa.B. Doc. No. 14-914. Filed for public inspection May 2, 2014, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Crime Victim’s Compensation Fund and Victim Witness Services Fund; CP-46-AD-0101-2014**

**Administrative Order Increasing the Crime Victims Compensation and Victim Witness Services Fund Assessments**

*And Now*, this 7th day of April, 2014, the Court, pursuant to Title 18, Section 11.1101 (Costs), hereby Approves the increased assessment of the Crime Victim’s Compensation Fund and Victim Witness Services Fund to a total of \$100, unless otherwise ordered by the Court. This increased cost shall be imposed at both the Magisterial District Courts and the Common Pleas Court of the 38th Judicial District notwithstanding any statutory provision to the contrary.

1. Pursuant to Title 18, Section 11.1101, Costs, (b) Disposition, Subsection (1): Thirty-five dollars (\$35) of the costs imposed under subsections (a)(1) and (2), plus 30% of the costs imposed under subsection (a)(1) which exceed \$60.00 (a total of \$47) shall be paid into the Pennsylvania Crime Victim’s Compensation Fund;

2. Pursuant to Title 18, Section 11.1101, Costs, (b) Disposition, Subsection (2): Twenty-five dollars (\$25) of the costs imposed under subsections (a)(1) and (2), plus 70% of the costs imposed under subsections (a)(1) and (2) which exceed \$60.00 (a total of \$53) shall be paid into the Pennsylvania Victim Witness Services Fund.

3. The costs assessed and collected under Title 18, Section 11.1101, Costs, (b) Disposition, Subsection (b)(2) that exceed sixty dollars (\$60) shall be returned by the Pennsylvania Commission on Crime and Delinquency directly to Montgomery County for victim witness services.

*It Is Further Ordered* that this Administrative Order shall be effective thirty (30) days after the publication therefor in the *Pennsylvania Bulletin*, and shall govern all matters then pending. Pursuant to Pa.R.Crim.P. 105, the District Court Administrator shall:

(a) File seven certified copies hereof with the Administrative Office of the Pennsylvania Courts;

(b) Distribute two certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) File one certified copy hereof with the Criminal Procedural Rules Committee;

(d) Cause a copy hereof to be published in the *Montgomery County Law Reporter* once a week for two successive weeks at the expense of Montgomery County; and

(e) Distribute a copy to all Court of Common Pleas Judges of the 38th Judicial District of Pennsylvania.

*By the Court*

WILLIAM J. FURBER, Jr.,  
President Judge

[Pa.B. Doc. No. 14-915. Filed for public inspection May 2, 2014, 9:00 a.m.]

**SCHUYLKILL COUNTY****Administrative Order 2014.1; Revised Residential Mortgage Foreclosure Diversion Program, Attachment B, Urgent Notice; No. AD-31-2014****Administrative Order**

*And Now*, this 17th day of April, 2014, at 8:45 a.m., *It Is Hereby Ordered*, that the Schuylkill County Residential Mortgage Foreclosure Diversion Program, Attachment B, "Urgent Notice" is revised and shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to:

- 1) File seven (7) certified copies of the Administrative Order with the Administrative Office of the Pennsylvania Courts; and
- 2) Submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:
  - a) two (2) certified copies of the Administrative Order;
  - b) a copy of the Administrative Order on a computer diskette.
- 3) Send one (1) certified copy to the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
- 4) Forward one (1) copy to the *Schuylkill Legal Record* for Publication.
- 5) Keep continuously available for public inspection and copying in the Office of the Prothonotary.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*  
**Attachment B**

**"URGENT NOTICE"**  
**SCHUYLKILL COUNTY COURT OF COMMON PLEAS**  
**RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM**

You have been served with a mortgage foreclosure complaint that could cause you to lose your home. If you

own and live in the residential property which is the subject of this foreclosure action, you may participate in negotiation proceedings in an effort to resolve this matter with your lender. The matter has been stayed for 90 days in order to allow you time to work with your lender.

If you do not have an attorney, you must take the following steps to keep the stay in effect and be eligible to request a court-supervised conciliation conference. First, within seven (7) days of your receipt of this "Urgent Notice," you must contact a Housing Counselor, at Schuylkill Community Action, and schedule an appointment.

**SCHUYLKILL COMMUNITY ACTION**

225 NORTH CENTRE STREET,  
POTTSVILLE, PA 17901.

570-622-1995.

Second, once you have contacted the Housing Counselor, you must be prepared to meet and provide all requested financial and employment information within fourteen (14) days of your telephone contact. This information is necessary so that the Housing Counselor can prepare a modification plan and negotiate with your lender on your behalf. If necessary, the Housing Counselor will help you prepare a Request for a Court Supervised Conciliation Conference. If you do so, and a conciliation conference is scheduled, you will have an opportunity to meet with your lender in a further attempt to work out reasonable arrangements. You may also request the services of a pro bono Attorney. If you fail to take any of the required steps, the stay will be lifted and the mortgage foreclosure action will proceed.

**IF YOU WISH TO SAVE YOUR HOME, YOU MUST ACT QUICKLY AND TAKE THE APPROPRIATE STEPS REQUIRED BY THIS NOTICE.**

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