

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Order Amending Rules 1915.11-1, 1915.11-3 and 1915.23 of the Pennsylvania Rules of Civil Procedure; No. 760 Civil Procedural Rules Docket

Order

Per Curiam

And Now, this 23rd day of December, 2024, upon the recommendation of the Domestic Relations Procedural Rules Committee, the proposal having been published for public comment at 53 Pa.B. 3696 (July 15, 2023):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1915.11-1, 1915.11-23 and 1915.23 of the Pennsylvania Rules of Civil Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective April 1, 2025.

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

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

(Editor's Note: Rule 1915.11-1, as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1915.11-1. Parenting Coordination.

[If a judicial district implements a parenting coordination program, the court shall maintain a roster of qualified individuals to serve as parenting coordinators and establish the hourly rate at which parenting coordinators shall be compensated. The parenting coordinator shall attempt to resolve issues arising out of the custody order by facilitating an agreement between the parties and, if unable to reach an agreement, recommend a resolution to the court.

(a) *Appointment of a Parenting Coordinator.*

(1) After a final custody order has been entered, a judge may appoint a parenting coordinator to resolve parenting issues in cases involving repeated or intractable conflict between the parties affecting implementation of the final custody order. A parenting coordinator should not be appointed in every case. The appointment may be made on the motion of a party or the court's motion.

(2) Unless the parties consent and appropriate safety measures are in place to protect the participants, including the parenting coordinator and other third parties, a parenting coordinator shall not be appointed if:

(i) the parties to the custody action have a protection from abuse order in effect;

(ii) the court makes a finding that a party has been the victim of domestic violence perpetrated by a party to the custody action, either during the pendency of the custody action or within 36 months preceding the filing of the custody action; or

(iii) the court makes a finding that a party to the custody action has been the victim of a personal injury crime, as defined in 23 Pa.C.S. § 3103, which was perpetrated by a party to the custody action.

(iv) If a party objects to the appointment of a parenting coordinator based on an allegation that the party has been the victim of domestic violence perpetrated by a party to the custody action, the court shall have a hearing on the issue and may consider abuse occurring beyond the 36 months provided in subdivision (a)(2)(ii).

(3) The appointment of a parenting coordinator shall be for a specified period, which shall not exceed 12 months. A party may petition the court for an extension of the appointment or the court in its discretion may extend the appointment for an additional period.

(4) If the parenting coordinator seeks to withdraw from service in a case, the parenting coordinator shall petition the court and provide a copy of the petition to the parties or the parties' attorneys.

(5) The parenting coordinator shall set forth in a separate written agreement with the parties:

(i) the amount of any retainer;

(ii) the hourly rate to be charged;

(iii) the process for invoices and payment for services;

(iv) information on the parenting coordination process; and

(v) provide a signed copy of the agreement to the parties before initiating any services.

Note: The parenting coordinator shall include in the parties' written agreement the hourly rate established by the judicial district.

(b) *Qualifications of the Parenting Coordinator.*

(1) A parenting coordinator shall be licensed to practice in the Commonwealth of Pennsylvania as either an attorney or a mental health professional with a master's degree or higher. At a minimum, the parenting coordinator shall have:

(i) practiced family law for five years or have five years of professional post-degree experience in psychiatry, psychology, counseling, family therapy, or other comparable behavioral or social science field; and

(ii) specialized training by a provider approved or certified by the American Psychological Association, Pennsylvania Psychological Association, American Bar Association, Pennsylvania Bar Association, Pennsylvania Bar Institute, or American Academy of Matrimonial Lawyers. The training shall include:

(A) five hours in the parenting coordination process;

(B) ten hours of family mediation;

(C) five hours of training in domestic violence; and

(D) in each two-year period after the initial appointment, ten continuing education credits on any topic related to parenting coordination with a minimum of two hours on domestic violence.

(2) An attorney or a mental health professional seeking an appointment as a parenting coordinator:

(i) shall sign an affidavit attesting that he or she has met the qualifications outlined in (b)(1);

(ii) shall submit the affidavit to the president judge or administrative judge of the judicial district where the parenting coordinator is seeking appointment; and

(iii) after submission of the initial affidavit, a parenting coordinator shall submit a new affidavit every two years attesting that he or she continues to meet the qualifications for a parenting coordinator outlined in (b)(1).

(c) *Appointment Order.* The parenting coordinator's authority as delineated in subdivision (d) shall be included in the order appointing the parenting coordinator, which shall be substantially in the form set forth in Pa.R.C.P. No. 1915.22.

(d) *Scope of Authority of the Parenting Coordinator.* The parenting coordinator shall have the authority to recommend resolutions to the court on issues related to the custody order if the parties are unable to reach an agreement.

(1) To implement the custody order and resolve related parenting issues about which the parties cannot agree, the parenting coordinator is authorized to recommend resolutions to the court about issues that include, but are not limited to:

(i) places and conditions for custodial transitions between households;

(ii) temporary variation from the custodial schedule for a special event or particular circumstance;

(iii) school issues, apart from school selection;

(iv) the child(ren)'s participation in recreation, enrichment, and extracurricular activities, including travel;

(v) child-care arrangements;

(vi) clothing, equipment, toys, and personal possessions of the child(ren);

(vii) information exchanges (e.g., school, health, social) between the parties and communication with or about the child(ren);

(viii) coordination of existing or court-ordered services for the child(ren) (e.g., psychological testing, alcohol or drug monitoring/testing, psychotherapy, anger management);

(ix) behavioral management of the child(ren); and

(x) other related custody issues that the parties mutually have agreed in writing to submit to the parenting coordinator, which are not excluded in subdivision (d)(2).

(2) The following issues are excluded from the parenting coordinator's scope of authority:

(i) a change in legal custody as set forth in the custody order;

(ii) a change in primary physical custody as set forth in the custody order;

(iii) except as set forth in subdivision (d)(1)(ii), a change in the court-ordered custody schedule that reduces or expands the child(ren)'s time with a party;

(iv) a change in the residence (relocation) of the child(ren);

(v) determination of financial issues, other than allocation of the parenting coordinator's fees as set forth in subdivision (g)(1);

(vi) major decisions affecting the health, education, or religion of the child(ren); and

(vii) other issues limited by the appointing judge.

(3) Unless the parties consent, the parenting coordinator shall not contact collateral sources or speak with the child(ren) and to effectuate this provision, the parties shall execute releases, as necessary, authorizing the parenting coordinator to communicate with the appropriate individuals. Any communication with the collateral sources or child(ren) shall be limited to the issue(s) currently before the parenting coordinator.

(e) *Communications. No Testimony.*

(1) Communication between the parties or the parties' attorneys and the parenting coordinator is not confidential.

(2) A party or a party's attorney may communicate in writing with the parenting coordinator, but shall contemporaneously send a copy of the written communication to the other party or the other party's attorney. Documents, recordings, or other material that one party gives to the parenting coordinator shall be promptly made available to the other party or the other party's attorney for inspection and copying.

(3) The parties and their attorneys may receive, but not initiate, oral *ex parte* communication with the parenting coordinator. A parenting coordinator may initiate oral communication with a party or party's attorney, but shall promptly advise the other party or the other party's attorney of the communication.

(4) Communication between the parenting coordinator and the court shall be in writing and copies of the written communication shall be sent contemporaneously to the parties or the parties' attorneys.

(5) A party cannot compel the testimony of a parenting coordinator without an order of court.

(f) *Recommendations. Objecting to the Recommendation. Judicial Review. Record Hearing.*

(1) The parenting coordinator shall provide to the parties notice and an opportunity to be heard on the issues.

(2) The parenting coordinator's recommendation shall be in writing on the Summary and Recommendation of the Parenting Coordinator form set forth in Pa.R.C.P. No. 1915.23 and sent to the court for review within two days after hearing from the

parties on the issues. The parenting coordinator shall serve a copy of the Summary and Recommendation on the parties or the parties' attorneys.

(3) A party objecting to the recommendation shall file a petition for a record hearing before the court within five days of service of the Summary and Recommendation of the Parenting Coordinator form. The petition must specifically state the issues to be reviewed and include a demand for a record hearing. A copy of the recommendation shall be attached to the petition. In accordance with Pa.R.C.P. No. 440, the objecting party shall serve the petition on the other party or the other party's attorney and the parenting coordinator.

(4) If the parties do not file an objection within five days of service of the parenting coordinator's recommendation, the court shall:

- (i) approve the recommendation;
- (ii) approve the recommendation in part and conduct a record hearing on issues not approved;
- (iii) remand the recommendation to the parenting coordinator for more specific information; or
- (iv) not approve the recommendation and conduct a record hearing on the issues.

(5) As soon as practical, the court shall conduct a record hearing on the issues specifically set forth in the petition. The court shall render a decision within the time set forth in Pa.R.C.P. No. 1915.4(d).

(6) If a party makes a timely objection, the recommendation shall become an interim order of court pending further disposition by the court.

(g) *Fees.*

(1) The appointing judge shall allocate between the parties the fees of the parenting coordinator. The parenting coordinator may reallocate the fees, subject to the approval of the court, if one party has caused a disproportionate need for the services of the parenting coordinator.

(2) To limit the financial burden on the parties, a parenting coordinator should meet with the parties only upon a request of a party to resolve an issue about which the parties disagree.

(3) *Waiver of fees or reduced fees.* Judicial districts implementing a parenting coordination program shall effectuate a policy or program by local rule so that indigent or low-income parties may participate in the parenting coordination program at a reduced fee or no fee.]

(*Editor's Note:* The following text for Rule 1915.11-1 is new and is published in regular type to enhance readability.)

(The following text is entirely new.)

(a) *Parenting Coordination Program.*

(1) If a judicial district implements a parenting coordination program, the court shall:

- (i) maintain a roster of qualified individuals to serve as parenting coordinators; and
- (ii) establish the hourly rate at which parenting coordinators shall be compensated.

(2) The parenting coordinator shall:

(i) attempt to resolve issues arising out of the custody order by facilitating an agreement between the parties; and

(ii) if unable to reach an agreement, recommend a resolution to the court.

(b) *Parenting Coordinator Appointment.*

(1) *Appointment.* After a final custody order has been entered, a judge may appoint a parenting coordinator to resolve parenting issues in cases involving repeated or intractable conflict between the parties that affects the implementation of the final custody order.

(i) A parenting coordinator should not be appointed in every case.

(ii) The appointment may be made on a party's petition or the court's motion.

(2) *Domestic Violence Exception.* In matters that involve domestic violence, a hearing shall be held to determine if the appointment of a parenting coordinator is appropriate.

(i) Domestic violence matters include the following:

(a) the parties to the action have a protection from abuse order in effect;

(b) the court finds that a party has been the victim of domestic violence perpetrated by a party to the action, either during the pendency of the action or within 36 months preceding the filing of the action; or

(c) the court finds that a party to the action has been the victim of a personal injury crime, as defined in 23 Pa.C.S. § 3103, which was perpetrated by a party to the action.

(ii) In the hearing, the court may consider abuse occurring beyond the 36 months provided in subdivision (b)(2)(ii).

(iii) Safety measures shall be in place to protect the parties, parenting coordinator, and third parties if a parenting coordinator is appointed in these matters.

(3) *Duration of Appointment.*

(i) The appointment of a parenting coordinator shall be for a specified period, which shall not exceed 12 months.

(ii) A party may petition the court for an extension of the appointment or the court in its discretion may extend the appointment for an additional period.

(4) *Withdrawal.* If the parenting coordinator seeks to withdraw from service in a case, the parenting coordinator shall petition the court and provide a copy of the petition to the parties or the parties' attorneys.

(5) *Written Agreement.* The parenting coordinator shall set forth in a separate written agreement with the parties:

- (i) the amount of any retainer;
- (ii) the hourly rate to be charged;
- (iii) the process for invoices and payment for services;
- (iv) information on the parenting coordination process; and
- (v) provide a signed copy of the agreement to the parties before initiating any services.

(c) *Parenting Coordinator Qualifications.*

(1) A parenting coordinator shall be licensed to practice in the Commonwealth of Pennsylvania as either an attorney or a mental health professional with a master's degree or higher.

(2) At a minimum, the parenting coordinator shall have:

(i) practiced family law for five years or have five years of professional post-degree experience in psychiatry, psychology, counseling, family therapy, or other comparable behavioral or social science field; and

(ii) specialized training by a provider approved or certified by the American Psychological Association, Pennsylvania Psychological Association, American Bar Association, Pennsylvania Bar Association, Pennsylvania Bar Institute, or American Academy of Matrimonial Lawyers. The training shall include:

(A) five hours in the parenting coordination process;

(B) ten hours of family mediation;

(C) five hours of training in domestic violence; and

(D) in each two-year period after the initial appointment, ten continuing education credits on any topic related to parenting coordination with a minimum of two hours on domestic violence.

(3) An attorney or a mental health professional seeking an appointment as a parenting coordinator:

(i) shall sign an affidavit attesting that he or she has met the qualifications outlined in subdivisions (c)(1) and (c)(2);

(ii) shall submit the affidavit to the president judge or administrative judge of the judicial district where the parenting coordinator is seeking appointment; and

(iii) after submission of the initial affidavit, a parenting coordinator shall submit a new affidavit every two years attesting that he or she continues to meet the qualifications for a parenting coordinator outlined in subdivisions (c)(1) and (c)(2).

(d) *Appointment Order.* The parenting coordinator's authority as delineated in subdivision (e) shall be included in the order appointing the parenting coordinator, which shall be substantially in the form set forth in Rule 1915.22.

(e) *Scope of Authority of the Parenting Coordinator.* If the parties are unable to reach an agreement, the parenting coordinator shall have the authority to recommend resolutions to the court on issues related to the custody order.

(1) *Issues Included.* To implement the custody order and resolve related parenting issues about which the parties cannot agree, the parenting coordinator is authorized to recommend resolutions to the court about issues that include, but are not limited to:

(i) places and conditions for custodial transitions between households;

(ii) temporary variation from the custodial schedule for a special event or particular circumstance;

(iii) school issues, apart from school selection;

(iv) the child's participation in recreation, enrichment, and extracurricular activities, including travel;

(v) child-care arrangements;

(vi) clothing, equipment, toys, and the child's personal possessions;

(vii) information exchanges (e.g., school, health, social) between the parties and communication with or about the child;

(viii) coordination of existing or court-ordered services for the child (e.g., psychological testing, alcohol or drug monitoring/testing, psychotherapy, anger management);

(ix) the child's behavioral management; and

(x) other related custody issues that the parties mutually have agreed in writing to submit to the parenting coordinator, which are not excluded in subdivision (e)(2).

(2) *Excluded Issues.* The following issues are excluded from the parenting coordinator's scope of authority:

(i) a change in legal custody as set forth in the custody order;

(ii) a change in primary physical custody as set forth in the custody order;

(iii) except as set forth in subdivision (e)(1)(ii), a change in the court-ordered custody schedule that reduces or expands the child's time with a party;

(iv) a change in the child's residence (relocation);

(v) determination of financial issues, other than allocation of the parenting coordinator's fees as set forth in subdivision (h)(1);

(vi) major decisions affecting the child's health, education, or religion; and

(vii) other issues limited by the appointing judge.

(3) *Collateral Sources.*

(i) Unless the parties consent, the parenting coordinator shall not contact collateral sources or speak with the child.

(ii) To effectuate subdivision (e)(3)(i), the parties shall execute releases, as necessary, authorizing the parenting coordinator to communicate with the appropriate individuals.

(iii) Any communication with the collateral sources or child shall be limited to the issue currently before the parenting coordinator.

(f) *Communications. No Testimony.*

(1) Communication between the parties or the parties' attorneys and the parenting coordinator is not confidential.

(2) *Written Communication.*

(i) A party or a party's attorney may communicate in writing with the parenting coordinator.

(ii) Contemporaneously with communications with the parenting coordinator as provided in subdivision (f)(2)(i), the party shall send a copy of the written communication to the other party or the other party's attorney.

(3) Documents, recordings, or other material that a party gives to the parenting coordinator shall be promptly made available to the other party or the other party's attorney for inspection and copying.

(4) *Oral Communication.*

(i) The parties and their attorneys may receive, but not initiate, oral *ex parte* communication with the parenting coordinator.

(ii) A parenting coordinator may initiate oral communication with a party or party's attorney but shall promptly advise the other party or the other party's attorney of the communication.

(5) Communication between the parenting coordinator and the court shall be in writing and copies of the written communication shall be sent contemporaneously to the parties or the parties' attorneys.

(6) A party cannot compel the testimony of a parenting coordinator without an order of court.

(g) *Recommendations. Objecting to the Recommendation. Judicial Review. Record Hearing.*

(1) The parenting coordinator shall provide to the parties notice and an opportunity to be heard on the issues.

(2) The parenting coordinator's recommendation shall be in writing on the Summary and Recommendation of the Parenting Coordinator form, which shall be substantially in the form set forth in Rule 1915.23.

(i) The parenting coordinator shall send the recommendation to the court for review within two days after hearing from the parties on the issues.

(ii) The parenting coordinator shall serve a copy of the recommendation on the parties or the parties' attorneys, concurrently with sending the recommendation to the court.

(iii) The parenting coordinator's recommendation shall be binding on the parties pending the court's disposition pursuant to subdivisions (g)(3) or (g)(4).

(3) A party objecting to the recommendation shall file a petition for a record hearing before the court within five days of service of the recommendation.

(i) The petition must specifically state the issues to be reviewed and include a demand for a record hearing. A copy of the recommendation shall be attached to the petition.

(ii) In accordance with Pa.R.Civ.P. 440, the objecting party shall serve the petition on the other party or the other party's attorney and the parenting coordinator.

(iii) As soon as practical, the court shall conduct a record hearing on the issues specifically set forth in the petition.

(4) If the parties do not file an objection within five days of service of the parenting coordinator's recommendation, the court shall:

- (i) approve the recommendation;
- (ii) approve the recommendation in part and conduct a record hearing on issues not approved;
- (iii) remand the recommendation to the parenting coordinator for more specific information; or
- (iv) not approve the recommendation and conduct a record hearing on the issues.

(5) The court shall render a decision within the time set forth in Rule 1915.4(d).

(6) The court's decision shall be served on the parties and the parenting coordinator.

(h) *Fees.*

(1) *Allocation.*

(i) The appointing judge shall allocate between the parties the fees of the parenting coordinator.

(ii) The parenting coordinator may reallocate the fees, subject to the approval of the court, if one party has caused a disproportionate need for the services of the parenting coordinator.

(2) *Limitation.* To limit the financial burden on the parties, a parenting coordinator should meet with the parties only upon a request of a party to resolve an issue about which the parties disagree.

(3) *Enforcement.* If one or both parties fail to pay according to the parenting coordinator's agreement, the parenting coordinator may file a recommendation with the court to order the parties to pay.

(4) *Waiver of Fees or Reduced Fees.* Judicial districts implementing a parenting coordination program shall effectuate a policy or program by local rule so that indigent or low-income parties may participate in the parenting coordination program at a reduced fee or no fee.

Comment:

The parenting coordinator shall include in the parties' written agreement the hourly rate established by the judicial district.

(*Editor's Note:* Rule 1915.11-3 is new and is published in regular type to enhance readability.)

<This is an entirely new rule.>

Rule 1915.11-3. Certification of Parenting Coordination Program.

(a) *Implementation.* Each judicial district may determine if it will implement a parenting coordination program.

(b) *Certification.* The president judge or the administrative judge of the Family Division of each judicial district shall certify if the judicial district has established a parenting coordination program. The certification shall be filed with the Domestic Relations Procedural Rules Committee, and shall be substantially in the following form:

I hereby certify that _____ County has implemented a parenting coordination program in accordance with Pa.R.Civ.P. 1915.11-1.

(President Judge)

(Administrative Judge)

Comment:

For a list of judicial districts having a parenting coordination program, see <https://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>.

Rule 1915.23. Form of the Summary and Recommendation of the Parenting Coordinator.

The recommendation of the parenting coordinator shall be in writing and shall be in substantially the following form:

(Caption)

SUMMARY AND RECOMMENDATION
OF THE PARENTING COORDINATOR

The undersigned, the duly appointed parenting coordinator in the above-captioned matter, pursuant to the Order of Court dated _____, 20___, after submission of the issue described below and after providing the parties with an opportunity to be heard on the issue, the parenting coordinator sets forth the following:

SUMMARY OF THE ISSUE(S)

1. Description of the issue(s):

2. The respective parties' position on the issue(s):

AGREEMENT

If the parties reached an agreement, please provide the terms below:

RECOMMENDATION

Within five days of the date set forth below, a party may object to this recommendation by filing a petition with the court and requesting a record hearing before the judge as set forth in [**Pa.R.C.P. No. 1915.11-1(f)(3)**] **Pa.R.Civ.P. 1915.11-1(g)(3)**.

The undersigned parenting coordinator certifies that this Summary and Recommendation of the Parenting Coordinator has been served on the court and the parties or the parties' attorneys on the date set forth below,

Date Parenting Coordinator

ORDER OF COURT

JUDICIAL REVIEW OF PARENTING COORDINATOR'S RECOMMENDATION

- The Recommendation is approved.
- The Recommendation is approved in part. The issue(s) not approved by the court is/are:

and a record hearing is scheduled for _____, 20 ____ at ____ a.m./p.m. before the undersigned.

- The Recommendation is remanded to the parenting coordinator for additional information on the following issue(s): _____

- The Recommendation is not approved and a record hearing on the issue(s) is scheduled for _____, 20 ____ at ____ a.m./p.m. before the undersigned.

By the Court:

Date J.

SUPREME COURT OF PENNSYLVANIA DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE

ADOPTION REPORT

Amendment of Pa.R.Civ.P. 1915.11-1, 1915.11-3, and 1915.23

On December 23, 2024, the Supreme Court amended Pennsylvania Rules of Civil Procedure Pa.R.Civ.P. 1915.11-1, 1915.11-3, and 1915.23 governing parenting coordination. The Domestic Relations Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Currently, Pa.R.Civ.P. 1915.11-1(a)(2) requires both party's consent to participate in parenting coordination if there is a history of abuse between the parties. The Committee received a request to amend this rule to require only the consent of the abused party. The dual consent requirement created the opportunity for an abuser to further control a victim by withholding consent to parenting coordination, and therefore requiring more costly litigation, rather than allowing these issues to be resolved with the help of a parenting coordinator.

Additionally, the Committee received a request that the summary and recommendation form be revised to include a check box indicating whether the parties agree and space to recite the parties' agreement. Another request was to permit a parenting coordinator to file a recommendation with the court when either or both parties fail to pay the parenting coordinator. Absent such a provision, the only course of action for the parenting coordinator is to withdraw.

The Committee agreed that permitting an abuser to withhold consent to preclude the use of parenting coordination does seem to perpetuate the abuse. Accordingly, the Committee proposed amending Pa.R.Civ.P. 1915.11-1(a)(2) to remove the dual consent provision and to require that the court hold a hearing before appointing parenting coordinators in all matters that involve domestic violence. This would allow the court to determine the appropriateness of parenting coordination and ascertain if appropriate safety measures are possible. The Committee also observed that parenting coordinators are required to attend domestic violence training and should be capable of working with parties having an abuse history.

Next, the Committee acknowledged there was no uniform method for parenting coordinators to identify and submit agreements to the court. The Committee proposed amending the form in Pa.R.Civ.P. 1915.23 to include a recitation of the parties' agreement if one is reached. The revised form would allow parenting coordinators to record the parties' agreement and assist the court by having a record of the agreement for purposes of enforcement and context in any subsequent modification or special relief proceedings.

The Committee also considered methods for parenting coordinators to enforce payment of their fees. Regarding fees, Pa.R.Civ.P. 1915.11-1(g) requires allocation between the parties and requires judicial districts to implement a program whereby low income and indigent parties can participate in parenting coordination at a reduced fee or no fee. The form order for the appointment of a parenting coordinator contains a provision for the allocation of fees, requires the judicial district's established hourly fee rate be set forth in a separate agreement between the parties

and the parenting coordinator, and requires the parties to pay a joint retainer. *See* Pa.R.Civ.P. 1915.22 (provision No. 8 (Allocation of Fees)).

The retainer requirement was intended to prevent a parenting coordinator from having to pursue payment from the parties. However, for good cause, a retainer requirement can be waived. *See, e.g.*, Chester County Family Court Rule 1915.11-1.A(d) at 53 Pa.B. 7919 (December 23, 2023).¹ Thus, there may be instances when a parenting coordinator has rendered services, but the parties have failed to pay in advance in the manner of a retainer for those services. In response, the Committee proposed amending Pa.R.Civ.P. 1915.11-1 to permit the parenting coordinator to file a recommendation with the court seeking an order compelling a recalcitrant party to pay for services rendered.

The Committee believed there would be merit in publicly providing a list of all counties that have adopted local rules related to parenting coordination. This information would assist attorneys, particularly those who have multiple county practices, in advising their clients on the availability of parenting coordination. Accordingly, the Committee proposed Pa.R.Civ.P. 1915.11-3, which would require certification by counties that have implemented parenting coordination procedures. Thereafter, the Committee would compile a list and post the list on the Committee's webpage. This approach is similar to the requirement that counties certify their conference procedures in support, custody, and divorce. *See* Pa.R.Civ.P. 1910.10, 1915.4-1, and 1920.55-1. Please note, unlike the rules governing conference procedures, proposed Pa.R.Civ.P. 1915.11-3 would not require judicial districts to affirmatively state that they do not have a parenting coordination program.

Within Pa.R.Civ.P. 1915.11-1, the Committee proposed adding language stating that the parenting coordinator's recommendation is binding pending the court's disposition regardless of whether objections are filed. Currently, the rule indicates that a recommendation becomes an interim order, and presumably enforceable, if a party objects and the court has not yet acted on the recommendation. The rule does not address the status of a recommendation if no objections are filed, and the court has yet to act on the recommendation. In the absence of procedural guidance, some parties or courts may interpret this omission as the parenting coordinator's recommendation having no effect until the court approves it. It seemed inconsistent for an objected-to recommendation to be enforceable but for an unobjected-to recommendation to not be enforceable.

Finally, the Committee proposed requiring that the court decision concerning a recommendation or objection be served on the parenting coordinator. Currently, there is no such requirement which may result in the parenting coordinator not being aware of the terms of the final order.

The proposal was published for comment at 53 Pa.B. 3696 (July 15, 2023). One commenter suggested that parenting coordinator qualifications include attorneys who have specialized in family law for a period of 20 years or more, without the need for specialized training. The Committee was not inclined to accept this suggestion because experience is not always an adequate substitute for specialized training. The specialized training includes not just the initial training of five hours in the parenting coordination process, ten hours of family mediation, and five hours of domestic violence, but also ten hours of

continuing education in each two-year period following the initial appointment, with a minimum of two hours in domestic violence. The importance of the training requirement is heightened with the proposed possibility of parties with a domestic violence history being able to access parenting coordination.

Another commenter suggested that proposed Pa.R.Civ.P. 1915.11-1(b)(1)(ii) be revised to state: "The appointment may be made on a party's petition or the court's motion." This revision would require a party to file a petition rather than a motion because there would be factual averments that require a record hearing and findings of fact by a judge. The Committee made this revision.

These amendments become effective on April 1, 2025.

[Pa.B. Doc. No. 25-30. Filed for public inspection January 10, 2025, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 11, 12, 13 AND 14]

Order Adopting Rule 1203 and Amending Rules 1120, 1210, 1240, 1242, 1320, 1321, 1330, 1408, and 1409 of the Pennsylvania Rules of Juvenile Court Procedure; No. 1003 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 23rd day of December, 2024, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 47 Pa.B. 3962 (July 22, 2017):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Juvenile Court Procedure 1203 is adopted and Pennsylvania Rules of Juvenile Court Procedure 1120, 1210, 1240, 1242, 1320, 1321, 1330, 1408, and 1409 are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective on July 1, 2025.

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

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1120. Definitions.

* * * * *

HEALTH CARE is care related to any medical need including physical, mental, and dental health. This term is used in the broadest sense to include any type of health need.

INDIAN CHILD is any unmarried person who is under the age of eighteen and is either 1) a member

¹ Pa.R.Civ.P. 1915.11-1(a)(5)(i) ("the amount of any retainer") suggests that retainers are not mandated.

of an Indian tribe or 2) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

* * * * *
Comment:
 * * * * *

“Health care” includes, but is not limited to, routine physical check-ups and examinations; emergency health care; surgeries; exploratory testing; psychological exams, counseling, therapy and treatment programs; drug and alcohol treatment; support groups; routine eye examinations and procedures; teeth cleanings, fluoride treatments, fillings, preventative dental treatments, root canals, and other dental surgeries; and any other examination or treatment relating to any physical, mental, and dental needs of the child.

The definition for “Indian Child” originates from the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.2.

* * * * *

CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

PART A(1). COMMENCING PROCEEDINGS

(Editor’s Note: Rule 1203 is new and is published in regular type to enhance readability.)

(This is an entirely new rule.)

Rule 1203. Indian Child.

(a) *Inquiry.*

(1) At the commencement of the initial proceeding, including a court’s acceptance of either jurisdiction of a resident child from another state or supervision pursuant to another state’s order, the court shall inquire as to the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child. All responses shall be placed on the record.

(2) The court shall advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child.

(b) *Finding of Court.* The court shall make a finding as to whether there is reason to know the child is an Indian child.

(c) *Additional Requirements.*

(1) If the court finds there is reason to know the child is an Indian child, but lacks sufficient evidence to determine whether the child is an Indian child, the court shall confirm due diligence has been used to make such determination, and the court shall treat the child as an Indian child until it can determine, from the record, that the child does not meet the definition of an Indian child.

(2) If the court has sufficient evidence to conclude the child is an Indian child, then the notification and rights under the Indian Child Welfare Act shall apply.

Comment:

The Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107, require the court at the commencement of the initial proceeding to determine if any participant has reason to know whether the child is an Indian child.

For the definition of “Indian child,” see Rule 1120. Nothing in this rule is intended to prohibit the court from continuing to inquire at every subsequent proceeding. For determination of a reason to know whether a child is an Indian child, see 25 C.F.R. § 23.107. When a court knows or has reason to know that a child is an Indian child, see 25 C.F.R. § 23.111 for notice requirements. See also 25 C.F.R. § 23.11.

For additional requirements concerning the emergency removal or emergency placement of an Indian child, see 25 C.F.R. § 23.113. For additional requirements concerning the non-emergent placement of an Indian child, see 25 C.F.R. §§ 23.121-23.122. For the transfer of proceedings to the Indian child’s tribe, see 25 C.F.R. §§ 23.115—.119. For requirements concerning voluntary proceedings for the placement of an Indian child, see 25 C.F.R. §§ 23.124—.127. For the placement preferences of an Indian child, see 25 C.F.R. §§ 23.131-23.132.

PART B. EMERGENCY CUSTODY

Rule 1210. Order for Protective Custody.

[A.] (a) *Application of [order] Order.* The application for a court order of protective custody may be orally made; however, the request shall be reduced to writing within [**twenty-four**] **24** hours. The request shall set forth reasons for the need of protective custody **and include whether the applicant has reason to know the child is an Indian child as defined in Rule 1120.**

[B.] (b) *Finding of [court] Court.*

(1) A child may be taken into protective custody by court order when the court determines that removal of the child is necessary for the welfare and best interests of the child.

(2) At the time the court issues a protective custody order, the court shall inquire as to whether family finding efforts pursuant to Rule 1149 have been initiated by the county agency, **and as to the efforts made by the applicant to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1203. All responses shall be placed on the record.**

(3) The order may initially be oral, provided that it is reduced to writing within [**twenty-four**] **24** hours or the next court business day.

[C.] (c) *Law [enforcement] Enforcement.* The court may authorize a search of the premises by law enforcement or the county agency so that the premises may be entered into without authorization of the owner for the purpose of taking a child into protective custody.

[D.] (d) *Contents of [order] Order.* The court order shall include:

- (1) the name of the child sought to be protected;
- (2) the date of birth of the child, if known;
- (3) the whereabouts of the child, if known;
- (4) the names and addresses of the guardians;
- (5) the reasons for taking the child into protective custody;
- (6) a finding whether reasonable efforts were made to prevent placement of the child;
- (7) a finding whether the reasons for keeping the child in shelter care and that remaining in the home is contrary to the welfare and best interests of the child; **[and]**

(8) findings and orders related to the requirements of Rule 1149 regarding family finding[.]; and

(9) findings as to whether there is reason to know the child is an Indian child pursuant to Rule 1203.

[E.] (e) *Execution of [order] Order.* The court shall specify:

- (1) the limitations of the order;
- (2) the manner in which the order is to be executed; and
- (3) who shall execute the order.

Comment:

See 42 Pa.C.S. § 6324 for statutory provisions concerning taking into custody.

For a discussion of the due process requirements for taking a child into emergency custody, see *Patterson v. Armstrong County Children and Youth Services*, 141 F. Supp. 2d 512 (W.D. Pa. 2001).

The court is to determine whether reasonable efforts, including services and family finding efforts, were made to prevent placement or in the case of an emergency placement where services were not offered and could not have prevented the necessity of placement, whether this level of effort was reasonable due to the emergency nature of the situation, safety considerations and circumstances of the family. See 42 Pa.C.S. § 6332.

See also *In re Petition to Compel Cooperation with Child Abuse Investigation*, 875 A.2d 365 (Pa. Super. [Ct.] 2005).

The court is required to inquire and determine whether any participants have reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.J.C.P. 1203.

Pursuant to [paragraph (D)(8)] subdivision (d)(8), the county agency should be looking for family and kin as a resource to aid and assist the family to prevent removal of the child from the home. When removal of the child is necessary, placement with family and kin will help reduce the potential trauma of the removal from the home. See Rule 1149 regarding family finding requirements.

[**Official Note: Rule 1210 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.**]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1210 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1210 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).]

PART C. SHELTER CARE

Rule 1240. Shelter Care Application.

[A.] (a) *Filings.* A shelter care application may be oral or in writing. If oral, [**within twenty-four hours of exercising protective custody pursuant to Rule 1210,**] the county agency shall file a written shelter care

application **within 24 hours of exercising protective custody pursuant to Rule 1210.**

[B.] (b) *Application [contents] Contents.* Every shelter care application shall set forth:

- (1) the name of the applicant;
- (2) the name, date of birth, and address of the child, if known;
- (3) the name and address of the child's guardian, or if unknown, the name and address of the nearest adult relative;
- (4) the date that the child was taken into custody;
- (5) a concise statement of facts in support of the allegation of dependency;
- (6) a statement detailing family finding efforts and:
 - [(a)] (i) the reasonable efforts made to prevent placement; and
 - [(b)] (ii) why there are no less restrictive alternatives available;
- (7) a verification by the applicant that the facts set forth in the petition are true and correct to the applicant's personal knowledge, information, or belief, and that any false statements are subject to the penalties of [**the Crimes Code,**] 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

(8) the signature of the applicant and the date of the execution of the application; [and]

(9) the whereabouts of the child unless the county agency has determined it would pose a risk to the safety of the child or the guardian, or disclosure is prohibited by the court[.]; and

(10) whether the applicant has reason to know the child is an Indian child as defined in Rule 1120.

Comment:

In lieu of a shelter care application, the county agency may file a petition as set forth in Rule 1330.

The primary focus of the shelter care application is to assert that protective custody is needed, and the child should remain in the custody of the county agency. A shelter care hearing is to be held within [**seventy-two**] 72 hours of taking the child into protective custody. See [**Rule 1242(D)**] Pa.R.J.C.P. 1242(d).

Pursuant to [**paragraph (B)(6)**] subdivision (b)(6), the application is to contain a statement detailing the reasonable efforts made to prevent placement and the specific reasons why there are no less restrictive alternatives available. This statement may include information such as: 1) the circumstances of the case; 2) family finding efforts made by the county agency; 3) contact with family members or other kin; 4) the child's educational, health care, and disability needs; and 5) any need for emergency actions.

See Rule 1149 regarding family finding requirements.

[**Official Note: Rule 1240 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015.**]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1240 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1240 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1240 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).]

Rule 1242. Shelter Care Hearing.

[**A.**] **(a)** *Informing of [**rights**] **Rights**.* Upon commencement of the hearing, the court shall ensure that:

- (1) a copy of the shelter care application is provided to the parties; and
- (2) all parties are informed of the right to counsel.

[**B.**] **(b)** *Manner of [**hearing**] **Hearing**.*

(1) *Conduct.* The hearing shall be conducted in an informal but orderly manner.

(2) *Recording.* If requested, or if ordered by the court, the hearing shall be recorded by appropriate means. If not so recorded, full minutes of the hearing shall be kept.

(3) *Testimony and [**evidence**] **Evidence**.* All evidence helpful in determining the questions presented, including oral or written reports, may be received by the court and relied upon to the extent of its probative value even though not competent in the hearing on the petition. The child's attorney, the guardian, if unrepresented, and the attorney for the guardian shall be afforded an opportunity to examine and controvert written reports so received.

(4) *Advanced [**communication technology**] **Communication Technology**.* Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.

[**C.**] **(c)** *Findings.* The court shall determine whether:

- (1) there are sufficient facts in support of the shelter care application;
- (2) the county agency has reasonably engaged in family finding;
- (3) custody of the child is warranted after consideration of the following factors:

[**(a)**] **(i)** remaining in the home would be contrary to the welfare and best interests of the child;

[**(b)**] **(ii)** reasonable efforts were made by the county agency to prevent the child's placement;

[**(c)**] **(iii)** the child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there are no less restrictive alternatives available; and

[**(d)**] **(iv)** the lack of efforts was reasonable in the case of an emergency placement where services were not offered;

(4) a person, other than the county agency, submitting a shelter care application, is a party to the proceedings; [**and**]

(5) there are any special needs of the child that have been identified and that the court deems necessary to address while the child is in shelter care[.]; **and**

(6) the county agency has made efforts to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1203.

[**D.**] **(d)** *Prompt [**hearing**] **Hearing**.* The court shall conduct a hearing within [**seventy-two**] **72** hours of taking the child into protective custody. The parties shall not be permitted to waive the shelter care hearing.

[**E.**] **(e)** *Court [**order**] **Order**.* At the conclusion of the shelter care hearing, the court shall enter a written order setting forth:

(1) its findings pursuant to [**paragraph (C)**] **subdivision (c)**;

(2) any conditions placed upon any party;

(3) any orders regarding family finding pursuant to Rule 1149;

(4) any orders for placement or temporary care of the child;

(5) any findings or orders necessary to ensure the stability and appropriateness of the child's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147;

(6) any findings or orders necessary to identify, monitor, and address the child's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed; [**and**]

(7) any orders of visitation[.]; **and**

(8) whether there is reason to know the child is an Indian child pursuant to Rule 1203.

Comment:

Pursuant to [**paragraph (B)(4)**] **subdivision (b)(4)**, it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.

Pursuant to [**paragraph (C)**] **subdivision (c)**, the court is to make a determination that the evidence presented with the shelter care application under Rule 1240 is supported by sufficient facts. After this determination, the court is to determine whether the custody of the child is warranted by requiring a finding that: 1) remaining in the home would be contrary to the health and welfare of the child; 2) reasonable efforts were made by the county agency to prevent the placement of the child; 3) the child was placed in the least restrictive placement available; and 4) if the child was taken into emergency placement without services being offered, the lack of efforts by the county agency was reasonable. Additionally, the court is to state the reasons why there are no less restrictive alternatives available.

Family finding is to be initiated prior to the shelter care hearing. See Comment to Rule 1149 as to level of reasonableness.

Pursuant to [**paragraph (C)(2)**] **subdivision (c)(2)**, the court is to make a determination whether the county agency has reasonably engaged or is to engage in family finding in the case. The county agency will be required to report its diligent family finding efforts at subsequent hearings. [**See**] **See** Rule 1149 for requirements of family finding. [**See also Rules 1408(2), 1512(D)(1)(h), 1514(A)(4), 1608(D)(1)(h),**] **See also Rules 1408(b),**

1512(D)(1)(h), 1514(a)(4), 1608(d)(1)(viii), and 1610(D) and their Comments for the court's findings as to the county agency's satisfaction of the family finding requirements and Rules [**1210(D), 1409(C) and 1609(D)**] **1210(d), 1409(c) and 1609(D)** and Comments to Rules 1408, 1409, 1512, 1514, 1515, **and** 1608 [, **1609, 1610, and**]—1611 on the court's orders.

Pursuant to [**paragraph (C)(4)**] **subdivision (c)(4)**, the court is to determine whether [**or not**] a person is a proper party to the proceedings. Regardless of the court's findings on the party status, the court is to determine if the application is supported by sufficient evidence.

The court is required to inquire and determine whether any participants have reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.J.C.P. 1203.

Under [**paragraph (D)**] **subdivision (d)**, the court is to ensure a timely hearing. Nothing in [**paragraph (D)**] **subdivision (d)** is intended to preclude the use of stipulations or agreements among the parties, subject to court review and acceptance at the shelter care hearing.

See 42 Pa.C.S. § 6332 (**Informal Hearing**).

Pursuant to [**paragraph (E)**] **subdivision (e)**, the court is to enter a written order. It is important that the court address any special needs of the child while the child is in shelter care. The child's attorney or the county agency is to present any educational, health care, and disability needs to the court, if known at the time of the hearing. These needs may include a child's educational stability, needs concerning early intervention, remedial services, health care, and disability. If the court determines a child is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 1147.

The court's order should address the child's educational stability, including the right to an educational decision maker. The order should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. §§ 1400 *et seq.*; 4) the educational services necessary to support the child's transition to successful adulthood pursuant to 42 Pa.C.S. § 6351 if the child is 14 or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days.

When addressing the child's health and disability needs, the court's order should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services, 55 Pa. Code § 3800.32 and 42 U.S.C. § 1396d(r); and 2) a child with disabilities to receive necessary accommodations, 42 U.S.C. § 12132,

28 C.F.R. §§ 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. §§ 84.1 *et seq.*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. **See** 42 Pa.C.S. § 6339(b).

Nothing in this rule prohibits informal conferences, narrowing of issues, if necessary, and the court making appropriate orders to expedite the case. The shelter care hearing may be used as a vehicle to discuss the matters needed and narrow the issues. The court is to ensure a timely adjudicatory hearing is held.

[**See**] **See** 42 Pa.C.S. § 6339 for orders of physical and mental examinations and treatment.

[**See**] **See** Rule [**1330(A)**] **1330(a)** for filing of a petition.

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES PART B. APPLICATION FOR PRIVATE PETITION

Rule 1320. Application to File a Private Petition.

[**A.**] **(a)** *Application* [**contents**] **Contents.** Any person, other than the county agency, may present an application to file a private petition with the court. The application shall include the following information:

- (1) the name of the person applying for a petition;
- (2) the name of the alleged dependent child;
- (3) the relationship of the person presenting this application to the child and to any other parties;
- (4) if known, the following:

[**(a)**] **(i)** the date of birth and address of the child;

[**(b)**] **(ii)** the name and address of the child's guardian, or the name and address of the nearest adult relative;

[**(c)**] **(iii)** [**if a child is Native American, the child's Native American history or affiliation with a tribe**] **whether the applicant has reason to know the child is an Indian child as defined in Rule 1120;**

[**(d)**] **(iv)** a statement, including court file numbers where possible, of pending juvenile or family court proceedings and prior or present juvenile or family court orders relating to the child;

(5) a concise statement of facts in support of the allegations for which the application for a petition has been filed;

(6) a statement that the applying person has reported the circumstances underlying this application to the county agency or a reason for not having reported the circumstances underlying the application;

(7) a verification by the person making the application that the facts set forth in the application are true and correct to the person's personal knowledge, information, or belief, and that any false statements are subject to the penalties of [**the Crimes Code,**] 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; and

(8) the signature of the person and the date of the execution of the application for a petition.

[**B.**] (b) *Notice to County Agency.* Upon receipt of an application, the court shall provide a copy of the application to the county agency. The county agency shall thereafter receive notice of the hearing.

Comment:

Any person, other than the county agency, shall first file an application to file a petition under this [**Rule**] **rule**. Rule 1800 suspends 42 Pa.C.S. § 6334 to the extent it is inconsistent with this [**Rule**] **rule**.

See Rule 1321 for hearing on application.

This rule is not intended to preclude the county agency from seeking to intervene and participate in the hearing on the application. See [**Rule**] **Pa.R.J.C.P.** 1133 (Motion to Intervene).

[*Official Note: Rule 1320 adopted August 21, 2006, effective February 1, 2007. Amended May 12, 2008, effective immediately. Amended May 16, 2017, effective July 1, 2017.*]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1320 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1320 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

Final Report explaining the amendments to Rule 1320 published with the Court's Order at 47 Pa.B. 3079 (June 3, 2017).]

Rule 1321. Hearing on Application for Private Petition.

[**A.**] (a) *Hearing.* The court shall conduct a hearing within [**fourteen**] **14** days of the presentation of the application for a petition to determine:

(1) if there are sufficient facts alleged to support a petition of dependency; [**and**]

(2) **the efforts made by the applicant to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1203; and**

(3) whether the person applying for the petition is a proper party to the proceedings.

[**B.**] (b) *Findings.*

(1) **The court shall make a finding as to whether there is reason to know the child is an Indian child pursuant to Rule 1203.**

(2) If the court finds sufficient facts to support a petition of dependency, then the applicant may file a petition pursuant to Rule 1330.

[(2)] (3) If the court finds the person making the application for a petition is a proper party to the proceedings, then the person shall be afforded all rights and privileges given to a party pursuant to law.

[**C.**] (c) *Joinder.* Following grant of an application under this rule, the county agency shall be joined as a party in any further proceedings upon filing and service of a private petition pursuant to Rules 1330 and 1331.

Comment:

Under [**paragraph (A)**] **subdivision (a)**, at a hearing, the court is to determine if: 1) there are sufficient facts alleged to support a petition of dependency; and 2) the applying person is a proper party to the proceedings. A petition of dependency may go forward [**whether or not the applying person**] **regardless of whether the applicant** is determined to be a party to the proceedings.

If a child is in custody, the hearing under [**paragraph (A)**] **subdivision (a)** may be combined with the shelter care hearing pursuant to Rule 1242.

The court is required to inquire and determine whether any participants have reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.J.C.P. 1203.

[*Official Note: Rule 1321 adopted August 21, 2006, effective February 1, 2007. Amended May 16, 2017, effective July 1, 2017.*]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1321 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1321 published with the Court's Order at 47 Pa.B. 3079 (June 3, 2017).]

PART C. PETITION

Rule 1330. Petition: Filing, Contents, Function, Aggravated Circumstances.

[**A.**] (a) *Filings.*

(1) A dependency petition may be filed at any time; however, if a child is taken into custody, the requirements of [**paragraph (A)(2)**] **subdivision (a)(2)** shall be met.

(2) Within [**twenty-four**] **24** hours of the shelter care hearing, the county agency shall file a dependency petition with the clerk of courts [**when**] **if**:

[(a)] (i) the child remains in protective custody pursuant to Rule 1201, 1202 or 1210; or

[(b)] (ii) the child is not in protective custody but it is determined at a shelter care hearing pursuant to Rule 1242 that the filing of a dependency petition is appropriate.

[**B.**] (b) *Petition [contents] Contents.* Every petition shall set forth plainly:

(1) the name of the petitioner;

(2) the name, date of birth, and address of the child, if known;

(3) the name and address of the child's guardian, or if unknown, the name and address of the nearest adult relative;

(4) [**if a child is Native American, the child's Native American history or affiliation with a tribe**] **whether the petitioner has reason to know the child is an Indian child as defined in Rule 1120;**

(5) a statement [**that**]:

[**(a)**] **(i)** **that** it is in the best interest of the child and the public that the proceedings be brought; **and**

[**(b)**] **(ii)** **whether** the child is [**or is not**] currently under the supervision of the county agency;

(6) a statement detailing family finding efforts and [**,** **if**] **whether** the county agency is seeking placement:

[**(a)**] **(i)** the reasonable efforts made to prevent placement; and

[**(b)**] **(ii)** why there are no less restrictive alternatives available;

(7) a concise statement of facts in support of the allegations for which the petition has been filed [**;**] **with**

[**(a)**] **(i)** facts for each allegation [**shall be**] set forth separately; **and**

[**(b)**] **(ii)** the relevant statute or code section [**shall be**] set forth specifically for each allegation;

(8) a verification by the petitioner that the facts set forth in the petition are true and correct to the petitioner's personal knowledge, information, or belief, and that any false statements are subject to the penalties of [**the Crimes Code,**] 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

(9) the signature of the petitioner and the date of the execution of the petition; and

(10) the whereabouts of the child unless disclosure is prohibited by court order and if taken into custody, the date and time thereof.

[**C.**] **(c)** *Aggravated [**circumstances**] **Circumstances.** A motion for finding of aggravated circumstances may be brought in the petition pursuant to Rule 1701(A).*

Comment:

Petitions should be filed without unreasonable delay.

[**Under paragraph (A)(2), a petition is to be filed twenty-four hours after the shelter care hearing if the requirements of (A)(2)(a) and (b) are met.**] Rule 1800 suspends 42 Pa.C.S. § 6331 only as to the time requirement of when a petition is to be filed.

[**Additionally, paragraph (A)(2)] **Subdivision (a)(2)** requires that the county agency file a petition. Any other person, other than the county agency, is to file an application to file a petition under Rule 1320. Rule 1800 suspends 42 Pa.C.S. § 6334, which provides any person may file a petition.**

For the safety or welfare of a child or a guardian, the court may order that the addresses of the child or a guardian not be disclosed to specified individuals.

Pursuant to [**paragraph (B)(6)] **subdivision (b)(6)**, when the county agency is seeking placement, the petition is to include the reasonable efforts made to prevent placement, including efforts for family finding, and why there are no less restrictive alternatives available. [**See**] **See** Rule 1149 for family finding requirements. [**See also Rule 1242(C)(2) & (3)(b) & (c)**] **See also Rule 1242(c)(2), (c)(3)(ii)-(c)(3)(iii)**, and Comments to Rules 1242, 1409, 1515, **and** 1608 [**,** **1609, 1610, and**]—1611 for reasonable efforts determinations.**

If a petition is filed after the county agency has discontinued family finding for non-court cases, the county agency is to aver reasons for the discontinuance in the petition. *See* 67 Pa.C.S. § 7503.

A motion for finding of aggravated circumstances may be brought in a dependency petition. *See* [**Rule**] **Pa.R.J.C.P.** 1701(A). If aggravated circumstances are determined to exist after the filing of a petition, a written motion is to be filed pursuant to Rules 1701 and 1344.

The aggravated circumstances, as defined by 42 Pa.C.S. § 6302, are to be specifically identified in the motion for finding of aggravated circumstances.

CHAPTER 14. ADJUDICATORY HEARING

Rule 1408. Findings on Petition.

The court shall enter findings, within seven days of hearing the evidence on the petition or accepting stipulated facts by the parties:

[**(1)**] **(a)** by specifying which, if any, allegations in the petition were proved by clear and convincing evidence; [**and**]

[**(2)**] **(b)** [**its findings**] as to whether the county agency has reasonably engaged in family finding as required pursuant to Rule 1149 [**.**] **and**

(c) as to the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1203.

Comment:

The court is to specify which allegations in the petition are the bases for the finding of dependency.

Pursuant to [**paragraph (2)] **subdivision (b)**, the court is to [**make a determination**] **determine** whether the county agency has reasonably engaged in family finding in the case. The county agency will be required to report its diligent family finding efforts at subsequent hearings. [**See**] **See** Rule 1149 for requirements of family finding. [**See also**] **See also** Rules [**1210(D)(8), 1242(E)(3), 1512(D)(1)(h), 1514(A)(4), 1608(D)(1)(h)**] **1210(d)(8), 1242(e)(3), 1512(D)(1)(h), 1514(a)(4), 1608(d)(1)(viii)**, and 1610(D) and their Comments for the court's findings as to the county agency's satisfaction of the family finding requirements and Rules [**1242(E)(3), 1409(C)**] **1242(e)(3), 1409(c), 1609(D), and 1611(C)** and Comments to Rules 1242, 1409, 1512, 1514, 1515, **and** 1608 [**,** **1609, 1610, and**] —1611 on the court's orders.**

The court is required to inquire and determine whether any participants have reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.J.C.P. 1203.

[**Official Note:** Rule 1408 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1408 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1408 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).]

Rule 1409. Adjudication of Dependency and Court Order.

[A.] (a) *Adjudicating the [child dependent] Child Dependent.* Once the court has made its findings under Rule 1408, the court shall enter an order whether the child is dependent.

(1) *Dependency.* If the court finds from clear and convincing evidence that the child is dependent, the court shall proceed to a dispositional hearing under Rule 1512.

(2) *No [dependency] Dependency.* If the court finds the child not to be dependent or the court finds a parent ready, willing, and able to provide proper parental care or control, the court shall:

[(a)] (i) dismiss the petition;

[(b)] (ii) order the child to be discharged from custody and any restrictions ordered in the proceedings; and

[(c)] (iii) enter an order identifying individual(s) who will have the legal and physical custody until such order is modified by further order of the court.

[B.] (b) *Timing.*

(1) *Child in [custody] Custody.* If a child is removed from the home, the court shall enter an adjudication of dependency within seven days of the adjudicatory hearing and enter its findings pursuant to Rule 1408.

(2) *Child [not in custody] Not in Custody.* If a child is not removed from the home and if the court fails to enter an order of dependency, the court shall hold a status hearing every **[thirty] 30** days.

[C.] (c) *Court [order] Order.* The court shall include the following in its court order:

(1) A statement pursuant to **[paragraph (A)] subdivision (a):**

[(a)] (i) as to whether the court finds the child to be dependent from clear and convincing evidence;

[(b)] (ii) including the specific factual findings that form the bases of the court's decision;

[(c)] (iii) including any legal determinations made; and

(2) Any orders directing the removal of a child from the home or change in the current residential status, including:

[(a)] (i) orders as to placement; **[or]**

[(b)] (ii) visitation; or

[(c)] (iii) change in custody; and

(3) Any orders as to any aids in disposition that may assist in the preparation of the dispositional hearing, including orders regarding family finding.

(4) Whether there is reason to know the child is an Indian child pursuant to Rule 1203.

Comment:

Before the court can find a child to be dependent, there must be clear and convincing evidence in support of the petition. The burden of proof is on the petitioner. The court's inquiry is to be comprehensive, and its findings

are to be supported by specific findings of fact and a full discussion of the evidence. *In re LaRue*, [**244 Pa. Super. 218,**] 366 A.2d 1271 (**Pa. Super.** 1976). *See also In re Frank W.D., Jr.*, [**315 Pa. Super. 510,**] 462 A.2d 708 (**Pa. Super.** 1983); *In re Clouse*, [**244 Pa. Super. 396,**] 368 A.2d 780 (**Pa. Super.** 1976). The evidence must support that the child is dependent. *In the Matter of DeSavage*, [**241 Pa. Super. 174,**] 360 A.2d 237 (**Pa. Super.** 1976). **[The court is not free to apply the best interest of the child standard as the requirements of the Juvenile Act, 42 Pa.C.S. § 6341(c), require clear and convincing evidence that the child is dependent is the proper standard.] The court must apply the clear and convincing evidence standard (not the best interest of the child standard) that the child is dependent per the requirements of the Juvenile Act, 42 Pa.C.S. § 6341(c).** *In re Haynes*, [**326 Pa. Super. 311,**] 473 A.2d 1365 (**Pa. Super.** 1983). A child, whose non-custodial parent is ready, willing, and able to provide adequate care for the child, cannot be found dependent on the basis of lacking proper parental care and control. *In re M.L.*, [**562 Pa. 646,**] 757 A.2d 849 (**Pa.** 2000). A trial court has the authority to transfer custody or modify custody to the child's non-custodial parent without a finding of dependency if sufficient evidence of dependency would have existed but for the availability of the non-custodial parent. *In re Justin S.*, [**375 Pa. Super. 88,**] 543 A.2d 1192 (**Pa. Super.** 1988).

The court is to specify which allegations in the petition are the bases for the finding of dependency pursuant to Rule 1408. The court is to make an adjudication of dependency based upon the allegations in the petition, not on alternative grounds. Due process and fundamental fairness require adequate notice of the allegations to afford a reasonable opportunity to prepare a defense. *In re R.M.*, [**567 Pa. 646,**] 790 A.2d 300 (**Pa.** 2002).

[Under paragraph (B), if a child is removed from the home, a finding of dependency is to be made within seven days.]

Under **[paragraph (C)(3)] subdivision (c)(3)**, aids in disposition may include, but are not limited to, any services, investigations, evaluations, studies, treatment plans, and any other appropriate reports that may aid the court in making its determination at the dispositional hearing. See 42 Pa.C.S. § 6339 for orders of a social study or physical and mental examinations and treatment.

See also 42 Pa.C.S. §§ 6341 (**Adjudication**) **[&] and** 6302 (**Definitions**).

Pursuant to **[paragraph (C)(3)] subdivision (c)(3)**, when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. **[See also Rules 1242(C)(2) & (3)(b) & (c) and 1330(B)(6)] See also Rule 1242(c)(2), (c)(3)(ii)-(c)(3)(iii), Rule 1330(b)(6), and Comments to Rules 1242, 1330, 1515, and 1608[, 1609, 1610, and] —1611 for reasonable efforts determinations.**

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative

mandate. See 67 Pa.C.S. §§ 7501 *et seq.* See also Pa.R.J.C.P. [1242(E)(3)] 1242(e)(3) and 1609(D), and Comments to Pa.R.J.C.P. 1242, 1408, 1512, 1514, 1515, and 1608—1611.

**SUPREME COURT OF PENNSYLVANIA
JUVENILE COURT PROCEDURAL RULES
COMMITTEE**

ADOPTION REPORT

**Adoption of Pa.R.J.C.P. 1203 and Amendment of
Pa.R.J.C.P. 1120, 1210, 1240, 1242, 1320, 1321, 1330,
1408, and 1409**

On December 23, 2024, the Supreme Court adopted Pennsylvania Rule of Juvenile Court Procedure 1203 and amended Pennsylvania Rules of Juvenile Court Procedure 1120, 1210, 1240, 1242, 1320, 1321, 1330, 1408, and 1409 to implement the Bureau of Indian Affairs regulation, 25 C.F.R. § 23.107, promulgated pursuant to the Indian Child Welfare Act (“Act”), 25 U.S.C. §§ 1901 *et seq.* The Juvenile Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Effective December 12, 2016, the Bureau of Indian Affairs amended regulations to, *inter alia*, add a new Subpart I regarding Indian Child Welfare Act proceedings. See 25 C.F.R. §§ 23.101—.144. The new Subpart is in a question-and-answer format and one of the questions under “pretrial requirements” is “how should a state court determine if there is a reason to know the child is an Indian child?” 25 C.F.R. § 23.107. To which, the regulation states:

State courts must ask each participant in an emergency or voluntary or involuntary child-custody proceeding whether the participant knows or has reason to know that the child is an Indian child. The inquiry is made at the commencement of the proceeding and all responses should be on the record. State courts must instruct the parties to inform the court if they subsequently receive information that provides reason to know the child is an Indian child.

Id. § 23.107(a).

Currently, the Pennsylvania Rules of Juvenile Court Procedure require dependency petitions to set forth “if a child is Native American, the child’s Native American history or affiliation with a tribe.” See, e.g., Pa.R.J.C.P. 1330(B)(4). The rules are otherwise silent on whether such an inquiry is made on the record. Further, there is no Indian child requirement in the shelter care application. After reviewing the regulations, the Committee concluded that rulemaking was warranted.

The Committee published a proposal at 47 Pa.B. 3962 (July 22, 2017). The proposal would replace “Native American,” with “Indian” to be consistent with the federal regulations. Further, “Indian child” would be included in the definitions under Pa.R.J.C.P. 1120 and the Comment would include the source of the definition.

The petitioner would be required to indicate whether it is known if the child is an Indian child in both the shelter care and dependency petitions. There would be a continuing requirement in other proceedings until it has been established that the child is not Indian.

The court would also be required to make a finding whether there is reason to know if the child is Indian

until such time as it is determined that the child is not Indian. Additionally, the court would inquire about the reasonable efforts made by the county agency to determine whether the child is an Indian child. If there was a reason to believe that a child is Indian, then the rules would refer the reader to the federal regulations for additional requirements.

A commenter suggested revising the proposed definition of “Indian child” in Rule 1120 to include “citizen/citizenship,” to reflect the definition in 25 C.F.R. § 23.2. The Committee noted that the federal statute does not include “citizen/citizenship.” See 25 U.S.C. § 1903(4). The Committee favored retaining a definition that more closely tracked the statute rather than the regulation, believing that the statutory definition is more static relative to the regulatory definition. Further, the Committee believed that membership and citizenship are synonymous. See 81 F.R. 38778, 38795 (June 14, 2016) (Bureau of Indian Affairs concluding that “citizen” and “citizenship” are synonymous with “member” and “membership” in the context of Tribal government).

Another suggestion was to change “reason to believe,” as it relates to whether the proceeding involves an Indian child, to “reason to know” to reflect the Bureau’s regulations. This suggestion was accepted, and the proposal was revised accordingly.

It was also suggested that the proposal be expanded to include requirements if more than one tribe is involved; to specify the burden of proof required for emergency placement; to include the level of proof needed to deny transfer of jurisdiction to a tribe; and to add references to placement preferences when the Act applies to a proceeding. Instead of attempting to replicate regulatory requirements, the Comment to Pa.R.J.C.P. 1203 would refer readers to federal legal authority. Additional citations to the Act and the Bureau’s regulations were added to the Comment.

Post-publication, the Committee reconsidered the originally proposed requirement of continuous judicial inquiry beyond the initial inquiry and advisement of participants to inform the court if they subsequently receive information that provides a reason to know the child is an Indian child. The Committee did not believe that continuous inquiry would be necessary given the advisement of the participants. See also 25 C.F.R. § 23.107(a); 81 F.R. 38778, 38805 (June 14, 2016) (“The final rule does not require an inquiry at each hearing. Instead, it requires that the State court should instruct parties to inform it if they later discover information that provides reason to know the child is an Indian child.”).

Accordingly, the proposal was revised to require inquiry and advisement at the commencement of five initial proceedings: 1) emergency custody; 2) shelter care; 3) application to file a private petition; 4) dependency adjudication; and 5) acceptance of jurisdiction or supervision from another state. Correlatively, amendments related to an inquiry requirement in subsequent proceedings were removed.

During the course of rulemaking, litigation arose concerning the constitutionality of the Act and validity of the BIA’s regulations. See *Brackeen v. Zinke*, 338 F.Supp.3d 514 (N.D. Tx. 2018). That litigation has since been resolved. See *Haaland v. Brackeen*, 599 U.S. 255 (2023).

Aside from stylistic revisions, the following commentary has been removed:

Pa.R.J.C.P. 1210

Official Note: Rule 1210 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1210 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1210 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Pa.R.J.C.P. 1240

Official Note: Rule 1240 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1240 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1240 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1240 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Pa.R.J.C.P. 1320

Official Note: Rule 1320 adopted August 21, 2006, effective February 1, 2007. Amended May 12, 2008, effective immediately. Amended May 16, 2017, effective July 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1320 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1320 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

Final Report explaining the amendments to Rule 1320 published with the Court's Order at 47 Pa.B. 3079 (June 3, 2017).

Pa.R.J.C.P. 1321

Official Note: Rule 1321 adopted August 21, 2006, effective February 1, 2007. Amended May 16, 2017, effective July 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1321 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1321 published with the Court's Order at 47 Pa.B. 3079 (June 3, 2017).

Pa.R.J.C.P. 1408

Official Note: Rule 1408 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1408 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1408 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

* * * * *

Pa.R.J.C.P. 1203 and the amendments become effective July 1, 2025.

[Pa.B. Doc. No. 25-31. Filed for public inspection January 10, 2025, 9:00 a.m.]

Title 255—LOCAL COURT RULES

INDIANA COUNTY

Local Rule 1910.12(c) Motion to Designate Support Case as Complex; MD-451-2024

Order of Court

And Now, this 23rd day of December, 2024, in compliance with Rule 103(d) of the Pennsylvania Rules of Judicial Administration, it is *Hereby Ordered* that the Court adopts the following Local Rule of Civil Procedure 1910.12(c) addressing Motions to Designate Support Cases as Complex effective March 1, 2025.

The Court Administrator shall:

- 1) File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to adminrules@pacourt.us;
- 2) Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to Bulletin@palrb.us for publication in the *Pennsylvania Bulletin*;
- 3) Provide one copy of this Order to the members of the Indiana County Bar Association;
- 4) Incorporate the Rule into the set of Local Rules within thirty (30) days of publication of the Local Rule in the *Pennsylvania Bulletin* and publish the rules on the Court's website at www.IndianaCountyPA.gov;
- 5) File this Order in the Prothonotary's Office of Indiana County.

Rule L1910.12(c).

- (4) When a party wishes to deem a case complex under Pa.R.Civ.Pro. 1910.12(c), that party shall file a Motion to Designate Support Case as Complex with the Indiana County Domestic Relations Section in substantially the form which is set forth in Form 1 appended to these Rules.
- (5) The Motion to Designate Support Case as Complex shall be filed no later than ten (10) days after the conclusion of the office conference.
- (6) Upon the filing of the Motion to Designate Support Case as Complex, the matter shall be referred to the Indiana County Court Program Manager. The Court Program Manager shall schedule a case management conference that will take place between with counsel for the parties and/or any unrepresented parties.
- (7) At the case management conference, the Court Program Manager shall ascertain whether the parties

agree that the case should be designated as complex. In the event that the parties agree that the case shall be designated as complex, an appropriate Order will be submitted to the Court deeming the case complex and containing those matters set forth in subsection (8) of this Local Rule. In the event that the parties do not agree that the case shall be designated complex, the Court Program Manager will schedule a hearing and/or argument on the matter to take evidence and testimony by the parties. Following the hearing and/or argument, the Court Program Manager will file and serve a Report and Recommendation with the Court on whether the case should be designated as complex. Within twenty (20) days of the receipt or date of mailing of the Court Program Manager's Report and Recommendation, whichever occurs first, any party may file exceptions to the report. Each exception shall set forth a separate objection precisely and matters not covered by exceptions are deemed waived unless leave is granted by the Court. If no timely exceptions are filed, the Report and Recommendation will be adopted by the Court.

(8) In the event that the parties agree that the case shall be designated as complex or a determination has been made that it will be designated as complex, the Court Program Manager may, at a conference, consider and submit an Order to the Court addressing the following matters:

- (a) The type of discovery to be conducted;
- (b) The time period for the completion of all fact discovery. All interrogatories, request for the production of documents, depositions, and request for admissions shall be served within sufficient time to allow responses to be completed prior to the close of fact discovery;
- (c) The scheduling of a second case management conference after the time period for the completion of fact discovery has concluded; and
- (d) Any other matters relevant or deemed necessary to the case.

(9) At the second and all subsequent case management conferences, the Court Program Manager may consider and submit an Order to the Court addressing the following matters:

- (a) Whether fact discovery is completed;
- (b) The time period for the plaintiff to provide an expert report and curriculum vitae for each expert to the opposing party;
- (c) The time period for the defendant to provide an expert report and curriculum vitae for each expert to the opposing party;
- (d) The submission of the matter to the Indiana County Domestic Relations Hearing Officer for a hearing de novo; and
- (e) Any other matters relevant or deemed necessary to the case.

(10) The following shall apply to this Local Rule:

- (a) An attorney representing a party or an unrepresented party shall participate in good faith in all case management conferences and shall have the necessary authority to make decisions and stipulations about all matters that can be reasonably anticipated for discussion at the case management conference;
- (b) In the event a party and/or an attorney for a party does not show for a case management conference, the Court Program Manager is authorized to enter an appropriate Case Management Order;
- (c) A case management conference shall not be continued except upon written motion to the Court and for good cause shown;
- (d) The parties may not, individually or by agreement, alter or extend the deadlines of a Case Management Order, or waive any of the provisions of the Order; however, the Court, by motion of any party and upon good cause shown, may grant appropriate relief and/or order the scheduling of a case management conference before the Court Program Manager; and
- (e) Upon motion of a party, or sua sponte, the Court may issue any just orders and/or sanctions, including the imposition of fines and reasonable attorney's fees, for violations of this Local Rule or a Case Management Order.

By the Court

THOMAS M. BIANCO,
President Judge

Form 1

**IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY, PENNSYLVANIA
CIVIL DIVISION**

	:	
Plaintiff,	:	Docket No. 20 _____ - _____
	:	
vs.	:	PACSES No. _____
	:	
	:	
Defendant.	:	

MOTION TO DESIGNATE SUPPORT CASE AS COMPLEX

AND NOW, the Plaintiff/Defendant moves this Honorable Court to designate the above captioned case as complex and in support thereof avers as follows:

- 1. On or about _____, 20____, a Complaint for Child/Spousal/Both was filed or a Petition for modification of an existing support Order.
- 2. An office conference was held on _____, 20____, and an Order of Support was entered.
- 3. A request for a hearing de novo was filed or will be filed.
- 4. The case is complex for the following reasons: _____

_____.
- 5. The following discovery is being requested: _____

_____.
- 6. I have conferred with the opposing counsel/party on the issue and the parties agree/disagree that the matter shall be designated complex.

Respectfully submitted,

Counsel for the Plaintiff/Defendant

IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY, PENNSYLVANIA
CIVIL DIVISION

_____,
Plaintiff,
vs.
_____,
Defendant.

:
:
: Docket No. 20 ____ - _____
:
: PACSES No. _____
:
:
:
:
:
:

ORDER OF COURT

AND NOW, this ____ day of _____, 20____, this matter having come before the Court on the Motion to Designate Support Case as Complex filed by Plaintiff/Defendant, it is hereby ORDERED, DIRECTED, and DECREED as follows:

- 1. Pursuant to Local Rule 1910.12(c), the Motion to Designate Support Case as Complex is referred to Mathew G. Simon, Esquire, Court Program Manager for a case management conference on the issue regarding the designation of the case as complex and, if necessary, discovery deadlines.
- 2. A case management conference is scheduled for the ____ day of _____, 20____ at _____ .M. in the office of the Court Program Manager, Floor 4M of the Indiana County Courthouse.

BY THE COURT:

J.

[Pa.B. Doc. No. 25-32. Filed for public inspection January 10, 2025, 9:00 a.m.]

Title 255—LOCAL COURT RULES**WESTMORELAND COUNTY****Increase of ARD Administrative Fee; No. 3 of 2024****Administrative Order of Court**

And Now, this 20th day of December, 2024, *It Is Hereby Ordered* that, effective 30 days from the date of publication in the *Pennsylvania Bulletin*, the ARD Administrative Fee will increase to \$400 for all regular ARDs and to \$400 for all fast track ARDs. The distribution of the fee shall be pursuant to the following table:

	\$400 Fee	
Adult Probation	\$146.80	36.7%
Court	\$219.60	54.9%
District Attorney	\$26.00	6.5%
Sheriff	\$7.60	1.9%

By the Court

CHRISTOPHER A. FELICIANI,
President Judge

[Pa.B. Doc. No. 25-33. Filed for public inspection January 10, 2025, 9:00 a.m.]

—