

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

[204 PA. CODE CH. 71]

Order Amending Rules 105, 201, 202, 203, 205, 206, 213, 303, 304, and 341 of the Pennsylvania Bar Admission Rules; No. 983 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 17th day of April, 2024, upon the recommendation of the Board of Law Examiners, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests justice and efficient administration:

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 105, 201, 202, 203, 205, 206, 213, 303, 304, and 341 of the Pennsylvania Bar Admission Rules are amended in the attached form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 1, 2024.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter A. PRELIMINARY PROVISIONS

Rule 105. Civil Immunity of the Board of Law Examiners, Its Members, Employees and Agents and Entities Providing Information Regarding an Applicant to the Board.

[A] a) The Board of Law Examiners, and its members, employees, and agents are immune from all civil liability for conduct and communications occurring in the performance of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

[B] b) Records, statements of opinion and other information regarding an applicant for admission to the bar communicated by any entity, including any person, firm, or institution, without malice, to the Board of Law Examiners, or to its members, employees or agents are privileged, and civil suits predicated thereon may not be instituted.

Subchapter B. ADMISSION TO THE BAR GENERALLY IN GENERAL

Rule 201. Bar of the Commonwealth of Pennsylvania.

* * * * *

(b) *Changes in Status Under Enforcement Rules.* An attorney admitted to the bar or issued a limited license to practice law as an in-house corporate counsel, military attorney, **spouse of an active-duty service member, attorney participant in defender or legal services programs,** or foreign legal consultant:

* * * * *

Rule 202. Admission to the bar.

An applicant who complies with the requirements of Rule 203 (relating to admission by bar examination), Rule 204 (relating to admission by reciprocity), Rule 205 (relating to [**admission by bar examination for graduates of foreign law degrees**] **admission of foreign attorneys and graduates of foreign institutions**) or Rule 206 (relating to admission by transfer of bar examination score) and the applicable rules of the Board shall be admitted to the bar of this Commonwealth in the manner prescribed by these rules.

* * * * *

Rule 203. Admission by bar examination.

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

* * * * *

(3) Presentation of a certificate of good standing from the highest court or the agency having jurisdiction over admission to the bar and the practice of law in every state or jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application for permission to sit for the bar **examination** shall not be eligible to sit for the bar **examination**.

(b) *Admission to the Bar.* The general requirements for admission to the bar of this Commonwealth are:

* * * * *

(3) satisfactory completion of the Multistate Professional Responsibility Examination at the score determined by the Court which score shall be publicly posted [;].

Rule 205. [**Admission by bar examination for graduates with foreign law degrees**] **Admission of Foreign Attorneys and Graduates of Foreign Institutions.**

(a) *General Rule.* The Board, under such standards, rules and procedures as it may prescribe, may extend the provisions of Rule 203 (relating to [**the**] admission by bar examination) **or Rule 206 (relating to admission by bar examination score transfer)** to any applicant who has completed the study of law in a law school which at the time of such completion was not located within the geographical area encompassed by the accreditation activities of the American Bar Association and:

* * * * *

(b) *Law study required.* [**Unless otherwise provided by the Board, a**] Applicants who meet the provisions of subparagraph (a) of this rule may apply to sit for the Pennsylvania Bar Examination **per Rule 203 or seek admission by transfer of a bar examination score per Rule 206** provided they have successfully completed

24 credits hours in an accredited American law school in the following subjects: Conflict of Laws; Constitutional Law; Contracts; Corporations; Criminal Law; Decedents' Estates; Evidence; Family Law; Federal and/or Pennsylvania Civil Procedure; Federal Income Taxes (personal only); Professional Responsibility; Real Property; Torts; Uniform Commercial Code, Art. II—Sales; Legal Research and Writing; and Employment Discrimination. No more than 4 credit hours in any one subject shall be counted toward this requirement. In fulfilling this requirement, applicants must successfully complete up to 4 credits in each of the following subjects: Constitutional Law; Federal and/or Pennsylvania Civil Procedure; Professional Responsibility; and Legal Research and Writing. All coursework for the required credit hours shall be completed at the campus of an accredited law school in the United States. No credit shall be allowed for correspondence courses, on-line courses, courses offered on any other media, or other distance learning courses.

Rule 206. Admission by Bar Examination Score Transfer.

Applicants may apply for admission to the bar of the courts of this Commonwealth using a Uniform Bar Examination (UBE) score earned in another jurisdiction provided that the applicant meets the requirements below.

(a) *Score Requirements.*

1. The UBE score must meet or exceed that established by the Court as the minimum passing score for applicants sitting for the bar examination at the time of the UBE that resulted in the score the applicant seeks to transfer; and

* * * * *

Official Note: In accordance with the requirement in Pa.B.A.R. 203(a)(2)(i), graduates of foreign law schools must also meet the requirements of Pa.B.A.R. 205—**[Admission by Bar Examination for Graduates of Foreign Law Schools] Admission of Foreign Attorneys and Graduates of Foreign Institutions**—to transfer a score under this rule.

PROCEEDINGS BEFORE BOARD

Rule 213. Hearings before the Board.

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Official Note: Based on former Supreme Court Rule 14A. "Other than scholastic" means that the failure to comply with Rule 203(a)(1), (a)(2), [or] (b)(1), or (b)(3) is not reviewable pursuant to Rule 213.

* * * * *

Subchapter C. RESTRICTED PRACTICE OF LAW IN GENERAL

Rule 303. Limited Admission of Military Attorneys.

[A.] (a) *General Rule.* Subject to the conditions and limitations set forth in this rule, a limited admission to practice law before the courts of this Commonwealth shall be granted to an attorney who is:

* * * * *

[B.] (b) *Application.* An application for limited admission to practice under this rule shall be made on behalf of the applicant by the Staff Judge Advocate of the military installation to which the applicant is assigned by filing a motion with the Prothonotary on a form prescribed by the board and accompanied by:

* * * * *

[C.] (c) *Action.* If the motion and required documents are in proper order, the Prothonotary shall enter the name of the applicant upon the docket of persons specially admitted to the bar of this Commonwealth subject to the restrictions of this rule and shall issue a limited certificate of admission in evidence thereof.

[D.] (d) *Scope of Practice.* Military lawyers granted limited admission to practice law pursuant to this rule may represent active duty military personnel in enlisted grades E-1 through E-4, their dependents, and such other active duty military personnel and their dependents, who are under substantial financial hardship, before the courts and district justices of this Commonwealth in civil matters and administrative proceedings to the extent such representation is permitted by the supervisory Staff Judge Advocate or Commanding Officer. Admission to practice under this rule shall be limited to the matters specified in the preceding sentence and military lawyers admitted to practice pursuant to this rule shall not represent themselves to be members of the bar of this Commonwealth. Attorneys who are practicing under this rule shall not demand or receive any compensation from clients in addition to usual military pay to which they are entitled.

[E.] (e) *Expiration of Admission.* The right to practice under this rule shall be limited to a period of four years unless extended by the Prothonotary for an additional four years upon written request of the Staff Judge Advocate of the military installation to which the applicant is assigned and shall cease when: (1) the applicant is admitted to the bar of this Commonwealth under any other rule; (2) the applicant fails to continue to meet the requirements of Sections B(1) and (2) above; (3) when a full-time active duty military officer licensed under this rule ceases to be stationed in Pennsylvania or (4) when a member of a reserve or national guard unit ceases to provide legal services under an established Expanded Legal Assistance Program located in Pennsylvania. When a military lawyer ends active duty military service in this state, or a member of a reserve or national guard unit ceases to provide legal services under an ELAP program, a written statement to that effect shall be filed with the Prothonotary by the Staff Judge Advocate of the military installation to which the applicant had been assigned.

[F.] (f) *Status.* An attorney admitted under this rule is subject to the Rules of Professional Conduct and the Rules of Disciplinary Enforcement but shall not be required to pay the annual fee that is required to be paid by active attorneys who are admitted to practice in this Commonwealth.

Rule 304. Limited Admission of Spouses of Active-Duty Service Members of the United States Uniformed Services.

* * * * *

(c) *Limitations*

* * * * *

(3) In the event Rule 304(c)(2)(A) [or (B)] applies as a result of the death of the spouse of the attorney admitted under this rule, the termination of the limited admission provided by this rule will be subject to a six-month grace period.

* * * * *

Encourage my ward to participate in all decisions which affect my ward, to act on his or her own behalf whenever he or she is able to do so, and to develop or regain, to the maximum extent possible, capacity to manage his or her personal affairs. (20 Pa.C.S.A. § 5521(a)) _____

As Guardian of the Estate, I shall:

Take possession of, maintain, and administer each asset of my ward, and make all reasonable expenditures and efforts to preserve the estate. _____

Within three months, file an inventory and appraisal of my ward's real and personal property, and a statement of any property that I expect to acquire thereafter. (20 Pa.C.S.A. § 5142). (Electronically through the Guardianship Tracking System, or in paper form through the Register of Wills office, along with the appropriate filing fee.) _____

Comply with the provisions outlined in 20 Pa.C.S.A. § 5521(b). _____

In addition to the above duties, as Guardian (either of the Person or the Estate), I shall:

Exercise my powers for the benefit of my ward. _____

Keep my ward's assets separate from my assets. _____

Exercise reasonable caution and prudence. _____

Keep a full and accurate record of all actions, receipts, and disbursements on behalf of my ward. _____

File a report at least once within the first 12 months of appointment and at least annually thereafter electronically through the Guardianship Tracking System or on forms available in the Clerk of the Orphans' Court office attesting to the information required by 20 Pa.C.S.A. § 5521(c). (Filing fee will be charged for paper filings.) _____

File a final report within 60 days of my ward's death or adjudication of capacity. (20 Pa.C.S.A. § 5521(c)(2)) _____

I acknowledge I have been made aware of the Guardianship Tracking System (GTS). _____

I acknowledge if I, as an individual, am seeking guardianship of three or more incapacitated persons I must be certified as provided in 20 Pa.C.S.A. § 5511(f)(2)(i)-(ii) and provide proof of the certification to the Court prior to my third guardianship appointment consistent with 20 Pa.C.S.A. § 5511(f)(2).

I understand that such certification may be waived through the filing of a petition pursuant to 20 Pa.C.S.A. § 5511(f)(3). _____

I understand that consistent with 20 Pa.C.S.A. § 5512.2(a) a review hearing may be held if the incapacitated person, any interested party, or I petition the court for a hearing for reason of a significant change in my ward's capacity, a change in the need for guardianship services, or my failure to perform my duties in accordance with the law or failure to act in the best interest of my ward.

As Guardian of the Person and/or the Estate, I understand and acknowledge that any breach of my duty to my ward, such as but not limited to asset misappropriation, may result in civil and even criminal liability. _____

I understand and acknowledge that to the extent my guardianship of my ward is limited, I have only those powers and authorities delineated in the Court's Appointment Order and my ward shall retain all other legal rights consistent with 20 Pa.C.S.A. § 5512.1(g).

I further acknowledge this fully executed Guardian Acknowledgement Form shall be filed with the Orphans' Court at the time of appointment. _____

I verify that the foregoing information is correct to the best of my knowledge, information and belief; and that this verification is subject to the penalties of 18 Pa.C.S. § 4904 relative to unsworn falsification to authorities.

Date _____

Signature of Guardian

Name of Guardian (type or print)

Address

City, State, Zip

Office Phone Number

Cell Phone Number

Email Address

Title 255—LOCAL COURT RULES

PERRY AND JUNIATA COUNTIES

Local Rules of Judicial Administration 5102, 5103 and 5104; No. AD-12-2024; No. AD-6-2024

Order

And now, March 28, 2024, the Court hereby adopts the following Local Rules of Judicial Administration 5102, 5103, and 5104, providing for the custody of exhibits, to be effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall file

(a) one (1) electronic copy of the Local Rules with the Administrative Office of Pennsylvania Courts,

(b) two (2) certified copies and one (1) electronic copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) The Local Rules shall be kept continuously available for public inspection and copying in the office of the Prothonotary and Clerk of Courts and upon request and payment of reasonable costs of reproduction and/or mailing the Prothonotary and Clerk of Courts shall furnish to any person a copy of the requested Local Rules.

By the Court

KENNETH A. MUMMAH,
President Judge

Rule 5102. Custody of Exhibits. General Provisions.

(a) *During Court Proceedings.*

(1) The Court Reporter for all, or a portion, of a court proceeding, shall be designated as the “Custodian,” as defined by Pa.R.J.A. 5101(a)(2), for all documentary exhibits, photographs, and photographs of non-documentary exhibits submitted during the court proceeding, regardless of whether said exhibits are accepted or rejected.

(2) The proponent shall be designated as the “Custodian,” as defined by Pa.R.J.A. 5101(a)(2), of physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits during a court proceeding.

(3) If only one (1) Custodian is involved with a proceeding, said Custodian shall file with the appropriate filing office all submitted exhibits and index of exhibits within five (5) business days of the conclusion of the proceeding.

(4) If multiple Custodians are involved with a proceeding, the first Custodian shall provide the subsequent Custodian (and so on, if more than two Custodians) with the submitted exhibits and index of exhibits. The Custodian at the conclusion of the proceeding shall file with the appropriate filing office all submitted exhibits and index of exhibits within five (5) business days of the conclusion of the proceeding.

(5) Notwithstanding this subdivision, the parties to a proceeding may agree to an alternate custodial process if approved by the presiding judge and confirmed by an Order of Court.

(b) *After Court Proceedings.*

(1) *Custodian.*

(i) *Documentary Exhibits.* The appropriate filing office shall be designated as “Custodian,” as defined by Pa.R.J.A. 5101(a)(1), for all documentary exhibits, photo-

graphs, and photographs of non-documentary after the conclusion of a court proceeding, upon filing of said exhibits and index of exhibits.

(ii) *Non-Documentary or Physical Exhibits.*

(A) At the conclusion of a court proceeding, the proponent shall transfer custody of physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits to the Court Reporter. The Court Reporter shall thereafter be designated as “Custodian,” as defined by Pa.R.J.A. 5101(a)(1), for such exhibits upon receipt from the proponent at the conclusion of a court proceeding.

(B) Upon receipt of physical exhibits from the proponent, the Custodian shall handle said exhibits in accordance with procedures outlined in Perry County Local Rule of Judicial Administration 5103.

(iii) Notwithstanding this subdivision, the parties may agree to an alternate custodial process if approved by the presiding judge and confirmed by an Order of Court.

(c) *Proceedings Before a Master.*

(1) *During Proceedings Before a Master.*

(i) *Documentary Exhibits.* During a proceeding before a Master, the Court Reporter shall be designated as the “Custodian,” as defined by Pa.R.J.A. 5101(a)(2), for all documentary exhibits, photographs, and photographs of non-documentary exhibits submitted during the proceeding before the Master, regardless of whether said exhibits are accepted or rejected.

(ii) *Non-Documentary or Physical Exhibits.* During a proceeding before a Master, the proponent shall be designated as the “Custodian,” as defined by Pa.R.J.A. 5101(a)(2), of physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits.

(2) *After Proceedings Before a Master.*

(i) *Documentary Exhibits.* The appropriate filing office shall be designated as “Custodian,” as defined by Pa.R.J.A. 5101(a)(1), for all documentary exhibits, photographs, and photographs of non-documentary after the conclusion of a proceeding before a Master, upon filing of said exhibits and index of exhibits.

(ii) *Non-Documentary or Physical Exhibits.* At the conclusion of a proceeding before a Master, the proponent shall transfer custody of physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits to the Court Reporter. The Court Reporter shall thereafter be designated as “Custodian,” as defined by Pa.R.J.A. 5101(a)(1), for such exhibits upon receipt from the proponent at the conclusion of proceedings before a Master.

(d) *Index of Exhibits.* Litigants and the Court Reporter shall utilize the attached form when indexing said exhibits which shall be delivered, along with a copy of said form, with the exhibits to the filing office by the Court Reporter. The filing office personnel receiving the exhibits shall execute the original indexing form of exhibits, along with the copy, noting the date the exhibits were received by the filing office and return the copy to the Court Reporter and file the original of record with said document being scanned and docketed within five (5) business days of said filing.

(e) *Confidential Information.* In all Court Proceedings, including proceedings before a Master, the proponent

shall include a properly completed Confidential Information Form or Confidential Document Form for any exhibit offered into evidence that contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. These forms shall be given by the proponent to the Court Reporter maintaining the Index of Exhibits at the time evidence is introduced.

Rule 5103. Custody of Exhibits. Special Provisions.

(a) *Documentary Exhibits.*

(1) *Reproduction of Oversized or Voluminous Documentary Exhibits.* Upon a good-cause request for reproduction of an oversized or voluminous documentary exhibit, the custodian of said exhibit shall furnish a digital copy of said exhibit to the requesting party for reproduction. Said digital copy may be in the form of a physical universal serial bus (USB) drive or a portable document file (PDF) or other electronic file format sent by email to the requesting party.

(b) *Photographs.* Any photograph offered by a proponent may not be larger than 8-1/2 x 11 inches.

(c) *Non-documentary or Physical Exhibits: Generally.*

(1) If a proponent offers into evidence physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) or bulky, oversized, or otherwise physically impractical exhibits, said exhibit(s) must be photographed by the proponent, converted to a letter-sized document, and appropriately marked and produced during the court proceeding for inclusion in the documentary record. Any converted letter-sized document shall be filed by the Custodian in the appropriate filing office, with other submitted documentary exhibits and index of exhibits, within five (5) business days of the conclusion of the proceeding.

(2) Unless otherwise provided by the presiding judge, at the conclusion of the court proceeding, custody of physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits shall be transferred from the proponent to the Court Reporter for safekeeping as required by any appli-

cable retention schedule, statute, rule, regulation, or policy, or until further Order of Court.

(3) *Status Conference for Bulky, Oversized, or Otherwise Physically Impractical Exhibits.*

(i) In advance of any proceeding where a proponent anticipates their exhibits will be categorized as bulky, oversized, or otherwise physically impractical pursuant to Pa.R.J.A. 5103(c)(3), the proponent shall motion for a status conference to be attended by all counsel and parties of record, if unrepresented.

(ii) A status conference held pursuant to this subdivision may be held via telephone or other electronic means at the discretion of the presiding judge.

(iii) The presiding judge, counsel, and parties if unrepresented, shall discuss maintenance and security of the exhibit(s) both during and after the proceeding consistent with Pa.R.J.A. 5104(a)(4), and the presiding judge shall confirm the same per an Order of Court.

Rule 5104. Custody of Exhibits. Special Provisions for Oversized or Voluminous Documentary Exhibits.

(a) All documentary exhibits shall be filed in the appropriate filing office.

(b) For any documentary exhibit that is found by the Court to be oversized or voluminous, the Court, on the Court's own Motion, or at the request of any party, may direct the party offering the oversized or voluminous documentary exhibit to provide the oversized or voluminous documentary exhibit in the form of a physical universal serial bus (USB) drive, a portable document file (PDF), or other electronic file format.

(c) The physical universal serial bus (USB) drive, portable document file (PDF), or other electronic file format shall be entered into evidence as an exhibit, shall be maintained by the Court Reporter, and not filed of record in the appropriate filing office.

(d) At the sole discretion of the Court, the Court may order the physical universal serial bus (USB) drive, portable document file (PDF), or other electronic file format to be uploaded into the applicable electronic system utilized by the filing office.

THE COURT OF COMMON PLEAS OF THE 41st JUDICIAL DISTRICT OF PENNSYLVANIA

Index of Exhibits

Case Name: _____

Docket Number: _____

Proceeding: _____

Date: _____

Presiding Judge: _____

Parties/Counsel Present: _____

<i>Number</i>	<i>Description / Title</i>	<i>Proponent</i>	<i>Admitted</i>	<i>Rejected</i>	<i>Sealed by Court</i>	<i>Confidential Information Form Required?</i>

<i>Number</i>	<i>Description / Title</i>	<i>Proponent</i>	<i>Admitted</i>	<i>Rejected</i>	<i>Sealed by Court</i>	<i>Confidential Information Form Required?</i>

Name of Person Completing this Index:

[Pa.B. Doc. No. 24-581. Filed for public inspection April 26, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES
SNYDER AND UNION COUNTIES
Adoption of Local Rules; No. MC-37-2024; No. AD-5-2024

Order

And Now, this 9th day of April, 2024 it is hereby *Ordered and Directed*:

The 17th Judicial District Local Rule of Judicial Administration 17CV1915.3—17-CV1915.13-1 of November 24, 2015, is amended. Provisions as follows: Brackets and bold indicating deletions; Underline and bold indicating additions.

The District Court Administrator is Ordered and Directed to do the following:

- File one (1) copy to the Administrative Office of Pennsylvania Courts via email to: adminrules@pacourts.us.
- File two (2) copies and one (1) electronic copy in a Microsoft Word format only to Bulletin@palrb.us with the Legislative Reference Bureau for publications in the *Pennsylvania Bulletin*.
- Incorporation of the local rule into the 17th Judicial District Local Rules and publish on the Snyder/Union County websites within thirty (30) days after the publication of the local rules in the *Pennsylvania Bulletin*.
- File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

LORI R. HACKENBERG,
President Judge

CUSTODY MATTERS

17CV1915.3. Custody Petitions and Procedure.

A. All counts in a divorce complaint and all petitions relating to custody, partial custody, or visitation, of minor children shall be processed in accordance with 17CV1915.3, et seq.

B. Where a party files a Divorce action with a Count for Custody, the two matters will be separated with individual docketing numbers.

C. As part of the pre-trial procedures, the Court Administrator shall refer custody-related complaints or peti-

tions, other than a petition for special relief, to mediation at the Susquehanna Valley Mediation Service and the Kids First program.

D. All counts in a divorce complaint and all petitions relating to custody, partial custody, or visitation of minor children shall include a form order referring the matter to mediation. The form shall be provided by the Court Administrator, under the Court section of each county’s website. Visit: www.snydercounty.org or www.unioncountypa.org.

E. Upon receipt of notice that the parties did not resolve the matter through mediation and that the parties have attended the Kids First Program, the Court shall refer the matter to the Custody [**Hearing**] **Conference** Officer for the scheduling of the initial conference with the parties and their respective counsel.

F. Any pleading which requests the scheduling of a proceeding and also requests entry of a temporary order to maintain de facto custody provisions pending mediation or the initial conference shall set forth with specificity those facts supporting the request for the temporary custody order pending mediation or the initial conference.

17CV1915.4. Custody [**Hearing**] **Conference** Officer.

A. The Custody [**Hearing**] **Conference** Officer shall be appointed by the Court to meet with the parties and their legal counsel in a custody action to conciliate the matter, attempt to resolve issues and reach an agreed [**Parenting Plan/**] Custody Order and/or if this cannot be accomplished, to define and narrow the issues to be heard by a Judge.

B. *Custody* [**Hearing**] **Conference** Officer—*Not a Witness*

To facilitate the conference process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses, made in a conference before the Custody [**Hearing**] **Conference** Officer shall not be admissible as evidence in a Custody Trial before the Court.

The Custody [**Hearing**] **Conference** Officer shall not be a witness for or against any party in a Custody Trial before the Court or in any other proceeding whatsoever absent Court Order.

C. The Court adopts the Commonwealth’s procedure under 1915.4-2(a)(1—4).

17CV1915.4-1. Initial Conference.

A. The parties and their respective counsel shall appear at the initial conference before the Custody (Hearing) Conference Officer. The initial conference will consist of a non-record proceeding to establish a recommended Interim order as to legal and physical custody which will govern pending further proceedings. This non-record proceeding may be a conference with attorneys, conference with parties, and receipt of other evidence and arguments of counsel as the Conference Officer deems appropriate, based upon the particular issues raised.

B. If the parties reach an agreement resolving all of the issues raised, the Custody [Hearing] Conference Officer shall forward an Order to the Court for approval setting forth the terms of such agreement.

C. [If the parties do not reach an agreement resolving all issues raised, the Custody Hearing Officer will conduct a non-record proceeding to establish a recommended Interim order as to legal and physical custody which will govern pending further proceedings. This non-record proceeding may be a conference with attorneys, conference with parties, and/ or the taking of testimony under oath and receipt of other evidence and arguments of counsel as the hearing officer deems appropriate, based upon the particular issues raised.]

D. At the conclusion of the proceeding, the Custody [Hearing] Conference Officer shall: 1) give the parties oral notice of the essential aspects of the approved recommended Interim order and reasons for the recommendation; 2) make an initial determination based on the parties' approval as to the use of psychological evaluations or home studies, or the appointment of a Guardian ad Litem in accordance with 17CV1915.5.

17CV1915.4-2. Exceptions [and Reconsideration of Interim Order].

A. No exceptions may be filed to an Interim Order entered in a custody action. Any matter not stipulated to at the initial conference may be reviewed at the pre-trial conference or resolved at trial.

B. [Should a significant change in circumstances arise after entry of an Interim Order and before the pre-trial conference necessitating a modification of the Interim Order, which modification cannot be amicably agreed upon pending the pretrial conference, either party may file a motion for reconsideration of the Interim Order, setting forth all pertinent facts in support thereof or verified by the filing party. The Court Administrator shall refer such motion to the hearing officer. Based on the allegations of the motion, the hearing officer may take any one or more of the following actions deemed appropriate under the circumstances: 1) enter an Order summarily denying the motion; or 2) hold a telephone or other conference with counsel for both parties; or 3) after providing the opposing party an opportunity to respond, enter a modified Interim Order; or 4) direct that the matter be resolved at the pre-trial conference.]

17CV1915.4-3. Approval of Recommended Orders.

Any recommended Interim Order of the Custody [Hearing] Conference Officer shall be submitted to

the Court for approval and upon court approval shall have the effect of [a pre-trial Order] an Interim Order.

17CV1915.4-4. Settlement.

A custody case will be removed from the initial conference or pre-trial schedule and/ or the custody trial list only upon the filing of the settlement agreement [or] and Court Order.

17CV1915.4-5. Pre-trial Conference.

At the time set for the pre-trial conference, both parties shall submit a pre-trial [memorandum] statement in the form prescribed by the Court or strictly complied with the provisions of Pa.R.C.P. No. 212.2(a) indicated in Court Order. Both parties and their respective counsel shall appear before the Court for presentation of the issues and discussion of possible settlement and disposition of any matters referred to the Court.

17CV1915.5. Physical/Mental/Psychological Examinations and Home Studies.

A. Upon agreement of the parties at the initial conference, the Custody [Hearing] Conference Officer may include in the recommended Interim Order that the Court appoint a Guardian ad Litem pursuant to Pa.R.C.P. 1915.11-2 and/or a directive that the parties obtain physical, mental or psychological examinations and/ or home studies, prior to the date of the pre-trial conference or trial and may establish a date by which the parties must make the initial arrangements.

B. Any request by the parties for evaluations made after the initial conference and not made at the pre-trial conference or entered into by stipulation must be made by Petition for Rule to Show Cause alleging specific facts and reasons for the request.

C. Unless otherwise directed by the Court or Custody [Hearing officer] Conference Officer or agreed upon by the parties, the expense of any evaluation shall be borne initially by the party requesting the evaluation and shall be paid in accordance with Pa.R.C.P. No. 1915.8. A final allocation of the expense may be made by the Court upon entry of an order or decision rendered on any issues raised in the proceeding.

D. Any evaluation filed with the Court shall not be available for public inspection and shall be sealed by the Prothonotary.

[17CV1915.13-1] 17CV1915.13. Petition for Special Relief [Ex Parte Hearing and Temporary Order] and Emergency Petitions for Custody.**A. Definitions**

1. Petitions for Special Relief shall be filed to address a specific circumstance that does not necessitate the modification of an existing Custody Order and does not involve the violation of the existing Custody Order.

2. Petition for Emergency Special Relief shall be filed when there is an immediate threat to the health, safety, or welfare of the child.

B. New Cases with a Petition for Emergency Special Relief

1. The Petition for Emergency Special Relief must be presented as a separate document titled "Petition for Emergency Special Relief." The peti-

tion must allege facts which specify the clear and present danger to the welfare of the child(ren). If the Special Relief does not warrant emergency relief, then a custody conference will be scheduled with the Custody Conference Officer.

2. The Petition for Emergency Special Relief shall be filed with the Prothonotary simultaneously with the Custody Complaint. The Emergency Petition for Custody must be a separate document apart from the Custody Complaint.

C. Existing Cases—No Change Requested To Existing Custody Order And No Violation Of Existing Custody Order

1. The Petition for Special Relief or Emergency Petition for Custody shall be filed with the Prothonotary.

2. The Judge shall review the filing and either schedule a hearing, enter an Order, or direct the matter be assigned to the Custody Conference Officer with the goal of reaching a resolution at the conference.

D. Existing Cases—Modification Of Existing Custody Order Requested Or Contempt Of Existing Custody Order

The Petition for Emergency Special Relief shall be filed with the Prothonotary simultaneously with the Petition for Modification or Petition for Contempt. The Emergency Petition for Special Relief must be a separate document apart from the Petition for Modification or Petition for Contempt.

E. [Where a party believes there is an immediate clear and present danger to the child(ren), that party may file a petition for special relief. The petition for special relief must be presented as a separate document headed “Petition for Special Relief.” The petition shall conform to the requirements of Pa.R.C.P. No. 1915.15, as may be applicable, and must allege facts which clearly specify the clear and present danger to the welfare of the child(ren).]

F. [Upon filing, the petition for special relief to the court for consideration of the allegations. The court shall either:]

1. [refer the petition to the Custody Hearing Officer for an immediate ex parte hearing, which shall be held within two (2) business days of the presentation of the petition to the court; or,]

2. [direct that an initial conference be scheduled before the Custody Hearing Officer pursuant to Rule 17CV1915.4-1; or,]

3. [if it is ascertained that an initial conference has already been held and an Interim order already issued under Rule 17CV1915.4-3:]

• [a. direct that the Custody Hearing Officer consider the petition for special relief as a reconsideration request under Rule 17CV1915.4-2; or

• b. direct that the issues raised be disposed of at the pre-trial conference or trial.]

G. [If an ex parte hearing is ordered, the party seeking special relief must appear before the Custody Hearing Officer at the time scheduled for the ex parte hearing to present testimony. The Custody Hearing Officer shall determine if probable cause exists to believe there is an immediate clear and present danger to the welfare of the child(ren) involved.]

H. [Upon making a determination that ex parte relief is warranted, the Custody Hearing Officer shall forward to the court for approval a recommended temporary emergency order, which will include a provision scheduling a hearing before the Court, to be held within ten (10) business days of the ex parte hearing. Prior to the hearing before the Court, the petition for emergency custody relief and the temporary emergency order containing notice of the 10-day hearing shall be served on the opposing party by the petitioning party in the same manner as original process. In addition to service on the opposing party, the petitioner shall make reasonable efforts to provide a copy of the documents to any attorney whom the petitioning party reasonably believes may represent the interests of the other party. Upon making a determination that ex parte relief is not warranted, the custody hearing officer shall forward to the Court for approval a recommended order denying the petition for special relief. Such order may schedule the matter for disposition at: an initial conference under Rule 17CV1915.4-1; as a reconsideration request under Rule 17CV1915.4-2; or, if already scheduled for a pre-trial conference or trial on other issues, direct that the emergency issues be determined with all other issues at the pre-trial conference or trial.]

E. Should a significant change in circumstances arise after entry of an Interim Order and before the pre-trial conference necessitating a modification of the Interim Order, which modification cannot be amicably agreed upon pending the pretrial conference, either party may file a Petition for Special Relief of the Interim Order, setting forth all pertinent facts in support thereof or verified by the filing party. See R.C.P. 1915.13.

17CV1940.5. Duties of the Mediator.

(a). All mediation communications and mediation documents, as those terms are defined in 42 Pa.C.S.A. § 5949, are privileged.

(b). No party, mediator, or other person who participates in mediation may be called as a witness, or otherwise compelled to reveal any matter disclosed in mediation.

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