

**ACTIONS FOR CUSTODY, PARTIAL CUSTODY,  
AND VISITATION OF MINOR CHILDREN**

**L-1915.1 SCOPE**

(a) These Rules shall apply to actions for custody, partial custody and visitation of minor children and to modification of existing orders relating thereto as governed by the Pa. R.C.P. 1915.1 – 1915.25 and by reference, 1920.32.

(b) A copy of these rules shall be maintained by the Court Administrator's Office and a copy shall be provided to the Prothonotary and County Law Library and be made generally available pursuant to Pa R.C.P. 239(c)(5).

**L-1915.2 RESERVED**

**L-1915.3 COMMENCEMENT OF ACTION, COMPLAINT, ORDER**

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

(b) The moving party shall proceed to the Civil Division of the Court Administrator's Office with an original and two (2) copies of the complaint or petition and the separate scheduling order for an assignment of a date and a time for the Pre-Custody Conciliation Meeting. The Pre-Custody Conciliation Meeting shall be scheduled for a date and a time not later than forty-five (45) days after the filing of the complaint or petition. The Civil Division of the Court Administrator's Office will present the complaint or petition to the Family Court Judge to whom the case is assigned for signature and return the signed complaint or petition to the moving party. The moving party will file the complaint or petition with the Prothonotary's Office. The Civil Division of the Court Administrator's Office will not file complaints or petitions on behalf of parties. A copy of the scheduling order will then be delivered by the moving party to the Civil Division of the Court Administrator's Office. The Civil Division of the Court Administrator's Office will give parenting program information as well as the Parent Plan form to the moving party. The moving party shall attach copies of each to the filed, time-stamped copies of the complaint or petition and serve the defendant(s) with the complaint or petition, the parenting program information and a copy of the Parent Plan form.

(c) The moving party shall file proof of service of the complaint or petition with the Washington County Prothonotary and provide a copy of the proof of service of the complaint or petition, the parenting program information, and a copy of the Parent Plan form to the Civil Division of the Court Administrator's Office prior to the Pre-Custody Conciliation Meeting.

(d) The presentation of the pleadings referred to in subdivision (a) shall be the responsibility of the moving party and if necessary, may be *ex parte*. The moving party shall be responsible for filing

and serving the pleadings in accordance with Pa.R.C.P. 1915.3 and 1915.4. The moving party shall insure that a minimum of seven (7) days notice of the meeting or conference or any other appropriate proceeding is afforded to any interested parties. In the event seven (7) days' notice cannot be afforded to any interested parties, the moving party shall notify the Civil Division of the Court Administrator's Office forthwith.

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

(f) A duplicate copy of other pleadings and other documents shall be filed with the Prothonotary who shall forward it to the Civil Division of the Court Administrator's Office, specifically including petitions and orders to bifurcate proceedings.

#### **L-1915.4 PARENTING PROGRAM**

As a prerequisite to court involvement in a custody matter, all parties to the action are ordered to attend the mandatory parenting program prior to the Pre-Custody Conciliation Meeting. Failure of a party to attend the parenting program will result in sanctions against the party up to and including being prohibited from proffering evidence in the Meeting or Conference, or being held in contempt by the Court. See Administrative Regulation 2002-1.

#### **L-1915.5 MOTIONS**

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

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

#### **L-1915.6 – 1915.7 RESERVED**

#### **L-1915.8 PHYSICAL AND MENTAL EXAMINATION OF PERSONS**

Issues concerning physical and mental examinations of persons will be addressed directly to the Family Court Judge to whom the case is assigned who will follow the procedures set forth in Pa R.C.P. 1915.8.

#### **L-1915.9 – L-1915.11 RESERVED**

#### **L-1915.12 CONTEMPT**

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

**L-1915.13 SPECIAL RELIEF**

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

**L-1915.14 – L-1915.25 RESERVED**

**L-1915.26 CHILD CUSTODY CONFERENCE OFFICER**

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

**L-1915.27 PROCESS**

(a) Where a claim for custody, partial custody, or visitation is joined with an action of divorce, having been raised by complaint, counterclaim, or a subsequent petition, this claim will not be heard by the Court unless the matter is placed at issue by either of the parties filing a Complaint or Petition for Custody in accordance with Local Rule 1915.3.

(b) A petition to modify a custody order will be assigned to the Child Custody Conference Officer who handled the original custody complaint when possible.

**L-1915.28 CONTINUANCES**

(a) Motions for continuances of proceedings before the Child Custody Conference Officers will be presented by the moving party to the Family Court Judge to whom the case is assigned in Motions

Court prior to the scheduled proceeding. The order granting or denying the continuance will be filed in the Prothonotary's Office. A copy of an order granting a continuance will be delivered by the moving party to the Civil Division of the Court Administrator's Office.

(b) A \$25.00 fee will be charged for continuances. Except in the case of an emergency, when a party seeks and receives a continuance on the day of a scheduled meeting or conference the party will be charged a \$75.00 fee. The fee will be paid by the moving party to the Prothonotary's Office when the Motion and Continuance Order are filed. The fee shall be paid in the form of a check or money order payable to the Washington County Prothonotary.

(c) Motions for continuances shall be set forth in writing containing the following information:

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

(d) The Notice of Presentation of the Continuance Motion shall include the date of service of the motion upon the opposing counsel or the opposing party, if unrepresented.

#### **L-1915.29 PRE-CUSTODY CONCILIATION MEETING PROCEDURE**

(a) The parties shall make a good faith effort to resolve the custody and/or visitation issues prior to the meeting. If resolution occurs prior to or at the time of the meeting, a proposed order may be drafted in accordance with Pa.R.C.P. No. 1915.7 and submitted to the Court for approval through the Child Custody Conference Officer, or the parties may follow L-1915.30(b).

(b) The Civil Division of the Court Administrator's Office will give counsel of record at least ten (10) days notice before any proceeding is conducted.

(c) The Civil Division of the Court Administrator's Office will give a party who is not represented by counsel at least ten (10) days notice before any proceeding is conducted.

#### **L-1915.30 PRE-CUSTODY CONCILIATION MEETING**

(a) Each parent shall file a Washington County Parent Plan form with the Civil Division of the Court Administrator's Office no later than thirty (30) days from the filing of the Custody Complaint or Modification Petition. The Parent Plan form may be found at Appendix F. The finder of fact may draw a negative inference against the party who fails to comply with this requirement.

(b) The parties may also at any time present a Consent Custody Order to the Family Court Judge to whom the case is assigned. If a Pre-Custody Conciliation Meeting or Custody Conciliation Conference has been previously scheduled at the time a party presents the Consent Custody Order to the Family Court Judge, the party shall provide a copy of the signed Consent Custody Order to the Civil Division of the Court Administrator's Office to ensure the Pre-Custody Conciliation Meeting or Custody Conciliation Conference is cancelled.

(c) If no Consent Custody Order pursuant to subsection (b) is presented to the Family Court Judge to whom the case is assigned, the Pre-Custody Conciliation Meeting shall proceed as originally scheduled.

(1) All parties shall be present at the Pre-Custody Conciliation Meeting unless otherwise ordered by the Court.

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

(3) The Child Custody Conference Officer will insure that the parties have submitted the completed Parent Plan form. The finder of fact may draw a negative inference against the party who fails to comply with this requirement. The Child Custody Conference Officer shall also insure that the mandated parenting program has been completed by the parties and certification presented.

### **L-1915.31 CUSTODY CONCILIATION CONFERENCE**

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

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

(1) The Summary Report and Recommended Order will be prepared and presented to the court within ten days of the date of the proceeding. The Summary Report will include the following:

- a. The results of mental and physical evaluations and home studies, if any.
- b. Findings of fact on jurisdiction or venue issues, if in question.
- c. Recommendations for custody/visitation.

(c) The Recommended Order will normally be signed by the Family Court Judge to whom the case is assigned.

(1) The Recommended Order will become a final order unless a Request for Custody Trial De Novo and Pretrial Conference is filed within twenty (20) days after the Recommended Order is mailed or received by the parties, whichever occurs first. A copy of the order shall be provided to the parties by the Prothonotary in accordance with Pa.R.C.P. 236 with a copy to the Civil Division of the Court Administrator's Office.

(2) If a party makes a timely request for a Trial De Novo and Pretrial Conference, the Recommended Order will remain in effect pending further order of the Court.

(d) After the Family Court Judge to whom the case is assigned signs the Recommended Order, the attorneys representing the parties, or the parties if acting pro se, may review the Summary Report in the Court Administrator's Office – Civil Division within the twenty (20) day time period specified in paragraph (c)(1) above. The Summary Report will not be filed in the Prothonotary's Office. It will not be released from the Court Administrator's Office – Civil Division, nor may parties or attorneys make copies of the Summary Report.

(e) A party requesting to participate by telephone shall submit written consent from the opposing party(parties) to the Civil Division of the Court Administrator's Office. If represented by counsel, counsel shall provide written consent to the Civil Division of the Court Administrator's Office at least ten (10) days prior to the conference. If no consent is given by the opposing party to the requesting party (parties), relief must be obtained from the Custody Conference Officer or Hearing Officer pursuant to Administrative Order 2004-1, In Re Family Court, dated October 26, 2004, pertaining to telephone testimony. The requesting party shall contact the Civil Division of the Court Administrator's Office to seek such relief.

## **L-1915.32 INTERIM ORDERS**

(a) At the time of the initial custody meeting where issues regarding the temporary rights of the parties to custody or visitation of a non-emergency nature, as well as the arrangements for psychiatric or psychological examinations, home evaluations, and/or drug testing, are presented to the Child Custody Conference Officer, the Officer may submit to the Family Court Judge to whom the case is assigned a

proposed interim order which will be reviewed by the Court and signed, if the Court deems the order appropriate. A copy of this signed order will be provided to the parties by the Prothonotary in accordance with Pa.R.C.P. 236 with a copy to the Civil Division of the Court Administrator's Office.

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

### **L-1915.33 REQUEST FOR CUSTODY TRIAL DE NOVO AND PRETRIAL CONFERENCE**

(a) A party may file a Request for Custody Trial De Novo and Pretrial Conference in the Washington County Prothonotary's Office within twenty (20) days after the Recommended Order issued following the Custody Conciliation Conference is mailed or received by the parties, whichever occurs first. The request must be presented to the Family Court Judge to whom the case is assigned for the scheduling of the Pretrial Conference. Form of Order may be found at Appendix G.

(b) A copy of the filed request with the scheduled Pretrial Conference date and time must be served on the other counsel, or if the party is a *pro se* litigant, the request must be served on the party. A copy must be delivered to the Civil Division of the Court Administrator's Office.

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

### **L-1915.34 PRETRIAL CHILD CUSTODY CONFERENCE BEFORE THE COURT**

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

(b) The court will attempt to obtain a consent agreement on any pending custody issues. Any agreement shall be reduced to writing and entered as an order of court. Upon request, the Family Court Judge to whom the case is assigned will meet privately with the parties' counsel in an attempt to better define the issues and settle the custody dispute.

### **L-1915.35 UNCONTESTED MOTIONS VERIFICATION FORM**

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

### **L-1935.36 CONSENT AGREEMENTS**

(a) When parties have reached a consent agreement concerning custody of their minor child(ren) and the appointment of a Child Custody Conference Officer is unnecessary, the party(parties) may seek to have the consent agreement approved by the Court and may submit a Court Order by using the following procedure:

- (1) A Custody Complaint in substantial compliance with Pa. R.C.P. 1915.15(a) shall be prepared for filing with the Prothonotary's Office,
- (2) The parties shall prepare and sign a Custody Consent Agreement with the appropriate order attached,
- (3) The Custody Complaint and the Custody Consent Agreement with proposed Order attached shall be presented to the Family Court Judge to whom the case is assigned in Motions Court for Court Approval,
- (4) The Custody Complaint and the Custody Consent Agreement with signed Order attached shall be filed with the Prothonotary's Office after paying the appropriate filing fees and costs, and
- (5) A conformed, stamped copy of the filed Custody Complaint and the Custody Consent Agreement with Order attached shall be provided to the Family Court Judge to whom the case is assigned for purposes of the Judge's record keeping.

(b) If the custody issue arises from a count in a divorce complaint or counterclaim, there is no need to draft and file a custody complaint as outlined in (a) above or L-1930.27(a). Rather, the party(parties) should include the divorce case number on the proposed Order attached to the Custody Consent Agreement before presenting it to the Family Court Judge to whom the case is assigned.

(c) When using these procedures, there is no condition precedent that the parties attend the Parenting Program set forth in L-1915.4.

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

CIVIL DIVISION

	)
	)
Plaintiff	)
	)
-vs-	) No.
	)
	)
Defendant	)

**NOTICE AND ORDER TO APPEAR**

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

You are ORDERED to appear in person at the Family Court Center, 29 W. Cherry Avenue, Washington, Pennsylvania 15301, on \_\_\_\_\_, \_\_\_\_, 2006, at \_\_\_\_\_ o'clock, \_\_.m., for a Pre-Custody Conciliation Conference Meeting before, \_\_\_\_\_, Esquire, Child Custody Conference Officer.

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

Pursuant to Local Rule 1915.4, all parties to the action are ordered to attend the mandatory parenting program prior to the Pre-Custody Conciliation Meeting. Failure of a party to attend the parenting program will result in sanctions against the party up to and including being prohibited from proffering evidence in the Meeting or Conference, or being held in contempt by the Court.

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

If you can not afford an attorney:  
**SOUTHWESTERN PA LEGAL SERVICES  
10 WEST CHERRY AVENUE  
WASHINGTON, PA 15301  
724-225-6170**

If you can afford an attorney:  
**LAWYER REFERRAL SERVICE  
119 SOUTH COLLEGE STREET  
WASHINGTON, PA 15301  
724-225-6710**

Date: \_\_\_\_\_, J.

**APPENDIX E**