

THE COURTS

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Custody Rules; No. 12063 of 1999

Order

And Now, this 22nd day of December, 1999, all Local Custody Rules heretofore adopted are rescinded effective the date the new Rules are effective. The new Local Custody Rules, which follow hereto, are hereby adopted.

This Order and the new Local Custody Rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven (7) certified copies of this Order and the attachments to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court and one (1) copy to the Prothonotary of Beaver County to be kept for public inspection and copying.

By the Court

ROBERT C. REED,
President Judge

Local Rule 1915.26

1. When a claim for custody, partial custody or visitation is made in a Complaint or a subsequent Petition (including Petition(s) for Contempt of a prior Order) or Counterclaim, such pleading shall be substantially in the form provided by The Pennsylvania Rules of Civil Procedure. Said pleading shall also have attached thereto an Order of Court referring the claim to a Child Custody Conference Officer for a Conciliation Conference. The moving party shall:

a. First secure a date and time for the Conciliation Conference from the Court Administrator's Office;

b. Secure the signature of the Judge on the scheduling Order of Court before the close of Court on the same day the date and time are secured from the Court Administrator's Office;

c. File the original pleading and Order in the Prothonotary's Office;

d. Deposit a clocked copy of the pleading and Order with the Court Administrator's Office, who shall forward the same to the Child Custody Conference Officer, and

e. Serve a clocked copy of the pleading and Order on counsel of record and/or unrepresented parties, with proof of service to be filed in the Prothonotary's Office, and a copy of the proof of service to be provided to the Child Custody Conference Officer at or prior to the time set for the Conference.

2. The Child Custody Conference Officer will convene a Conciliation Conference, as scheduled by the Court, which Conference shall be attended by the parties and their legal counsel, if any. Before counsel appears before the Child Custody Conference Officer, counsel must enter his/her Appearance on the record in the Prothonotary's Office, provide notice to all opposing counsel or party(ies)

and have proof of entry of Appearance available at the Conference. Counsel for the parties, or the parties themselves if unrepresented, are to provide true and correct copies of any exhibits to be shown to the Child Custody Conference Officer at the Conference, to counsel for the opposing party or to the opposing party if unrepresented, at least five (5) days prior to the scheduled Conference. Failure to comply may, at the discretion of the Child Custody Conference Officer, result in the exclusion of the exhibit from consideration, the rescheduling of the Conference to allow the opposing party an opportunity to respond or other action deemed appropriate by the Child Custody Conference Officer, keeping in mind the Officer's need to evaluate the best interest of the child(ren). The parties, counsel and the Child Custody Conference Officer, as mediator or conciliator, shall make a good-faith effort to resolve the issues and reach agreement on custody, partial custody and/or visitation. The Child Custody Conference Officer shall conduct the Conciliation Conference as an informational and conciliatory proceeding rather than confrontational or adversarial.

No scheduled Custody Conference shall be rescheduled by any party or counsel without the prior expressed consent of the opposing party or counsel or Order of Court issued after appropriate notice to the opposing party or counsel.

3. If the parties reach agreement, the Child Custody Conference Officer shall submit an Agreed Order to the Court bearing the written consents, evidenced by signatures of the parties and their counsel, if any. Neither the parties nor counsel need to appear before the Court for the Court's approval of the Agreed Order.

4. If, for any reason, the parties do not reach agreement, the Child Custody Conference Officer shall file a written report with the Court within five (5) business days, unless otherwise extended by agreement of counsel, or the parties if unrepresented. The report shall be in a narrative form and shall include the positions of the parties, proposed settlements of the parties, if any, and the recommendation of the Child Custody Conference Officer, together with reasoning for the recommendations and either a Proposed Order or a proposed Temporary Order. Upon receipt and review of the report, the Court shall issue a Proposed Order or a Temporary Order and promptly provide a copy thereof, together with a copy of the Child Custody Conference Officer's report, except for that portion of the report relating to comments from the minor child(ren), to counsel for the parties, or the parties themselves if not represented by counsel.

5. A Proposed Order shall be entered as a Final Order unless Exceptions thereto are filed by either party within twenty (20) days after the effective date set forth in the Proposed Order. Exceptions may also be filed to a Temporary Order at any time during the existence of the Temporary Order, but the Court will decide whether the Exceptions will be remanded back to the Child Custody Conference Officer for further proceedings and recommendation or set down by the court for a Pre-Hearing Conference as provided for herein. The Court may Order, in any given case, that should Exceptions be filed, the Proposed Order shall be effective as a Temporary Order pending further Order of Court.

6. Exceptions to the Proposed Order or Temporary Order must be in writing and must state, with particularity, the portion(s) of the Order objected to. The Exceptions

must be filed with the Prothonotary, and copies thereof must be delivered forthwith to the Presiding Judge's Chambers, as well as to all counsel and/or unrepresented parties of record.

7. Simultaneously with the Exceptions, a Certificate of Readiness for Trial shall be filed with the Prothonotary and a copy thereof delivered to the Presiding Judge's Chambers, as well as to all counsel and/or unrepresented parties of record. The Certificate of Readiness for Trial shall contain an estimate of trial time.

8. Upon receipt of the Exceptions and the Certificate of Readiness for Trial, the Court will schedule a Pre-Hearing Conference to be attended by all counsel and parties, whether represented by counsel or not. A Pre-Hearing Conference with the Court will be scheduled in every case and will be waived only with the consent of the Court.

9. No later than five (5) days prior to the date scheduled for Pre-Hearing Conference, each attorney and each party not represented by counsel must file a completed Pre-Hearing Information Statement, on or in a form approved by the Court, at the Presiding Judge's Chambers, with copies provided to opposing counsel and/or unrepresented parties of record.

10. Failure of any party, having primary physical custody of a child, to appear at a scheduled Child Custody Conference or Pre-Hearing Conference will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

11. Failure of any party, not having primary physical custody of a child, to appear at a scheduled Child Custody Conference or Pre-Hearing Conference will result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present.

12. Any party applying to the Court for special relief must comply with Rule 1915.13 Pa.R.C.P. and with Rule L206B of the Local Rules of Civil Procedure.

13. Any party filing Preliminary Objections raising issues of jurisdiction or venue of the court to act, shall, concurrently with filing the same with the Prothonotary, deliver a true and correct copy of the Preliminary Objections to the Judge assigned to handle Custody matters and to opposing counsel and/or to any party not represented by counsel. The Judge will schedule the matter for Argument on a priority schedule to dispose of the issues as expeditiously as possible.

14. In order to facilitate compliance with the requirements of the Uniform Child Custody Jurisdiction Act, a party shall provide the Court with all known information concerning a Custody proceeding pending in another state which involves the same parties or children.

Note

In particular, the Court should be informed of the following: (1) the name and address of the Court in which such case is pending; (2) the caption of such case; (3) the name, address and telephone number of the Judge to whom the case might have been assigned, and (4) any Orders entered in such case. Information provided under this Rule should be submitted in writing and attached to the Complaint/Petition.

Local Rule 1915.27

Any individual who is referred under Neighborhood Legal Services Association's Pro Bono or Reduced-Fee Programs to a participating member of the Beaver County Bar Association for representation as a litigant in a Custody Action and who is certified by NLSA to be income eligible under Legal Services regulations, shall be granted leave to proceed In Forma Pauperis. Counsel representing these individuals shall present to the Prothonotary a Praeceptum for Permission to Proceed In Forma Pauperis, which shall be endorsed by counsel, and which shall have attached to it a Certificate of Eligibility prepared by NLSA. The Praeceptum shall substantially conform to the attached sample.

Any participating member of the Beaver County Bar Association who provides representation to a Custody litigant on a Motion for Special Relief or at a Child Custody Conference pursuant to a referral from NLSA's Pro Bono or Reduced-Fee Programs, shall be permitted to enter a Limited Appearance. The Praeceptum for Entry of Limited Appearance shall substantially conform to the attached sample.

Upon completion of the representation under the above-described referral programs, the attorney shall file a Praeceptum for Withdrawal of Limited Appearance. This Praeceptum shall be filed without leave of Court, and it shall not be required to, but may, contain information about another attorney who may be entering his/her Appearance at the same time. This Praeceptum shall direct the Prothonotary to send all future notices directly to the client and shall set forth the client's last-known address. The Praeceptum for Withdrawal of Limited Appearance shall substantially conform to the attached sample.

IN THE COURT OF COMMON PLEAS OF
BEAVER COUNTY, PENNSYLVANIA
CIVIL DIVISION—LAW

Plaintiff's Name, :
:
Plaintiff :
:
vs. : No. ____ of ____
:
Defendant's Name, :
:
Defendant :

Praeceptum to Proceed in Forma Pauperis

To the Prothonotary:

Kindly allow {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, to proceed In Forma Pauperis.

I, {Attorney's Name}, attorney for the party proceeding In Forma Pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal services or reduced-fee legal services to the party pursuant to the Reduced-Fee or Pro Bono Referral Programs of Neighborhood Legal Services Association. The party's Certificate of Eligibility prepared by Neighborhood Legal Services Association is attached hereto.

Name of Attorney
Attorney for {Plaintiff/Defendant}
Address
Telephone Number
Supreme Court ID Number

IN THE COURT OF COMMON PLEAS OF
BEAVER COUNTY, PENNSYLVANIA
CIVIL DIVISION—LAW

Plaintiff's Name, :
 :
 Plaintiff :
 :
 vs. : No. ____ of ____
 :
 Defendant's Name, :
 :
 Defendant :

Praeceptum for Entry of Limited Appearance

To the Prothonotary:

Kindly enter my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter. This Appearance is limited to providing representation {on the Motion for Special Relief filed on behalf of this party/at the Custody Conference scheduled in this matter for [date of Conference]}.

Name of Attorney
Attorney for {Plaintiff/Defendant}
Address
Telephone Number
Supreme Court ID Number

IN THE COURT OF COMMON PLEAS OF
BEAVER COUNTY, PENNSYLVANIA
CIVIL DIVISION—LAW

Plaintiff's Name, :
 :
 Plaintiff :
 :
 vs. : No. ____ of ____
 :
 Defendant's Name, :
 :
 Defendant :

Praeceptum for Withdrawal of Limited Appearance

To the Prothonotary:

Kindly withdraw my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in

the above-captioned matter. Withdrawal of this Limited Appearance is permitted pursuant to Miscellaneous Order No. ____ of ____ . All future notices should be sent directly to {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, at {set forth last-known address for this party}.

Name of Attorney
Attorney for {Plaintiff/Defendant}
Address
Telephone Number
Supreme Court ID Number

Local Rule 1915.28

Educational Seminary Pertaining to Children of Divorcing Parents

All parties to Custody Actions filed on or after June 1, 1994 where the interests of children under the age of eighteen (18) years are involved, shall, unless excused by the Court, complete a program which we have entitled the Educational Seminar Pertaining to Children of Divorcing Parents (the "Seminar").

All parties shall register for the first available Seminar after the date the Defendant has been served with process. Counsel for the Plaintiff shall require the Plaintiff to register for the Seminar and shall have a copy of the attached Notice and Registration Form served on the Defendant at the same time as the Complaint.

Failure of a party to successfully complete the Seminar will result in sanctions by the Court, including Contempt.

Every Complaint in Custody shall set forth in a separate attached statement, the names, addresses and telephone numbers of the parties, and the names and ages of all children under the age of eighteen (18) years. This Rule shall become effective not less than thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 00-95. Filed for public inspection January 14, 2000, 9:00 a.m.]