

# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Addendum to Americans with Disabilities Act (Title II) Policy; Administrative Order No. 7 of 2024

##### Order

*And Now*, this 15th day of July, 2024, it is hereby *Ordered* and *Decreed* that the First Judicial District's Americans with Disabilities Act (Title II) Policy, and Americans with Disabilities Act (Title II) Grievance Procedure adopted by Administrative Order No. 2 of 2024, are hereby supplemented by the following addendum.

This Order and the following addendum shall be filed with the Office of Judicial Records in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. The Order and addendum shall be submitted to the *Pennsylvania Bulletin* for publication. Copies shall also be submitted to the Administrative Office of Pennsylvania Courts, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/>.

*By the Court*

HONORABLE NINA WRIGHT PADILLA,  
*President Judge*  
*Court of Common Pleas*

#### Addendum ADA Policy for the First Judicial District

This Addendum applies to case participants and not employees. For this Addendum to the ADA policy, “individuals” referenced in the policy are defined as case participants and not employees.

It is the policy of the First Judicial District to prohibit discrimination against all individuals—including those with substance use disorder—in accessing or participating in judicial proceedings or other Court services, programs, or activities.

Absent an individualized determination, as more fully described below, no judge, unit, or member of this judicial district may prohibit or otherwise limit an individual's use of medication that they have been lawfully prescribed, and that they are taking as prescribed, to treat substance use disorder.

Decisions about whether a person should be prescribed medication, and about medication type and dosage, are to be made only by a licensed prescriber on an individualized basis.

No judge, unit, or member of this judicial district will interfere with a licensed prescriber's decisions about an individual's appropriate medication and treatment regimen.

No judge, unit, or member of this judicial district will express a preference for, or mandate, one medication over another nor in any way penalize or restrict an individual participating in a court proceeding or program from taking their medication as prescribed.

No judge, unit, or member of this judicial district will condition admission to, participation in, or successful completion of a Problem-Solving Court or other court program, service, or activity on reducing, weaning off, or abstaining from taking prescribed medication.

No judge, unit, or member of this judicial district will rely upon prior illicit use of medication for substance use disorder as grounds for prohibiting current use of medication for substance use disorder that comes from a licensed prescriber.

Individuals with substance use disorder who are participating in a court proceeding or program may be required to comply with the treatment recommendations of a licensed prescriber.

This Policy is not intended to interfere with appropriate exercises of judicial discretion in individual cases. To that end, nothing in this Policy limits a judge's discretion to order that an individual be evaluated for medical treatment or comply with a treatment plan as a condition of release, probation, supervision, or participation in a Problem-Solving Court or other court or probation program. In issuing such an order, a judge should make an individualized determination, based on the information available, which may include an individual's criminal, medical, and probation history. An individual's previous illicit use of a medication is not grounds for prohibiting their use of that medication going forward as directed by their licensed provider.

Judges have the authority to monitor medication compliance in the context of a term of probation, supervision, or condition of release and to further the court's public safety obligation. When a judge is concerned about an individual's use or misuse of medication, the judge may act to mitigate and reduce the risk of abuse, misuse, and diversion of medication. In many cases, appropriate action will include, among other things, communication with the prescriber by a probation officer or other UJS personnel as directed by the judge.

Compliance with the ADA does not require that a court allow an individual to participate in, or benefit from, its services or programs if the person poses a “direct threat to the health or safety of others.” 28 CFR 35.139. A determination that an individual poses a direct threat must be grounded in current medical knowledge or the best available objective evidence to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. *Id.* A court may not conclude that an individual prescribed medication poses a “direct threat” based on generalizations or scientifically unsupported assumptions about medications or persons who are prescribed medication.

Individuals who believe there has been a violation of this Policy may file a complaint pursuant to the Complaint Procedure of the First Judicial District, a copy of which may be accessed by the attached link <https://www.courts.phila.gov/ada/>

[Pa.B. Doc. No. 24-1044. Filed for public inspection July 26, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

VENANGO COUNTY

Amendment of Local Domestic Relations Rule: Rule 1915.3.—Commencement of Action. Complaint. Order; Civ. No. 693-2024

Order

And Now, this 16th day of July 2024, it is hereby Ordered that the Venango County Court of Common Pleas Local Domestic Relations Rule 1915.3. Commencement of Action. Complaint. Order. is Amended as set forth hereinafter, effective thirty (30) days after publication in the Pennsylvania Bulletin.

In conformity with Pa.R.J.A. 103, one (1) copy of this Order shall be distributed to the Administrative Office of Pennsylvania Courts. Two (2) paper copies and one electronic copy shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. This Order shall also be published on the Court’s website and incorporated into the complete set of the Court’s Local Rules within thirty (30) days after the publication in the Pennsylvania Bulletin. This Order shall be continuously available for public inspection and copying in the office of the Prothonotary/Clerk of Courts.

By the Court

MATTHEW T. KIRTLAND,
President Judge

Rule 1915.3. Commencement of Action. Complaint. Order.

Plaintiff : IN THE COURT OF COMMON PLEAS OF
VENANGO COUNTY, PENNSYLVANIA
vs. : CIVIL DIVISION—CUSTODY ACTION
CIV. NO:
Defendant :

ORDER OF COURT

You, (Defendant’s name here), have been sued in Court to obtain (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) rights of the following child(ren)

, Esquire, is appointed conciliator, for the purpose of conducting a conference with respect to the issues raised in the Petition. The conciliator shall conduct such a conference and shall report to the Court as to whether or not the issues raised in the Petition are capable of resolution by agreement between the parties. The conciliator shall confer with the parties and make every effort to achieve negotiated resolutions of the issues raised in the Petition. No testimony will be taken at the conciliation conference. The parties should bring with them any relevant expert reports. If no such resolution can be achieved, the conciliator shall so report to the Court. He/she shall also submit an interim proposed order, which shall include a hearing date before the Court.

You are ordered to appear for a custody conciliation conference which has been fixed for the day of , 20 , at .m., at the Lawyer’s Conference Room on the Second Floor of the Venango County Courthouse, Franklin, Pennsylvania. If you fail to appear as provided by this Order, an Order for legal or physical custody may be entered against you or the Court may issue a warrant for your arrest.

All parties are directed to attend the court-approved seminar “Venango County Co-Parenting Cooperative” UNLESS PREVIOUSLY ATTENDED. A schedule can be obtained by contacting your attorney or at the Law Library, Second Floor of the Venango County Courthouse. Registration occurs 15 minutes prior to the beginning of the class, which lasts 2.5-3 hours in length. If a current IFP is in place, you MUST present it at registration to have the fee waived. ONLY individuals with an ACTIVE PFA or disability are REQUIRED to contact LeGoullon Counseling Services at (814) 657-2067 prior to registration. All others are to report directly to the class for registration. Each party shall attend the seminar within 90 days after the filing of a complaint or petition.

You must file with the Court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation), but not later than 30 days after the service of the complaint or petition, whichever first occurs. These forms are available at the Prothonotary’s Office on the First Floor of the Venango County Courthouse, Franklin, Pennsylvania.

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

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

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

NORTHWESTERN LEGAL SERVICES
1001 STATE STREET, SUITE 700
ERIE, PA 16501
TELEPHONE NO: (800) 665-6957

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Venango County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office at (814) 432-9610. All arrangements must be at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

NOTICE TO INCARCERATED PARTIES AND PARTIES WHO DESIRE TO OBTAIN THE TESTIMONY OF AN INCARCERATED INDIVIDUAL

An incarcerated individual has a right to apply to the court for a writ of habeas corpus ad testificandum to enable him or her to participate in a hearing in this matter. Any party who desires that an incarcerated individual testify at the hearing in this matter also has a right to apply to the court for a writ of habeas corpus ad testificandum to enable the incarcerated person to testify.

BY THE COURT,

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

\_\_\_\_\_, Judge

cc: \_\_\_\_\_
(your name and mailing address)

\_\_\_\_\_, Esquire
(Custody Conciliator)
Custody Coordinator

[Pa.B. Doc. No. 24-1045. Filed for public inspection July 26, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

VENANGO COUNTY

Amendment of Local Domestic Relations Rule: Rule 1915.3A.—Custody Seminar; Civ. No. 695-2024

Order

And Now, this 16th day of July 2024, it is hereby Ordered that the Venango County Court of Common Pleas Local Domestic Relations Rule 1915.3A. Custody Seminar is Amended as set forth hereinafter, effective thirty (30) days after publication in the Pennsylvania Bulletin.

In conformity with Pa.R.J.A. 103, one (1) copy of this Order shall be distributed to the Administrative Office of Pennsylvania Courts. Two (2) paper copies and one electronic copy shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules within thirty (30) days after the publication in the Pennsylvania Bulletin. This Order shall

be continuously available for public inspection and copying in the office of the Prothonotary/Clerk of Courts.

By the Court

MATTHEW T. KIRTLAND,
President Judge

Rule 1915.3A. Custody Seminar.

(a) All parties to an action to obtain or modify a final order of court for any form of legal or physical custody must attend the court-approved seminar "Venango County Co-Parenting Cooperative" if they have not already done so. The moving party shall forward a seminar brochure to each party or that party's attorney at the time of service of the complaint or petition. Each party to a custody action shall only be required to attend the seminar one (1) time, unless otherwise ordered by the court. Those parties required to attend the seminar shall include any parent, grandparent, great-grandparent or third party to a custody action. Prior attendance at the court-sponsored seminar "Helping Families Cope with Divorce and Custody" shall not excuse attendance at this seminar.

(b) Each party shall receive a certificate upon completion of his or her attendance at the seminar. The seminar facilitator shall file that certificate of record as evidence of the party's attendance and completion of the seminar.

(c) Each party may attend the seminar with any opposing party in a custody action. No party shall be compelled to attend the seminar with an opposing party in cases where any party, or a child of any party, is or has been the subject of domestic violence or child abuse allegedly perpetrated by the opposing party at any time within the past twenty-four (24) months. In such cases, appropriate arrangements for separate sessions for the seminar shall be made by the facilitator.

(d) All requests to waive attendance at the seminar will require an order of court upon appropriate motion. Waivers will be granted only in exigent circumstances.

(e) All parties who are required to attend the seminar shall complete the seminar within ninety (90) days after the filing of a complaint or petition to obtain or modify a final order of court for any form of legal or physical custody.

(f) All parties who are required to attend the seminar shall pay all fees required.

(g) Under exigent circumstances, the court will consider waiver, reduction or assessment of fees to the other party for those unable to pay the fee to attend the seminar. Any such request must be presented to the court by appropriate motion, and must be accompanied by a verified affidavit of indigence or other proof of economic hardship in accordance with Pa.R.C.P. No. 240 and 1920.62.

(h) Absent an order of court, no party shall be permitted to participate in the seminar until timely payment of the fee.

[Pa.B. Doc. No. 24-1046. Filed for public inspection July 26, 2024, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### VENANGO COUNTY

#### Amendment of Local Domestic Relations Rule: Rule 1915.4A.—Procedure in all Custody Cases; Civ. No. 694-2024

##### Order

*And Now*, this 16th day of July 2024, it is hereby *Ordered* that the Venango County Court of Common Pleas Local Domestic Relations Rule 1915.4A. Procedure in all Custody Cases is *Amended* as set forth hereinafter, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

In conformity with Pa.R.J.A. 103, one (1) copy of this Order shall be distributed to the Administrative Office of Pennsylvania Courts. Two (2) paper copies and one electronic copy shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules within thirty (30) days after the publication in the *Pennsylvania Bulletin*. This Order shall

be continuously available for public inspection and copying in the office of the Prothonotary/Clerk of Courts.

*By the Court*

MATTHEW T. KIRTLAND,  
*President Judge*

#### Rule 1915.4A. Procedure in all Custody Cases.

##### A. *Alternative Hearing Procedures for Partial Custody Actions.*

(1) Except as otherwise set forth below, the Court of Common Pleas of Venango County, Pennsylvania, hereby adopts the alternative hearing procedure authorized in Pa.R.Civ.P. No. 1915.4-2 pursuant to which an action for partial physical custody or supervised physical custody may be heard by a hearing officer, except as provided herein.

(2) Promptly after the parties' initial contact with the court, a party may move the court for a hearing before a judge, rather than a hearing officer, in an action for partial physical custody or supervised physical custody where:

(a) There are complex questions of law, fact or both; or

(b) The parties certify to the court that there are serious allegations affecting the child's welfare.

(3) The president judge shall appoint a family court hearing officer, who shall be a lawyer. The president judge shall appoint a conciliator who shall be a lawyer. The family court hearing officer who is a lawyer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, permanent or standing master, or judge of this judicial district.

##### B. *Custody Conciliation Conference.*

(1) Upon commencement of an action for any form of legal or physical custody, or an action seeking to initiate or reinstate any proceeding to modify, terminate or otherwise affect contact between children and parties, a custody conciliation conference shall be scheduled. If standing may be an issue in the case, a hearing shall be scheduled before the court prior to the scheduling of the custody conciliation conference.

(2) The conciliator shall make every effort to conduct a custody conciliation conference within forty-five (45) days of the filing of the custody complaint or petition. All parties and their attorneys shall attend the custody conciliation conference. The conciliator shall review the court file before the custody conciliation conference in order to ensure that all pleadings and documents have been properly filed by all parties, including a verification regarding any criminal record or abuse history. If a party has not filed the verification, then the conciliator shall have that party complete the verification before commencing the custody conciliation conference, and the conciliator shall ensure that the verification is filed of record after the conference.

(3) At the custody conciliation conference, the conciliator shall meet with the parties, their attorneys, or both to discuss the issues and use their best efforts to reach a settlement based on the best interests and welfare of the children. If any component of the case is settled, the conciliator shall file a written report with the court setting forth the agreement and the proposed court order to be entered in the case. If any component of the case is not settled, the conciliator shall file a written report with the court that recites the following:



- (a) the parties and attorneys that attended the custody conciliation conference;
- (b) the results of the conference;
- (c) recommendations for an interim court order, if any, with a proposed court order to be entered in the case;
- (d) recommendations whether counsel for the child should be appointed; and
- (e) any other information that may help the court as the court addresses the matter in further proceedings under this rule.

The proposed court order submitted by the custody conciliator shall include terms for the court to schedule a custody pre-trial conference.

#### *C. Custody Pre-Trial Conference.*

(1) If the parties are unable to reach an agreement at the custody conciliation conference, then all of the parties shall thereafter attend a custody pre-trial conference before a judge. In those matters scheduled for a pre-trial conference before the court, the pre-trial procedures set forth in Pa.R.Civ.P. No. 1915.4-4 shall be applicable.

(2) A pre-trial statement shall be filed with the court by each party at least five (5) days before the custody pre-trial conference in accordance with Pa.R.Civ.P. No. 1915.4-4(b). If a party fails to file a pre-trial statement or otherwise comply with the requirements of the aforesaid rule, the court may consider entry of an order under Pa.R.Civ.P. No. 4019(c)(2) and (4) governing sanctions.

(3) At the custody pre-hearing conference, the judge shall initially meet with the parties, their attorneys, or both to discuss the issues and use their best efforts to reach a settlement based on the best interests and welfare of the children. If either party fails to appear as directed by the court, the conference may proceed without that party.

If an agreement is reached at the conference, the court may enter an order in accordance with the agreement. The court may direct one of the attorneys to draft the agreement for signature by the parties and submission to the court within a designated time frame. In the event a written agreement signed by the parties is not submitted to the court within thirty (30) days of the date of the conference, then the court shall schedule a hearing before

the court or the court hearing officer in accordance with this rule either sua sponte or upon motion filed by either party.

(4) If an agreement cannot be achieved, the following matters shall be considered at the custody pre-trial conference:

- (a) issues for resolution by the court;
- (b) unresolved discovery matters;
- (c) any agreement of the parties;
- (d) issues relating to expert witnesses;
- (e) settlement and/or mediation of the case; and
- (f) such other matters as may aid in the disposition of the case, including, without limitation, number of days of the hearing, witness lists, an interim custody arrangement pending final hearing, and appointment of an attorney to represent the legal interest of a child.

(5) At the conclusion of the conference, in those matters that are not settled:

(a) If the matter involves partial physical custody or supervised physical custody, the parties shall be given notice of the date, time and place of a hearing before the family court hearing officer, but the hearing shall be scheduled no more than sixty (60) days from the date of the conference, unless the parties agree otherwise. The hearing shall be conducted in accordance with subdivision (D).

(b) If the matter involves primary physical custody or shared physical custody, the court shall enter an order that details the agreements made by the parties as to any of the matters considered, limiting the issues for trial to those not disposed of by agreement, and scheduling a hearing. Such order shall control the subsequent course of action unless modified at trial to prevent manifest injustice.

#### *D. Hearings Before Family Court Hearing Officer.*

When a hearing for partial physical custody or supervised physical custody is scheduled before the family court hearing officer, the family court hearing officer shall conduct the hearing and file a report in accordance with Pa.R.Civ.P. No. 1915.4-2(b).

[Pa.B. Doc. No. 24-1047. Filed for public inspection July 26, 2024, 9:00 a.m.]