

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 3 AND 5]

Order Amending Notes to Rules 341 and 512 of the Rules of Appellate Procedure; No. 225 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 16th day of April, 2013, upon the recommendation of the Appellate Court Procedural Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Notes to Pennsylvania Rules of Appellate Procedure 341 and 512 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective to appeals and petitions for review filed 30 days after adoption.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

FINAL ORDERS

Rule 341. Final Orders; Generally.

* * * * *

Official Note: Related Constitutional and Statutory Provisions—Section 9 of Article V of the Constitution of Pennsylvania provides that “there shall be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court.” The term “administrative agency” is not defined in Rule 102 of these rules and as used in this rule is intended to have the same meaning as the term “administrative agency” in Section 9 of Article V of the Constitution of Pennsylvania. The constitutional provision is implemented by 2 Pa.C.S. § 702 (appeals), 2 Pa.C.S. § 752 (appeals), and 42 Pa.C.S. § 5105 (right to appellate review).

* * * * *

Final Orders—Pre and Post-1992 Practice—The 1992 amendment generally eliminates appeals as of right under Rule 341 from orders not ending the litigation as to all claims and as to all parties. Formerly, there was case

law that orders not ending the litigation as to all claims and all parties are final orders if such orders have the practical consequence of putting a litigant out of court.

A party needs to file only a single notice of appeal to secure review of prior non-final orders that are made final by the entry of a final order, see *K.H. v. J.R.*, 573 Pa. 481, 493-94, 826 A.2d 863, 870-71 (2003) (following trial); *Betz v. Pneumo Abex LLC*, ___ Pa. ___, 44 A.3d 27, 54 (2012) (summary judgment). Where, however, one or more orders resolves issues arising on more than one docket or relating to more than one judgment, separate notices of appeal must be filed. *Commonwealth v. C.M.K.*, 932 A.2d 111, 113 & n.3 (Pa. Super. 2007) (quashing appeal taken by single notice of appeal from order on remand for consideration under Pa.R.Crim.P. 607 of two persons’ judgments of sentence).

The 1997 amendments to subdivisions (a) and (c), substituting the conjunction “and” for “or,” are not substantive. The amendments merely clarify that by definition any order which disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.

* * * * *

CHAPTER 5. PERSONS WHO MAY TAKE OR PARTICIPATE IN APPEALS

MULTIPLE APPEALS

Rule 512. Joint Appeals.

Parties interested jointly, severally or otherwise in any order in the same matter or in joint matters or in matters consolidated for the purposes of trial or argument, may join as appellants or be joined as appellees in a single appeal where the grounds for appeal are similar, or any one or more of them may appeal separately or any two or more may join in an appeal.

Official Note: [Substantially the same as former Supreme Court Rule 20 (prior to its omission by the revision and renumbering order of April 27, 1972), former Superior Court Rule 9A, and former Commonwealth Court Rule 26. The rule continues the policy that “taking one appeal from several judgments is not acceptable practice and is discouraged.” *General Electric Credit Corp. v. Aetna Casualty and Surety Co.*, 437 Pa. 463, 469, 263 A.2d 448, 452 (1970).] This describes who may join in a single notice of appeal. The rule does not address whether a single notice of appeal is adequate under the circumstances presented. Under Rule 341, a single notice of appeal will not be adequate to take an appeal from orders entered on more than one trial court docket. See Rule 341, Note (“Where, however, one or more orders resolves issues arising on more than one docket or relating to more than one judgment, separate notices of appeal must be filed.”).

[Pa.B. Doc. No. 13-810. Filed for public inspection May 3, 2013, 9:00 a.m.]

Title 25—LOCAL COURT RULES

ADAMS COUNTY

Amendment of Rules of Judicial Administration; Administrative Order No. 25 of 2013

Order of Court

And Now, this 18th day of April, 2013, the Court hereby Orders that the Adams County Rules of Judicial Administration shall be amended as follows:

620. Older Adults Protective Services Act.

A. This Rule addresses procedures to be followed under the Older Adults Protective Services Act, 35 P. S. § 10225.101, et seq.

B. Emergency Petitions. Whenever a petition for emergency order is filed under Section 307 of the Act, 35 P. S. § 10225.307, outside the normal business hours of the Court of Common Pleas, said petition shall be presented to the on-call Magisterial District Judge.

Any order entered by a Magisterial District Judge shall be considered a temporary order but shall remain in effect until a preliminary hearing is held pursuant to Paragraph D.

C. The Magisterial District Judge shall contact the Court Administrator as soon as possible after granting or denying relief. All papers shall be promptly forwarded for filing to the Prothonotary's Office.

D. If the Magisterial District Judge grants relief, the Court will schedule a preliminary hearing to be held at 1:00 P.M. on the next Business Court Day following the granting of relief by the Magisterial District Judge. The Magisterial District Judge granting relief shall provide notice to all known interested parties in the form set forth in Paragraph E., below.

E. At the preliminary hearing, the Court shall determine whether the relief granted pursuant to the emergency order shall remain in effect or be modified and shall set a date for a plenary hearing.

F. Form of Notice

Notice

An Emergency Petition under the Older Adults Protective Services Act has been filed as attached. An emergency order has been granted and will remain in effect until 1:00 P.M. on _____, 20 __, when it will be considered in a Courtroom that will be designated on that date in the Adams County Courthouse, Gettysburg, Pennsylvania. At that time, the emergency order may be continued, modified, or terminated. If the order is continued or modified, a full hearing on the merits will be scheduled. You may appear for either hearing. The Court may proceed in absence of any interested person except the petitioner to take testimony and enter an order granting relief.

The older adult affected by this proceeding is entitled to be represented by counsel and is hereby notified that if he/she cannot afford a lawyer to go to or telephone the office set forth below to apply for court appointed counsel.

Adams County Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone: (717) 337-9846

Magisterial District Judge

This rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. It is further directed that:

a. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

b. Seven (7) certified copies of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts for distribution in accordance with the provisions of Pa. R.J.A. No. 103(c)(2); and

c. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format per 1 Pa. Code § 13.11(d), containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 13-811. Filed for public inspection May 3, 2013, 9:00 a.m.]

LACKAWANNA COUNTY

Repeal and Adoption of Family Court Rules; 13-CV-1

Administrative Order

And Now, this 16th day of April, 2013, it is hereby Ordered and Decreed that the following Lackawanna County Family Court Rules are amended as follows:

1. All other local Lackawanna County Court Family Law Rules as they appear prior to the effective date of this Order on the Administrative Office of the Pennsylvania Courts' (AOPC) website, Lackawanna Bar Association's website or in the Westlaw local rules are hereby repealed;

2. New Local Rules 1910.10, 1915.1(b), 1915.3(a), 1915.3(b), 1915.4(a), 1915.4(b), 1915.4(d), 1915.4-1(a), 1915.4-2(a), 1915.4-2(a)(4), 1915.4-2(b)(2), 1915.4-2(b)(6), 1915.11(a), 1915.13, 1920.3(a), 1920.3(b), 1920.51(a)(3), 1940.3(a), 1940.6(b), and 1940.6(c) are adopted as reflected in the following rules;

3. Pursuant to Pa. R.Civ.P. 239(c) and 239.8(b)—(d) (as amended December 15, 2010), the following Local Rules shall be disseminated and published as follows:

(a) One (1) copy of the Local Rules shall be filed with the Administrative Office of the Pennsylvania Courts;

(b) Two (2) certified copies of the Local Rules and a computer diskette containing the text of the Local Rules in MS-DOS, ASCII, Microsoft Word, or WordPerfect format and labeled with the court's name and address and

computer file name shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) One (1) certified copy of the Local Rules and a computer diskette containing the text of the Local Rules in MS-DOS, ASII, Microsoft Word, or WordPerfect format and labeled with the court's name and address and computer file name shall be filed with the Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of the Pennsylvania Courts (AOPC) for publication on the AOPC website;

(d) The Local Rules shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Family Court Division, and upon request and payment of reasonable costs of reproduction and/or mailing the Clerk of Judicial Records shall furnish to any person a copy of the requested Local Rule(s);

(e) A computer diskette containing the text of the following Local Rules in either MS-DOS, ASCII, Microsoft Word or WordPerfect format and labeled with the court's name and address and computer file name shall be distributed to the Lackawanna Bar Association;

(f) The Local Rules shall be published on the website of the Lackawanna Bar Association (www.lackawannabar.org) and the website of the Administrative Office of the Pennsylvania Courts (<http://ujportal.pacourts.us/>);

4. The following repeals and new adoptions to Local Rules 1910.10, 1915.1(b), 1915.3(a), 1915.3(b), 1915.4(a), 1915.4(b), 1915.4(d), 1915.4-1(a), 1915.4-2(a), 1915.4-2(a)(4), 1915.4-2(b)(2), 1915.4-2(b)(6), 1915.11(a), 1915.13, 1920.3(a), 1920.3(b), 1920.51(a)(3), 1940.3(a), 1940.6(b), and 1940.6(c) shall become effective thirty (30) days after the date of their publication in the *Pennsylvania Bulletin* as per Pa. R.Civ.P. 239(d); and

5. The following repeals and new adoptions to Local Rules 1910.10, 1915.1(b), 1915.3(a), 1915.3(b), 1915.4(a), 1915.4(b), 1915.4(d), 1915.4-1(a), 1915.4-2(a), 1915.4-2(a)(4), 1915.4-2(b)(2), 1915.4-2(b)(6), 1915.11(a), 1915.13, 1920.3(a), 1920.3(b), 1920.51(a)(3), 1940.3(a), 1940.6(b), and 1940.6(c) shall become effective upon publication on the website of the Administrative Office of the Pennsylvania Courts pursuant to Pa. R.Civ.P. 239.8(d).

By the Court

HONORABLE THOMAS J. MUNLEY,
President Judge

Lackawanna County Family Court Rules

1910.10

In accordance with Pa.R.C.P. 1910.10, the hearing procedure of Pa.R.C.P 1910.12 is hereby adopted in this judicial district.

1915.1(b)

“Conciliation Conference” means an office conference which is conducted at the court house, by a conference officer or a hearing officer, at which all parties and/or their counsel shall be present.

“Conference Officer” or “Hearing Officer” means an attorney engaged in the practice of law before the Court of Common Pleas of Lackawanna County who is duly licensed to practice law in the Commonwealth of Pennsylvania, who shall conduct the conciliation conference at such times and places as the Court shall direct.

“Kids First.” A four hour orientation and education program established to help parents understand the effect of divorce and family conflict on their lives and the lives of their children.

“Parenting Plan.” A parenting plan is a written description of what the parent believes would be the best residential living arrangement for the child(ren).

1915.3(a)

In addition to the information required by Pa.R.C.P. 1915.15(a), every complaint for custody, partial custody or visitation shall contain the following averments:

(I) Plaintiff has been advised of the requirement to attend the seminar entitled “Kids First.”

(ii) Defendant has been advised of the requirement to attend the seminar entitled “Kids First.”

1915.3(b)

(i) The Order required under this rule shall be completed by the Family Court Administrator at the time the complaint is filed.

(ii) The Family Court Administrator shall schedule a conciliation conference to be held within forty-five (45) days from the date of the initial filing.

(iii) The Family Court Administrator shall also include in the Order the dates each parent shall attend the Kids First seminar.

(iv) Both parents shall attend the Kids First Seminar on a date scheduled by the Family Court Administrator.

(v) The moving party is responsible for ensuring that the opposing party receives the Kids First brochure and registration form.

(vi) Each party is to submit the registration form and payment to Kids First prior to the seminar.

(vii) Parents proceeding in forma pauperis or who are on public assistance must provide proof of same to the presenter.

(viii) Parents residing outside Lackawanna County may contact the presenter for possible alternative programs if unable to attend the Kids First seminar.

(ix) The Court has authorized the presenter to approve individual changes to the Kids First registration, only upon a showing of good cause.

(x) After successfully completing the Kids First seminar, the presenter will issue a certificate of completion to the parties, and will provide the Family Court Clerk of Judicial Records with a seal of completion which shall be affixed by the Family Court Clerk of Judicial Records to the front inside cover of the file.

(xi) The presenter shall timely provide the Family Court with a list of non-attendeas, along with court docket numbers, against whom the Court may issue contempt proceedings for failure to appear.

1915.4(a)

At least 7 days prior to the conciliation conference, the parties shall file and serve a Parenting Plan. The Plan shall be in the form attached as Form A in the Appendix.

1915.4(b)

The Order and Motion for a Custody Hearing or Trial shall be presented in Motion Court. Parties and/or their counsel shall then present the executed Order to the Family Court Administrator who shall thereafter provide

the requisite dates. The Order and Motion for a Custody Hearing or Trial shall be in the form attached as Form B in the Appendix.

Prior to a custody hearing or trial, counsel and the parties shall appear for a pre-trial or status conference. The pre-trial or status conference shall be scheduled by the Court no later than 30 days before the custody hearing or trial. Both parties shall file a Pre-Hearing or Pre-Trial Statement no later than 5 days before the pre-trial hearing or conference, and serve it on the opposing party. The Pre-Hearing or Pre-Trial Statement shall be in the form attached as Form C in the Appendix.

1915.4(d)

The time line for prompt disposition of a primary custody matter would be essentially as set forth in the form attached as Form D in the Appendix.

1915.4-1(a)

In accordance with Pa.R.C.P. 1915.4-1, the custody proceedings in this judicial district are conducted pursuant to Pa.R.C.P. 1915.4-2.

1915.4-2(a)

At least 7 days prior to the conciliation conference, the parties shall file and serve a Parenting Plan. The Plan shall be in the form attached as Form A in the Appendix.

1915.4-2(a)(4)

In instances where the parties attend mediation as set forth in Pa.R.C.P. 1940.3(a) and/or 1940.3(c), mediation shall take place as soon as reasonably possible at the conclusion of the conciliation conference, but in no event shall it take place so as to interfere with the time period prescribed in Pa.R.C.P. 1915.4-2(a)(4).

1915.4-2(b)(2)

The conference officer or hearing officer shall encourage and supervise the formulation of consent orders. In cases where consent orders cannot be obtained, the conference officer or hearing officer shall receive evidence and hear argument as set forth in Pa.R.C.P. 1915.4-2(b)(2).

1915.4-2(b)(6)

The time line for prompt disposition of a partial custody or visitation matter would be essentially as set forth in the form attached as Form E in the Appendix.

1915.11(a)

In accordance with 23 Pa.C.S.A. § 5334, the Guardian Ad Litem procedure set forth in 23 Pa.C.S.A. § 5334 is hereby adopted in this judicial district.

1915.13

(a) At any time after commencement of the action, the court may, on application of any party or ex parte on the application of a hearing officer, grant appropriate interim or special relief. Such relief may include issuance of a writ of ne exeat directed to the present custodian of the child(ren) where flight to evade jurisdiction is imminent.

(b) When relief is sought on application of a party, the court shall grant appropriate interim or special relief only after written notice and hearing unless it appears to the satisfaction of the court that immediate and irreparable injury will be sustained before notice can be given or a hearing held, in which case the court may issue a preliminary or special injunction without a hearing or without notice. In determining whether a preliminary or special injunction should be granted and whether notice of a hearing should be required, the court may act on the

basis of the averments of the pleadings or petition and may consider affidavits of parties or third persons, or any other proof which the court may require.

(c) Special relief and/or interim relief granted without notice to the opposing party shall be deemed dissolved unless a hearing on the continuance of the special and/or interim relief is held within five (5) days after granting such relief or within such other time as the parties may agree or as the court upon cause shown shall direct.

1920.3(a)

Every complaint, counterclaim, or petition in an action for divorce or annulment shall be filed with the Family Court Clerk of Judicial Records.

1920.3(b)

Any party filing with the Family Court Clerk of Judicial Records a claim for child, spousal support or alimony pendente lite in a complaint, counterclaim or petition may simultaneously file a conformed copy thereof in the domestic relations office of this court where it shall proceed in accordance with the practice and procedure of the domestic relations section of this court.

1920.51(a)(3)

(i) For Appointment of a Master, counsel (or party if pro se) shall present the Order and Motion for Appointment of Master in Motion Court. The moving part shall provide opposing counsel (or party if pro se) with three (3) days notice of his/her intent to present the Motion. Counsel shall then present the executed Order to the Family Court Administrator who shall thereafter assign a Master per sub-section (ii) herein.

(ii) After the Court approves the appointment of a Master, the moving party shall proceed to the Court Administrator. The moving party must inform the Court Administrator of all pending divorce cases that he/she has with any Master from the list of Masters as a litigant. Within five (5) days of receipt of Notice that a party is requesting a Master, counsel for the opposing party must notify the Court Administrator of all pending cases he/she has with any Masters on the list as a litigant. In addition, both counsel shall notify the Court Administrator of any Masters that were litigants on divorce cases that ended within three (3) months from the date the Court is being requested to appoint a Master. Upon Notice to the Court Administrator from both sides, the Court Administrator shall appoint a Master that is not named on either list presented to the Court Administrator. This requirement shall also apply to pro-se litigants.

In the event a party is pro-se and later hires counsel or a party hires new counsel after the Master is appointed, this provision shall not apply since the Master has already been in place. New counsel shall refrain from accepting the case if he/she feels there is an appearance of a potential conflict.

Attorneys shall have the right to agree to and select a Master from the list of Masters provided each attorney obtains the written consent of his/her client. The requirement about Masters being involved in other cases is waived when both attorneys and their clients agree on a Master. The completed Waiver of Conflict Form shall be an exhibit to the Motion for Appointment of Master. The Waiver of Conflict Form shall be in the form attached as Form F in the Appendix.

In addition, the Master acting as an attorney, shall not accept a new case if opposing counsel on the new case is involved in current litigation before the Master. In this

instance, the Master must either withdraw as Master with Court approval or not accept the case as private counsel for a litigant.

In the event two (2) Masters are litigants in separate pending divorce proceedings, neither Master shall be permitted to act as Master for the other's proceeding. This restriction cannot be waived.

(iii) In all actions for which appointment of a Master is sought, the party seeking appointment shall pay the sum of Seven Hundred and Fifty (\$750.00) Dollars at the time of the appointment directly to the appointed Master and serve the Master with a copy of the Order and Motion for Appointment of Master. The Master shall not commence action on the case until payment is received. The Master shall be required to deposit the fee into his or her escrow account until earned and billed. Master's fees shall be billed at a rate of One Hundred Twenty-Five Dollars (\$125.00) per hour. The Master may require additional deposits of funds from either or both parties, if necessary. The Master may enter such order concerning the allocation of Master's fees and related costs as may appear just and reasonable. Whenever the amount required to be deposited is exhausted before the filing of the Master's Report and Recommendations, proceedings may be stayed until the amount so directed shall be deposited. Any party who seeks a waiver of the \$750.00 fee shall do so by filing a Petition with a Rule Returnable so that the Court can address the same. Forms for this purpose will be available at the Family Court Administrator's Office.

(iv) Within twenty (20) days from the date the Master receives notice of his/her appointment and the \$750.00 fee, the Master shall schedule a Pre-Hearing Conference. The Master shall give written notice to the parties through their counsel or directly if they are unrepresented.

(v) The parties with the aid of their counsel and the appropriate assistance of the Master should make a good faith effort to resolve contested matters, including the marital property division, and shall determine those items which are contested and upon which testimony shall be taken at a scheduled hearing.

(vi) Before fixing the time and place for the hearing, the Master shall examine the pleadings to determine the formal sufficiency and regularity of the proceeding, including the matter of jurisdiction. If, in the opinion of the Master, the proceeding is defective in any manner, s/he shall report any defects to the Court with appropriate notice to the parties through their counsel or directly if they are unrepresented, within twenty (20) days from his or her appointment and shall suspend further action until the defect is cured. If the defect is not cured within a reasonable period of time, the Master shall apply to the Court for instructions. When the Master is satisfied as to the formal sufficiency and regularity of the proceedings, including jurisdiction, or when directed by the Court to proceed, s/he shall thereafter promptly fix the time and place of taking testimony, if any.

(vii) At the close of the Pre-Hearing Conference, the Master shall establish a scheduling deadline, and the time and place for a formal hearing. The Master shall give written Notice of the schedule and formal hearing to

the parties through their counsel or directly if they are unrepresented, by mail within ten (10) days. The Master shall file said Notice with the Court. The party who has filed for appointment of the Master shall engage a stenographer for transcription of the Hearing.

(viii) After the formal hearing, the Master shall file a report consistent with Pa.R.C.P. 1920.53 &/or 1920.54. The Master shall conclude the case within six (6) months from the date the Master receives notice of his/her appointment. This date may be extended by agreement of the Master and all counsel of record and/or the parties, if pro se. If the Master cannot conclude the case within this six-month time frame, then s/he shall file a Status Report at the expiration of each six-month time period. The Master shall give the Family Court Administrator a copy of each such Status Report. The Status Report shall be in the form attached as Form G in the Appendix.

(ix) Upon completion of the case, the Master shall send a final bill and upon payment in full, the Master shall file a Certification of Payment that all Master's fees have been paid. In any case in which a Master is appointed, no Decree in Divorce shall be entered absent a Master's Certification of Payment that all Master's fees have been paid. In addition, upon completion of the case, the Master shall file a Divorce Master Closing Form. The Master shall give the Family Court Administrator a copy of each such Divorce Master Closing Form. The Divorce Master Closing Form shall be in the form attached as Form H in the Appendix.

1940.3(a)

If the parties agree to attend mediation, or mediation is ordered by the Court, the Court may appoint the mediator, or if desired by the parties, the parents may choose an appropriate mediator approved by the Court. If the parties agree to attend mediation, or mediation is ordered by the Court, then the Order for Mediation shall be in the form attached as Form I in the Appendix.

1940.6(b)

If the parties execute a Memorandum of Understanding, then the Mediator shall provide a copy to the Family Court Administrator within 14 days. The Family Court Administrator shall thereafter send both counsel and/or the parties a letter notifying them that they have the right to object to the Memorandum of Understanding within 20 days from the date of the letter, and if no objection is received within that time, the Memorandum of Understanding will be adopted by the Court as an Order. The letter shall be in the form attached as Form J in the Appendix. The Objection shall be in the form attached as Form K in the Appendix.

1940.6(c)

If the parties cannot reach a resolution during Mediation, then the Mediator shall report this in writing to the Family Court Administrator within 14 days. Upon receipt of this information, the Family Court Administrator shall send both counsel and/or the parties a letter notifying them they must, on their, reschedule the matter for conference and/or hearing. The letter shall be in the form attached as Form L in the Appendix.

All prior Local Rules rescinded. All previous Local Rules adopted.

THE COURTS

APPENDIX

FORM A

CAPTION

PARENTING PLAN PURSUANT TO 23 PA.C.S.A. § 5331(c)

This Parenting Plan involves the following child/children:

Child's Name	Age	Where does this child live?
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Child's Name	Age	Where does this child live?
_____	_____	_____
_____	_____	_____
_____	_____	_____

Legal Custody (who makes decisions about certain things):

Circle one:

	Both parties decide together	Plaintiff	Defendant
Diet			
Religion			
Medical Care			
Mental Health Care			
Discipline			
Choice of School			
Choice of Study			
School Activities			
Sports Activities			
Additional Items			

Explain what process you will use to make decisions?

(For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline)

Physical Custody (where the child/children live)

The child's/children's residence is with _____ .

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

Monday: _____

Tuesday: _____

Wednesday: _____

Thursday: _____

Friday: _____

Saturday: _____

Sunday: _____

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

Drop-Off

Where: _____

When: _____

Pick-Up

Where: _____

When: _____

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

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

HOLIDAYS

Where will the child/children stay?

HOLIDAY	Year A	Year B	Every Year
Martin Luther King Day	_____	_____	_____
President's Day	_____	_____	_____
Easter	_____	_____	_____
Memorial Day	_____	_____	_____
Fourth of July	_____	_____	_____
Labor Day	_____	_____	_____
Yom Kippur	_____	_____	_____
Rosh Hashanah	_____	_____	_____
Thanksgiving	_____	_____	_____
Vacation after Thanksgiving	_____	_____	_____
Christmas Vacation	_____	_____	_____
Kwanzaa	_____	_____	_____
New Year's Eve/Day	_____	_____	_____
Spring Vacation	_____	_____	_____
Easter Sunday	_____	_____	_____
Child's Birthday	_____	_____	_____
Mother's Day	_____	_____	_____
Father's Day	_____	_____	_____
Other	_____	_____	_____
Other	_____	_____	_____
Other	_____	_____	_____

Summer Vacation Plans

Special Activities or School Activities

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

Temporary changes to this parenting schedule

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

The parent asking for the change will ask:

- _____ In person
- _____ By letter/mail
- _____ By phone

No later than:

- _____ 12 hours
- _____ 24 hours
- _____ 1 week
- _____ 1 month

The parent being asked for a change will reply:

- _____ In person
- _____ By letter/mail
- _____ By phone

No later than:

- _____ 12 hours
- _____ 24 hours
- _____ 1 week
- _____ 1 month

May parents contact one another? _____

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

When and how may _____ contact the child?

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

The following matter or matters as specified by the court:

Other (Anything else you want to agree on)

Date: _____

 Signature of Mother

Date: _____

 Signature of Father

Date: _____

 Signature of Witness

FORM B

(Caption)

ORDER FOR A CUSTODY HEARING OR TRIAL

AND NOW, this _____ day of _____, 20___, upon consideration of the Motion for a Custody Hearing or Trial, a full Custody Hearing or Trial (circle one) is scheduled for the ___ day of _____, 20___, at ___ A./P.M., in Courtroom No. __, Lackawanna County Family Court, 200 Adams Avenue, Scranton, Pennsylvania.

Further, a Pre-Trial or Status Conference is scheduled for the ___ day of _____, 20___, at ___ A./P.M., in Courtroom No. __, Lackawanna County Family Court, 200 Adams Avenue, Scranton, Pennsylvania

At least 5 days prior to the Pre-Trial or Status Conference, parties or their counsel shall file and serve on the Court and opposing party or counsel, a Pre-Hearing or Pre-Trial Statement which shall be in the form as prescribed by FORM C in the Appendix of the Lackawanna County Local Rules of Family Court.

BY THE COURT:

(Caption)

MOTION FOR A CUSTODY HEARING OR TRIAL

- 1. The parties have attended a conciliation conference.
- 2. The parties have attended all required court programs.
- 3. The parties are unable to resolve their difference(s) regarding the following issue(s):

- 4. The parties move the Court to schedule a Custody Hearing or Trial (circle one).

By: _____
 Plaintiff or Defendant

 Address

 Telephone number

FORM C

(Caption)

PRE-HEARING OR PRE-TRIAL STATEMENT

- 1. Date of Conference:

Party's Name:

Counsel's Name, Address, Telephone Number:

Opposing Counsel's Name, Address, Telephone Number:

Guardian ad Litem:

Children subject to custody proceeding:

NAME	BIRTH DATE	AGE	GRADE IN SCHOOL
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Household Members (other than children subject to this proceeding) and relationship:

NAME	RELATIONSHIP TO PARTY
------	-----------------------

- 2. Date and terms of current custody order and proposed changes to order, if any:
- 3. Brief Statement of the procedural history and relevant facts:
- 4. Summary of all legal and factual issues and citation to legal authority relied upon by counsel:
- 5. Name and address of each expert whom the party intends to call as a witness. A report of each such expert witness listed shall be attached to the pre-trial statement. The report shall describe the witness's qualifications and experience and state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion:
- 6. Name, address and a short summary of the testimony of each person, other than the party, whom the party intends to call as a non-expert witness, a summary paragraph of the anticipated testimony of each witness and a statement by counsel that counsel has communicated with each witness whose anticipated testimony is summarized.
- 7. A list of all of the exhibits which the party expects to offer in evidence, each containing an identifying mark. Any exhibits that do not exceed three pages shall be attached to the pre-trial statement, and any exhibits which exceed three pages shall be described.
- 8. Statement of any Requested Stipulations of fact or admissibility of exhibits:
- 9. Estimated Length of Hearing time necessary for Counsel to present evidence: (NOTE: The Court will strictly enforce the parties' estimated trial time):
- 10. Each party shall attach a proposed Order:
- 11. Any Additional Issues Which Should be Considered to Facilitate Settlement:

By: _____
 Plaintiff or Defendant

 Address

 Telephone number

THE COURTS

FORM D

TIME LINE FOR PROMPT DISPOSITION OF PRIMARY CUSTODY

By Day 1	Filing of complaint or petition seeking primary physical custody
By Day 38	Parenting Plan must be filed using Form A in the Appendix. (Lack. Co. L.R. 1915.4(a))
By Day 45	Conciliation Conference must be held. (Pa.R.C.P. 1915.4(a)) If the parties reach an agreement at the conciliation conference, then the case proceeds as set forth in Form I. If the parties do not reach an agreement at the conciliation conference, then the parties follow the next step.
By Day 180	Order for a Custody Trial and Motion for a Custody Trial must be filed. (Pa.R.C.P. 1915.4(b)) Party or counsel must present an Order and Motion for a Custody Trial in motion court using Form B in the Appendix. (Form B)
By Day 235	Pre-Hearing or Pre-Trial Statement must be filed using Form C in the Appendix (5 days before the Pre-Trial or Status conference). (Pa.R.C.P. 1915.4-4(b), and Lack. Co. L.R. 1915.4-4(b))
By Day 240	Pre-trial or status conference must be held. (Pa.R.C.P. 1915.4-4(a), and Lack. Co. L.R. 1915.4-4(b))
By Day 270	Custody trial must commence. (Pa.R.C.P. 1915.4(c))
By Day 315	Custody trial must be concluded. (Pa.R.C.P. 1915.4(c))
By Day 330	Custody decision must be made. (Pa.R.C.P. 1915.4(d))

FORM E

TIME LINE FOR PROMPT DISPOSITION OF PARTIAL CUSTODY AND VISITATION

Day 1	Filing of complaint or petition seeking partial custody and visitation
By Day 38	Parenting Plan must be filed using Form A in the Appendix. (Lack. Co. L.R. 1915.4(a))
By Day 45	Conciliation Conference must be held. (Pa.R.C.P. 1915.4-2(a)(1)) If the parties reach an agreement at the conciliation conference, then the conference officer shall prepare a written order in conformity with the agreement. (Pa.R.C.P. 1915.4-2(a)(3))
By Day 55	Pre-Hearing or Pre-Trial Statement must be served using Form C in the Appendix. (Pa.R.C.P. 1915.4-4(b))
By Day 60	Pre-trial or status conference must be held. (Pa.R.C.P. 1915.4-4(a))
By Day 90	Hearing before conference officer must be held. (Pa.R.C.P. 1915.4-2(a)(4))
By Day 100	Hearing officer shall file a report and recommendation with respect to the entry of an order of partial custody or visitation. (Pa.R.C.P. 1915.4-2(b)(3))
By Day 120	Parties or counsel must file exceptions to hearing officer's report and recommendation. (Pa.R.C.P. 1915.4-2(b)(4))
By Day 165	Court must hear argument on exceptions. (Pa.R.C.P. 1915.4-2(b)(6))
By Day 180	Court must enter an appropriate final order. (Pa.R.C.P. 1915.4-2(b)(6))

Form F

(Caption)

WAIVER OF CONFLICT FORM

I, _____ Esq., hereby certify that I have fully informed my client _____, who is the undersigned Plaintiff/Defendant in this matter, of any and all pending cases in which (Attorney seeking to be appointed Master) was involved as a litigant. Furthermore I advised my client of any and all cases in which (Attorney seeking to be appointed Master) was involved as a litigant that ended three (3) months prior to the date of this certificate and my client waives any and all possible conflicts of interest which may exist in the appointment of (Attorney seeking to be appointed Master) as Master in this proceeding.

Date Attorney for Plaintiff /Defendant

I, _____ Plaintiff/Defendant, have read the statement contained in this Certificate and it is true and correct and I consent to the appointment of (Attorney seeking to be appointed Master) as Master in this Divorce proceeding.

Date Plaintiff /Defendant

Form G

(Caption)

DIVORCE MASTER STATUS REPORT

The Master has not concluded the case within six (6) months from the date the Master received notice of his/her appointment due to the following:

Date: _____
Master in Divorce

Form H

(Caption)

DIVORCE MASTER CLOSING FORM

- 1. Date of Appointment as Master by Court: _____
2. List of Claims the Court has appointed the Master to Hear: _____
3. Date Master received fee and copy of Motion Appointing Master from Moving Party: _____
4. Counsel for Plaintiff: _____
Counsel for Defendant: _____
5. Master's Pre-Hearing Conference with Counsel held on: _____
In-Person or by Telephone (circle one)
6. Master's Pre-Hearing Conference with Parties held on: _____
7. Date any outstanding discovery to be completed by: _____
8. Inventories per Pa.R.C.P. 1920.33(a) filed on:
Plaintiff: _____
Defendant: _____
Pre-Trial Statements per Pa.R.C.P. 1920.33(b) filed on:
Plaintiff: _____
Defendant: _____
9. Pre-Hearing Retainers, if any, paid by:
Plaintiff: _____
Defendant: _____
10. Master's Hearing held on: _____
11. Hearing Transcript filed with Court Clerk on: _____
12. Master Report & Recommendation Prepared: Y _____
N _____
If yes, date filed with Court Clerk on: _____
13. Written Agreement to be filed by Parties: Y _____
N _____
14. Bill for Master's Fees Submitted to Parties on: _____
Plaintiff's Share: _____
Defendant's Share: _____
15. Certification of Payment filed by Master on: _____
16. Identify any Open Issues: _____

Date: _____
Master in Divorce

THE COURTS

FORM I

(Caption)

ORDER FOR MEDIATION

AND NOW, this _____ day of _____, 20___, it is hereby ORDERED and DECREED that the parties shall resolve their disputed issues through mediation. The parties shall attend a mediation orientation session in order to provide them with a full understanding of their rights and responsibilities as participants in the process.

The mediation orientation session shall be conducted by _____, phone #_____.

The parties are assured that the mediation process shall remain confidential and that their discussions in mediation are for the purposes of reaching an agreement between them regarding the disputed issues.

Accordingly, the parties shall not subpoena the mediator and/or the mediation records.

The parties shall split the cost of mediation.

BY: _____

FORM J

MEDIATION LETTER

Dear _____:

Please be advised I have been notified by the Mediator that a signed and dated Memorandum of Understanding has been reached between the parties. I have attached the Memorandum of Understanding and Notice of Objection. If you do not object to the Memorandum of Understanding by _____ (insert 20 days), then it will become a Court Order. You can object to the Memorandum of Understanding by completing and filing the Notice of Objection with the Family Court Clerk of Judicial Records, 200 Adams Ave., 1st floor, Scranton, PA 18503. You must mail a copy of your Notice of Objection to opposing counsel, or the party if not represented, and the undersigned. Upon receipt of a Notice of Objection, I will schedule another conciliation conference to address all pending custody issues.

Family Court Administrator

FORM K

(CAPTION)

NOTICE OF OBJECTION TO MEMORANDUM OF UNDERSTANDING

The parties are hereby notified that they have until _____ to file this Notice with the Family Court Clerk of Judicial Records. The Family Court Clerk of Judicial Records is located at 200 Adams Ave., 1st floor, Scranton, PA 18503.

THIS NOTICE MUST BE FILED AND TIME STAMPED BY THE FAMILY CLERK OF JUDICIAL RECORDS BY THIS DATE TO PRESERVE YOUR OBJECTION.

If neither party files a Notice by the above date, then the Memorandum of Understanding shall operate as an Order of Court, and be enforceable as such, until further order of court.

BY THE COURT:

FORM L

LETTER POST MEDIATION

Dear _____:

Please be advised I have been notified by the Mediator that Mediation was not successful. Therefore, you should schedule a Hearing to address all pending custody issues.

Family Court Administrator

[Pa.B. Doc. No. 13-812. Filed for public inspection May 3, 2013, 9:00 a.m.]

YORK COUNTY

Administrative Order Appointing Custody Mediators; Misc. Civil 2013-MI-000040-55**Administrative Order Appointing and Approving Custody Mediators**

And Now, To Wit, this 3rd day of January, 2013, it is *Ordered* that the following individuals have been appointed and approved as custody mediators, under Pa.R.Civ.P. § 1940.4, effective immediately and until further Order:

Leslie S. Arzt, Esquire
 William J. Bowman, II, M.A.
 John A. Bray
 Timothy J. Colgan, Esquire
 Claudia Dearment, Esquire
 Angela N. Dobrinoff-Blake, Esquire
 Edna M. Moore, Esquire
 Kathleen J. Prendergast, Esquire
 Scott A. Ruth, Esquire
 Barbara Orsburn Stump, Esquire
 Rebecca Tortorici, Esquire
 Audrey E. Woloshin, Esquire

Any individual approved as a mediator shall remain in compliance with any and all rules and regulations of the Commonwealth of Pennsylvania, and shall only mediate custody cases in conformity with procedures and duties set forth under Pa.R.Civ.P. § 1940.1—1940.9.

Custody Mediators shall be compensated at the rate of \$135.00 per party for a two-hour mediation session.

It Is Further Ordered that, in accordance with Pa.R.Civ.P. § 239, the District Court Administrator shall:

- (a) File seven copies hereof with the Administrative Office of 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 Domestic Relations Procedural Rules Committee; and
- (d) Supervise the distribution hereof to all Judges, the mediator appointed, and to the custody conciliators.

By the Court

STEPHEN P. LINEBAUGH,
President Judge

[Pa.B. Doc. No. 13-813. Filed for public inspection May 3, 2013, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Joan Palmer Davis, having been disbarred from the practice of law in the State of Georgia by Order of the Supreme Court of Georgia

entered on February 27, 2012, the Supreme Court of Pennsylvania issued an Order on April 16, 2013, disbarring Joan Palmer Davis from the Bar of this Commonwealth, effective May 16, 2013. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
 Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 13-814. Filed for public inspection May 3, 2013, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Shakyamuni-Re Shiva Arati, having been disbarred on consent from the practice of law in the State of Maryland by Order of the Court of Appeals of Maryland dated November 14, 2012, the Supreme Court of Pennsylvania issued an Order on April 16, 2013, disbarring Shakyamuni-Re Shiva Arati from the Bar of this Commonwealth, effective May 16, 2013. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
 Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 13-815. Filed for public inspection May 3, 2013, 9:00 a.m.]

SUPREME COURT

Philadelphia Traffic Court Judge Christine Solomon; No. 400 Judicial Administration Doc.

Order

Per Curiam

And Now, this 18th day of April, 2013, a Rule is issued upon Philadelphia Traffic Court Judge Christine Solomon to show cause why she should not be subject to a suspension from her judicial duties without pay for a period of ninety (90) days based upon her refusal to cooperate with the Court-ordered administrative review of the Traffic Court. *See In re: Avellino*, 690 A.2d 1138 (Pa. 1997); and *see, In re: McFalls*, 795 A.2d 367 (Pa. 2002).

The Rule to Show Cause is returnable on Monday, April 29, 2013 with the response to be filed with the Supreme Court Prothonotary at No. 62 Eastern District Miscellaneous Docket 2013.

McCaffery, J. notes his dissent.

[Pa.B. Doc. No. 13-816. Filed for public inspection May 3, 2013, 9:00 a.m.]