

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1915 ]

#### Proposed Amendment of Pa.R.Civ.P. 1915.10 and 1915.15

The Domestic Relations Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pennsylvania Rules of Civil Procedure 1915.10 and 1915.15 to provide forms for the use of non-professional custody supervisors for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
P.O. Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9541  
domesticrules@pacourts.us

All communications in reference to the proposal should be received by November 22, 2024. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

CAROLYN MORAN ZACK, Esq.,  
*Chair*

(Caption)

#### AFFIDAVIT OF ACCOUNTABILITY OF NON-PROFESSIONAL CUSTODY SUPERVISOR

I, \_\_\_\_\_, hereby agree to serve as a non-professional custody supervisor of \_\_\_\_\_ (name of party) during any and all time that he/she will exercise periods of supervised custody with the following child(ren):

NAME	AGE	D.O.B.
_____	_____	_____
_____	_____	_____
_____	_____	_____

### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

##### PART I. GENERAL

#### CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

##### Rule 1915.10. Decision. Order.

\* \* \* \* \*

(b) The court shall enter a custody order as a separate written order or in a separate section of a written opinion.

\* \* \* \* \*

**(5) If the court orders supervised custody by a non-professional custody supervisor, the court shall require the non-professional custody supervisor to execute an affidavit of accountability using the form located in Rule 1915.15(d) after the court makes a finding on the record that the individual is capable of promoting the safety of the child. The party requiring supervision shall file the completed form with the court and serve a time-stamped copy on all other parties prior to the start of supervised visits.**

**(6) A non-professional custody supervisor may revoke an affidavit of accountability by using the form located in Rule 1915.15(e) and providing the completed form to the parties. The party requiring supervision shall file the completed form with the court and serve a time-stamped copy on all parties prior to the end of supervised visits. The party requiring supervision may, contemporaneous with filing the completed form or thereafter, petition the court to designate another custody supervisor.**

\* \* \* \* \*

Rule 1915.15. Form of Complaint. Caption. Order. Petition to Modify a Custody Order. **Non-Professional Custody Supervisor.**

*(Editor's Note: The following text is proposed to be added and printed in regular type to enhance readability.)*

*(The following rule text is entirely new.)*

\* \* \* \* \*

(d) The affidavit of accountability of a non-professional custody supervisor pursuant to 23 Pa.C.S. § 5323(e.1)(2) shall be substantially in the following form:

The supervised physical custody is provided for in an Order dated \_\_\_\_\_ . A copy of the Order is attached to this Affidavit as Exhibit "A."

My relationship to the aforesaid minor child(ren) is that of \_\_\_\_\_.

I agree to abide by and fulfill the following requirements and conditions of the role of supervisor: (Check boxes of all those that apply)

- I am aware that circumstances have arisen showing a need for supervised physical custody.
- I will not, under any circumstances, allow the minor child(ren) and the person to be supervised to be alone at any time.
- I understand that the role of a supervisor requires my constant physical presence with the child(ren) and the person to be supervised for the period of time that supervision is required pursuant to the custody order, i.e., the whole visit, overnight only.
- I understand that I must accompany the minor child(ren) and the person to be supervised on any and all excursions, no matter how short or long in duration, as required by the custody order and if such excursions are permissible in this case.
- I will make prompt notations of any behavior of the person to be supervised which I believe to be harmful to the best interest of the child(ren) in this matter and I will make a prompt report of those observations, in writing via email or text message, to counsel for both parties or to any self-represented party within 24 hours.
- I agree to immediately terminate any period of custody where the supervised party appears to be under the influence of alcohol, illegal drugs, or unprescribed or excessive prescription medication. I will make a prompt report of the ended visit and the circumstances requiring the termination of the visit, in writing via email or text message, to counsel for both parties or to any self-represented party as soon as practicable.
- I will not permit the person to be supervised to drive a motor vehicle after having consumed alcoholic beverages or controlled substances, or while under the influence of alcohol or controlled substances, with the child(ren) present in the motor vehicle. At all times, I shall ensure that the child(ren) are securely fastened in an appropriate passenger restraint.
- I will not permit the person to be supervised to operate dangerous machinery, including any firearms or weapons, in the presence of the children whether or not he or she has consumed alcoholic beverages or controlled substances, or while under the influence of alcohol or controlled substances.
- I understand that I cannot delegate my responsibility as a supervisor to anyone else without the prior approval of the Court.
- I understand that my obligation as a supervisor remains in effect as long as I am authorized or until I sign a Revocation of Supervision and provide it to all the parties.
- Additional provisions:

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I agree to be fully accountable to the Court as a supervisor in this matter. I further verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Supervisor

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Home Telephone

\_\_\_\_\_  
Cellular Telephone

\_\_\_\_\_  
Email Address

The affiant has been found capable of promoting the child's safety.

Date Colloquized: \_\_\_\_\_ J.

NOTICE: THE PARTY SUBJECT TO SUPERVISION SHALL FILE THE COMPLETED AND SIGNED AFFIDAVIT OF ACCOUNTABILITY WITH THE COURT AND SERVE A TIME-STAMPED COPY ON ALL OTHER PARTIES PRIOR TO THE START OF SUPERVISED VISITS.

(e) The revocation of the affidavit of accountability by a non-professional custody supervisor shall be substantially in the following form:

(Caption)

REVOCATION OF AFFIDAVIT OF ACCOUNTABILITY OF NON-PROFESSIONAL CUSTODY SUPERVISOR

I, \_\_\_\_\_, hereby revoke the Affidavit of Accountability of Supervisor, executed on \_\_\_\_\_ . The revocation is effective on \_\_\_\_\_ and I have notified \_\_\_\_\_, Plaintiff and \_\_\_\_\_, Defendant of my intention to revoke my Affidavit of Accountability on \_\_\_\_\_ .

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Supervisor

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Home Telephone

\_\_\_\_\_  
Cellular Telephone

\_\_\_\_\_  
Email Address

NOTICE: THE PARTY SUBJECT TO SUPERVISION RECEIVING THE COMPLETED AND SIGNED REVOCATION OF AFFIDAVIT OF ACCOUNTABILITY SHALL FILE IT WITH THE COURT AND SERVE A TIME-STAMPED COPY ON ALL OTHER PARTIES PRIOR TO THE END OF SUPERVISED VISITS.

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**SUPREME COURT OF PENNSYLVANIA  
DOMESTIC RELATIONS PROCEDURAL RULES  
COMMITTEE  
PUBLICATION REPORT**

**Proposed Amendment of Pa.R.Civ.P. 1915.10  
and 1915.15**

The Domestic Relations Procedural Rules Committee (Committee) is considering proposing the amendment of Pennsylvania Rules of Civil Procedure 1915.10 and 1915.15 to provide forms for the use of non-professional custody supervisors.

Following the Act of April 15, 2024, P.L. 24, No. 8, colloquially known as “Kayden’s Law,” the Committee was asked to propose a statewide form for a non-professional custody supervisor’s affidavit of accountability. If a non-professional custody supervisor is “designated” by the court, the non-professional custody supervisor is required to execute an affidavit of accountability. *See* 23 Pa.C.S. § 5323(e.1)(2). At present, there are various local forms being used to satisfy the affidavit of accountability requirement.

Initially, the Committee considered whether to propose an appointment order form to facilitate the court’s “designation” of a non-professional custody supervisor. An appointment order was thought necessary to be able to hold a non-professional custody supervisor in contempt for not fulfilling the role of custody supervisor. However, the Committee concluded that it would be the party requiring supervision, and not the supervisor, who should be sanctioned if that person exercised custody in conflict with the custody order. Further, the custody order itself will have the requirement for a supervisor and, therefore, another order would be redundant. Instead, the non-professional custody supervisor would be designated by an affidavit of accountability, as well as identified on the record pursuant to 23 Pa.C.S. § 5323(e.1)(2).

Concerning the applicability of the affidavit of accountability requirement, the Committee considered expanding the requirement to include professional custody supervisors but ultimately favored retaining the scope required by statute, *i.e.*, non-professional custody supervisors. Presumably, a custody supervisor deemed a “professional” would understand and be obligated to fulfill the role of a custody supervisor without the necessity of an affidavit.

After reviewing several different local forms, the Committee crafted a proposed affidavit of accountability form for non-professional supervisors to be located in Pa.R.Civ.P. 1915.15(d). The form identifies the supervisor, the party to be supervised, the children with whom custody is to be supervised, the relationship between the supervisor and the children, and a series of checkboxes setting forth the requirements and conditions of the supervision. There is a place for the court to record the date of the colloquy and the judge’s signature to satisfy the requirement of the statute. The affidavit would also have the custody order attached. While titled as an “affidavit” for consistency with the statute, the form only requires the supervisor’s signature subject to 18 Pa.C.S. § 4904. *See* Pa.R.Civ.P. 76 (defining “affidavit”); 42 Pa.C.S. § 102 (same).

Pa.R.Civ.P. 1915.10(b)(5) will require the use of the affidavit of accountability. The party subject to the supervised custody will be responsible for filing the completed form with the court and serving the other parties with a time-stamped copy prior to the start of supervised visits. This procedure is also described at the bottom of the form in Pa.R.Civ.P. 1915.15(d).

The Committee next discussed whether to propose a procedure and form for a non-professional custody supervisor to revoke an affidavit of accountability. Circumstances would likely arise when a non-professional custody supervisor is either unable or unwilling to continue in that role. The Committee concluded that the best interest of the child would be furthered with a procedure that requires notice by the non-professional custody supervisor to be given to the parties prior to the end of supervised visits.

Pa.R.Civ.P. 1915.10(b)(6) will require the use of a form by a non-professional custody supervisor to revoke an affidavit of accountability. The revocation form, to be located in Pa.R.Civ.P. 1915.15(e), solicits an effective date for the revocation and the date on which the parties have been notified. Like the affidavit of accountability, the party subject to the supervised custody would be responsible for filing the completed form with the court and serving the other parties with a time-stamped copy prior to the end of supervised visits.

Pa.R.Civ.P. 1915.10(b)(6) also states that the party requiring supervision “may” also seek the designation of another custody supervisor. The use of “may” is not intended to foreclose the party from seeking a review of the risk of harm and need for continued supervision pursuant to 23 Pa.C.S. § 5323(e)(2). The language is intended to signal that it is the party requiring supervision, not the court, who is to initiate the designation of another custody supervisor. The rule does not specify whether the new custody supervisor sought to be designated should be a professional or non-professional custody supervisor—that is a matter to be decided anew by the court based on the availability of a professional supervisor and the party’s ability to pay for a professional supervisor.

All comments, concerns, and suggestions concerning this rule proposal are welcome.

[Pa.B. Doc. No. 24-1410. Filed for public inspection October 4, 2024, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### MONROE COUNTY

**Local Rule of Judicial Administration 4007  
Amended; 5 CV 2024**

#### Order

*And Now*, this 24th day of September, 2024, it is *Ordered* that Monroe County Rule of Judicial Administration 4007 (Monroe Co.R.J.A. 4007) is amended as indi-

cated in the following document, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*It Is Further Ordered* that the District Court Administrator shall:

1. File one (1) electronic copy of these Rules with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

2. File two (2) paper copies of this Order and Rules with the Legislative Reference Bureau and one (1) electronic copy in Microsoft Word format only via email to [bulletin@palrb.us](mailto:bulletin@palrb.us) for publication in the *Pennsylvania Bulletin*.

3. Arrange to have these Rules published on the Monroe County Bar Association website at [www.monroebar.org](http://www.monroebar.org).

4. Arrange to have these Rules, as well as all local rules, published on the 43rd Judicial District website at [www.monroepacourts.us](http://www.monroepacourts.us).

5. Keep these Rules, as well as all local rules of this Court, continuously available for public inspection and copying in the respective Monroe County filing office.

a. Upon request and payment of reasonable cost of reproduction and mailing, the respective filing office shall furnish to any person a copy of any local rule.

*By the Court*

MARGHERITA PATTI-WORTHINGTON,  
*President Judge*

**LOCAL RULES OF JUDICIAL ADMINISTRATION  
COURT OF COMMON PLEAS  
43RD JUDICIAL DISTRICT  
MONROE COUNTY**

**Rule 4007. Requests for Transcripts.**

**(A) *General***

**a. These rules shall be read in conjunction with the Pennsylvania Rules of Judicial Administration 4001 et seq.**

**b.** Rough draft transcripts shall not be available in this Court.

**(B) *Deposit or Partial Payment Amounts***

**a. For transcript requests filed prior to a notice of appeal** deposit or partial payment amounts shall be 95% of the total transcript cost estimated by the Office of Court Administration and ordered by the Judge of record. **Such** deposit or partial payment amounts shall be made within fourteen (14) days of the date of the court order directing deposit or partial payment amount **or at the time a notice of appeal is filed, whichever is first.**

**b. For transcript requests filed concurrent with a notice of appeal, the requesting party shall pay a deposit of \$250.00, unless the appellant is requesting a waiver of cost because of economic hardship.**

**c.** Orders directing deposit payments and ordering transcription will be vacated if deposit or partial payment amounts are not remitted within the stated timeframe.

(C) Upon completion of the transcript, the Court Reporter, Recorder or Transcriptionist shall file of record Form A—Notice of Completion of Transcript and serve a copy on the requesting party by **electronic mail, if available, or** regular mail and the District Court Administrator.

**a. For transcript requests where a balance is due, the Form A shall include the amount of the balance owed by the requesting party. Any balance shall be**

**paid within 30 days of the filing of the Form A or at the time a notice of appeal is filed, whichever is first.**

**b. For transcript requests that are filed concurrent with a notice of appeal, the requesting party shall comply with Pa.R.A.P. 1922(a) for payment of any balance.**

. . .

(The remainder of Monroe Co.R.J.A. 4007 remains unchanged.)

[Pa.B. Doc. No. 24-1411. Filed for public inspection October 4, 2024, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**YORK COUNTY**

**Amendment of Local Rule of Criminal Procedure 600; CP-67-AD-35-2024**

**Administrative Order Amending York County  
Local Rule of Criminal Procedure 600**

*And Now*, this 23rd day of September, 2024, it is *Ordered* that York County Local Rule of Criminal Procedure 600 is amended, effective November 1, 2024.

The District Court Administrator shall publish this order as may be required.

*By the Court*

MARIA MUSTI COOK,  
*President Judge*

Material to be added is bolded and underlined.

Material to be deleted is bolded and bracketed.

**York R.Crim.P. 600. Prompt Trial.**

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. . .  
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(C) No later than ten business days prior to the first day of each week in which jury trials will be held, the district attorney shall provide to the district court administrator, in a format to be prescribed by the district court administrator, a written list of all cases the district attorney intends to call to trial in that week.

(1) The district attorney shall compile the list in order of priority for which the district attorney desires the court to allocate judicial resources for trial.

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**(4) Each defendant's attorney or self-represented defendant shall, within five business days, provide a written response to the district attorney regarding the information sought in (C)(3) above.**

[Pa.B. Doc. No. 24-1412. Filed for public inspection October 4, 2024, 9:00 a.m.]

**SUPREME COURT****WESTERN DISTRICT**

**Petition of the Seventh Judicial District Pursuant  
to Pa.R.Crim.P. No. 131 Requesting Approval of  
DUI Central Court Program; No. 623 Judicial  
Administration Docket**

**Order**

*Per Curiam*

*And Now*, this 23rd day of September, 2024, upon consideration of the Petition for Approval of DUI Central Court Program in Bucks County, it is *Ordered* that the Petition is *Denied*.

[Pa.B. Doc. No. 24-1413. Filed for public inspection October 4, 2024, 9:00 a.m.]

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