

## **Actions Pursuant to Protection from Abuse Act**

### Rule 1901.2.A. Scheduling

- (a)(1) Pro Se Petitioners seeking clerical assistance may file Protection from Abuse Petitions between the hours of 8:30 a.m. - 3:30 p.m., Mondays through Fridays. The Court shall be deemed unavailable after 3:30 p.m. during which time a Petition for Temporary Protection from Abuse may be filed before any District Justice within the county who may grant relief in accordance with 23 Pa.C.S.A. § 6110.
  
- (2) Petitioners not requiring clerical assistance may file Protection from Abuse Petitions between the hours of 8:30 a.m. and 4:15 p.m., Mondays through Fridays. The Court shall be deemed unavailable after 4:15 p.m. during which time a Petition for Temporary Protection from Abuse may be filed before any District Justice within the county who may grant relief in accordance with 23 Pa.C.S.A. § 6110.
  
- (b)(1) The Court deems itself unavailable for the filing of Protection from Abuse Petitions on those days the Court is closed for any reason including Court holidays as published on the official holiday schedule including those days designated as Floating Holidays and those days during which the Court's Winter and Summer conference is scheduled.
  
- (2) In addition to the times set forth, above, the Court may issue an Administrative Regulation indicating the date(s) and time(s) the Court deems itself unavailable to sign Temporary Protection from Abuse Orders. District Justices are authorized to issue Temporary Emergency PFA Orders when the Court has deemed itself unavailable to do so. The Administrative Regulation shall be distributed by the Court Administrator to all Common Pleas Court Judges, all District Judges, Emergency Services and all interested Court personnel.
  
- (3) At those times the Court is deemed unavailable for the filing of Protection from Abuse Petitions, a Petition for Temporary Protection from Abuse may be filed before any District Justice within the county who may grant relief in accordance with 23 Pa.C.S.A. § 6110.

Note: The hours listed for the preparation and filing of a PFA are due to amount of time necessary to complete the intake process.

### Rule 1901.3A. Commencement of Action.

- (a) The notice of hearing and order, petition and temporary Protection from Abuse order substantially in the form required by Pa.R.C.P. 1905(a), (b) &(c), shall be available, from the Family Court Administrator.

(b) All private counsel petitions for Protection from Abuse shall be reviewed and scheduled by the Family Court Administrator and filed with the Office of the Prothonotary prior to submission to the Family Court signing Judge for entry of a Temporary Ex Parte Protection Order.

Note: Chester County currently uses the Protection From Abuse Database (PFAD) for the preparation of petitions and orders online. Hardcopies of these forms are available to those individuals who do not have access to the PFAD system.

Rule 1901.4.A. Service and Registration of Order.

Plaintiff shall file a certified copy of any Temporary or Final Protection from Abuse order with the appropriate police departments and the Chester County Police Radio Room. The expiration date of the order shall be included in the order. A photocopy of a certified order shall be considered a duplicate original and sufficient to constitute the court's original authorization for enforcement. A cover sheet shall be attached on the copy of the orders sent to the police and the Chester County Police Radio Room substantially in the form required by C.C.R.C.P. 1905.A.(a).

Rule 1901.5.A. Enforcement. Bail. Arraignment. Notice. Prosecution.

(a) A police officer may arrest a defendant for violation of a protection order upon probable cause which shall be supplied by the victim, officer, other witnesses or combination thereof. If necessary, the officer may verify the existence of said order by phone or radio with the appropriate police, Chester County Radio Room or court. The complaint for indirect criminal contempt shall be in the form prescribed in C.C.R.C.P. 1905.A.(c). The probable cause affidavit shall be in the form prescribed in C.C.R.C.P. 1905.A.(b).

(b) Upon arrest, the defendant shall be taken into custody and taken to the district justice in whose district the violation occurred, or other assigned district justice, for arraignment and the setting of bail. The arresting officer shall not release the defendant from custody without taking him or her before the proper district justice. The district justice shall have exclusive jurisdiction for all arraignments for the offense of indirect criminal contempt for violation of protection from abuse orders. All applications for an increase or decrease in bail shall be heard by the Court of Common Pleas.

(c) Arraignment -The arraignment shall be held in the same manner as required under Pa. R.Crim.P. 540 except that no preliminary hearing will be scheduled. The defendant shall be notified that:

(1) He or she is being charged with indirect criminal contempt for violation of a protection from abuse order;

(2) He or she has the right to be represented by counsel and if unable to afford private counsel and otherwise qualifies, counsel will be appointed by the court; and

(3) A hearing will be held in the Court of Common Pleas of Chester County on the next available date for such hearings pursuant to subsection (d).

(d) Hearings - All hearings for indirect criminal contempt for violation of protection from abuse orders shall be heard at such times and manner as directed by the Court. In no case shall the hearing take place more than ten (10) days from the date of arraignment.

(e) Notice - At the conclusion of the arraignment, the defendant or counsel of record for the defendant, if present, shall be given a written notice of the hearing in the form prescribed by C.C.R.C.P 1905A.(d). A copy of the complaint and notice of hearing in the form prescribed by C.C.R.C.P 1905.A.(e) shall be given or mailed by regular and certified mail to the plaintiff at the address shown on the complaint, and by regular mail to the arresting officer and the District Attorney of Chester County.

(f) Following arraignment, the District Justice shall telephone the Family Court Administrator and submit the names, common pleas court docket number and assigned hearing dates of all defendants who have been arraigned the previous day and night.

(g) Following arraignment, the office of the District Justice shall deliver the original of all papers to the Clerk of Court of Chester County. The office of the District Justice shall deliver copies of all papers to the Family Court Administrator, the District Attorney of Chester County, and the Public Defender of Chester County.

(h) The Family Court Administrator shall notify the Sheriff of Chester County of the names of any incarcerated defendants scheduled for hearing for transport to the courthouse.

(i) The District Attorney of Chester County or his designee shall prosecute all charges of indirect criminal contempt for violation of protection from abuse orders. Any designation of another to prosecute shall be in writing.

Note: Rescinded rules 1903.10 - 1903.12 have been replaced by new rule 1905.A. - Forms for Use in PFA Actions.

Rule 1901.7.A. Decision. No Post-Trial Relief. Expungement. Return of Seized Weapons

(a) Petitions requesting the expungement of a dismissed Protection from Abuse proceeding or the return of seized weapons shall be in accordance with C.C.R.C.P. 206.1(a)., *et. seq.*

(b)(1) Copies of the petition requesting expungement and any final order granting expungement shall be served upon the original Petitioner in the Protection from Abuse proceeding, the Chester County Family Court Administrator, the Sheriff of Chester County and any deputized Sheriff's department, the District Attorney of Chester County, the Chester County Police Radio Room and any state and/or local police department initially served.

(2) Copies of the petition for return of seized weapons shall be served upon the original Petitioner in the Protection from Abuse proceeding, the Sheriff of Chester County and the District Attorney of Chester County. All petitions shall include a copy the itemized list of seized weapons provided to the Petitioner by the Sheriff at the time the original seizure was ordered.

(c) Upon receipt of a final order expunging a protection from abuse proceeding, the recipient shall immediately delete from their records any information pertaining to the underlying petition for Protection from Abuse. No proof of compliance shall be required.

Note: For further discussion relating to expungement of Protection from Abuse records, see *Carlacci v. Mazaleski*, 798 A2d 186 (2002).

Rule 1905.A. Forms for Use in Protection from Abuse Actions. Notices. Probable Cause Affidavit. Indirect Criminal Contempt Complaint. Continuance.

(a) The form required by C.C.R.C.P. 1901.4.A. shall be substantially in the following form:

|           |                                |
|-----------|--------------------------------|
|           | : IN THE COURT OF COMMON PLEAS |
| Plaintiff | : CHESTER COUNTY, PENNSYLVANIA |
| vs        | : NO.                          |
|           | : CIVIL ACTION - LAW           |
| Defendant | : PROTECTION FROM ABUSE        |

TO THE POLICE

Under the Pennsylvania Protection from Abuse Act, 23 P.S. § 6101, et seq. you are authorized to arrest the Defendant for a violation of the order, without warrant, upon probable cause, whether or not the violation was committed in your presence. The defendant is to be taken forthwith before a District Justice for preliminary arraignment. The Defendant can be found at the following address:

\_\_\_\_\_

during the hours of \_\_\_\_\_ a.m./p.m. to \_\_\_\_\_ a.m./p.m.

Order effective from \_\_\_\_\_, 20 \_\_\_\_ to \_\_\_\_\_, 20 \_\_\_\_.

(b) The form required by C.C.R.C.P. 1901.5.A.(a) - Probable Cause Affidavit shall be substantially in the following form:

**PROTECTION FROM ABUSE INDIRECT CRIMINAL  
CONTEMPT AFFIDAVIT**

On \_\_\_\_\_, 20 \_\_\_\_, \_\_\_\_\_  
(Name of Defendant)

did commit the following in violation of a protection from abuse order entered by a Judge of the Court of Common Pleas of Chester County, Pennsylvania on \_\_\_\_\_, 20 \_\_\_\_, No. \_\_\_\_\_.

The acts committed were:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Affiant

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) The form required by C.C.R.C.P. 1901.5.A.(a) Complaint for Indirect Criminal Contempt shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY, PENNSYLVANIA

Plaintiff : No.  
:  
v. : Civil Action  
: Indirect Criminal Contempt  
Defendant : for Violation of Protection From Abuse Order

COMPLAINT

I, the undersigned, do hereby state under oath:

1. My name is \_\_\_\_\_ and I live/work at \_\_\_\_\_ ;

2. I accuse \_\_\_\_\_ , who lives at \_\_\_\_\_ , with violating a protection from abuse order entered by Judge \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_. (attach copy of order if available);

3. The date (and day of the week) when the accused committed the offense was on or about \_\_\_\_\_.

4. The place where the offense was committed was in the County of Chester;

5. The acts committed by the accused were: (place an X before the appropriate statement(s))  
\_\_\_\_\_ attempting to cause or intentionally, knowingly or recklessly causing bodily injury to \_\_\_\_\_ ,

-or-

\_\_\_\_\_ using physical menace to put \_\_\_\_\_ in fear of imminent serious bodily injury, \_\_\_\_\_

all of which were in violation of the protection from abuse order entered in accordance with the Protection from Abuse Act, 23 Pa.C.S. §6101 et seq.;

6. If the defendant has not already been arrested, I ask that a warrant of arrest be issued and that the accused be required to answer the charges I have made.

I verify that the statements made in the complaint are true and correct to the best of my knowledge, information and belief. I further understand that any false statements made herein are subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant

The above subscribed affiant personally appeared before me on this date, signed the complaint in my presence and asserted that the facts therein are true and correct; and wherefore it appears that there is probable cause for the issuance of process.

Date \_\_\_\_\_ Issuing Authority \_\_\_\_\_ (SEAL)

(d) The form required by C.C.R.C.P. 1901.5.A.(e) Notice of Hearing to Defendant shall be substantially in the following form:

NOTICE OF HEARING TO DEFENDANT

\_\_\_\_\_  
(Name of Defendant)

You have been charged with Indirect Criminal Contempt for an alleged Violation of a Protection From Abuse Order. A hearing has been scheduled in the Chester County Courthouse, High and Market Streets, West Chester, Pennsylvania, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_. The hearing will be held in Courtroom No. \_\_\_\_\_ at 9:30 a.m. FAILURE TO APPEAR AT THIS HEARING WILL RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST.

If you are found guilty of Indirect Criminal Contempt, you may be sentenced to prison for up to six (6) months and fined up to \$1,000.00 for each offense. You should be represented by a lawyer at this hearing. If you do not have a lawyer you may call the Chester County Public Defender's Office at 17 N. Church Street, Courthouse Annex, 3rd Floor, West Chester, Pennsylvania, (610) 344-6940, any business day between 8:30 a.m. and 4:30 p.m.

IF YOU WANT A PUBLIC DEFENDER, APPLY IMMEDIATELY UPON RECEIPT OF THIS NOTICE.

VERIFICATION

I, \_\_\_\_\_, of \_\_\_\_\_,  
(Dist. Ct./Police/other)

do hereby verify that the above notice was served upon

\_\_\_\_\_  
(defendant)  
on the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ (a.m./p.m.). This service was made at \_\_\_\_\_  
(location of service)

\_\_\_\_\_  
(Signature and Title of Server)

(e) The form required by C.C.R.C.P. 1901.5.A.(e) Notice of Hearing to Plaintiff shall be substantially in the following form:

NOTICE OF HEARING TO PLAINTIFF

\_\_\_\_\_  
(Name of Plaintiff)

\_\_\_\_\_  
(Name of Defendant)

has been charged with Indirect Criminal Contempt for an alleged violation of a Protection From Abuse Order wherein you are the Plaintiff. A hearing has been scheduled in the Chester County Courthouse, High and Market Streets, West Chester, Pennsylvania, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

The hearing will be held in Courtroom No. \_\_\_\_\_, at 9:30a.m.

You will be represented by the Chester County District Attorney's Office at this hearing. You may contact that office at (610) 344-6801 for information as to which Assistant District Attorney will be representing you at the hearing. It is not required, but would be helpful, if you would list your present address and telephone number in the space provided so the District Attorney may contact you.

If you do not appear at the hearing, the charges may be dismissed.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

VERIFICATION

I, \_\_\_\_\_, of \_\_\_\_\_,  
(Dist. Ct./Police/other)

do hereby verify that the above notice was served upon \_\_\_\_\_

\_\_\_\_\_ (plaintiff)

on the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ (a.m./p.m.).

This service was made at \_\_\_\_\_

\_\_\_\_\_  
(location of service)

\_\_\_\_\_  
(Signature and Title of Server)

(f) The format for requesting a continuance shall be substantially in the following form:

|           |                                |
|-----------|--------------------------------|
| Plaintiff | : IN THE COURT OF COMMON PLEAS |
|           | : CHESTER COUNTY, PENNSYLVANIA |
|           | : NO.                          |
|           | :                              |
| Defendant | : PROTECTION FROM ABUSE        |

TEMPORARY ORDER AND ORDER FOR CONTINUANCE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, upon motion of \_\_\_\_\_, it is hereby **ORDERED and DECREED** that the hearing scheduled for this



date concerning Protection from Abuse is hereby continued and rescheduled to the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ at \_\_\_\_\_ .m. in Courtroom NO. \_\_\_\_, Chester County Courthouse, West Chester, Pennsylvania.

Reason for Continuance: \_\_\_\_\_  
\_\_\_\_\_.

The Temporary Order for Protection from Abused dated \_\_\_\_\_, shall remain in full force and effect until further Order of this Court.

**Failure of the Plaintiff to appear for hearing may result in dismissal of the Protection From Abuse Petition and the entry of an Order requiring the costs of the proceeding to be paid by the Plaintiff.**

**Failure of the Defendant to appear for hearing may result in the issuance of a final Protection From Abuse Order and an Order to pay costs.**

BY THE COURT:

\_\_\_\_\_  
J.

## **ACTIONS FOR SUPPORT**

### Rule 1910.1.A. Definitions

As used in this chapter, unless the context of a rule indicates otherwise, the following term shall have the following meaning:

"private pay order" - An order for support payable directly to the obligee and not made payable through the Pennsylvania State Collection and Disbursement Unit (PA SCDU).

### Rule 1910.4.A. Commencement of Action. Entry of Appearance.

(a) Any attorney who appears on behalf of a client at any stage of the proceedings shall be deemed to have entered his or her appearance. The attorney shall be required to continue such representation until a final order is entered that resolves all outstanding issues in that case. Any attorney who wishes to withdraw his or her appearance after entry of a final order shall file a Praecipe to Withdraw as Counsel as well as a Praecipe for Entry of Appearance by the new attorney. If the new attorney is to be Staff Counsel employed by Domestic Relations, Staff Counsel must sign the Praecipe for Entry of Appearance.

(b) This rule shall not preclude any attorney from filing, at any stage of the proceedings, a Petition to Withdraw as Counsel pursuant to Pa. R.C.P. 1012.

### Rule 1910.5.A. Complaint

All complaints shall be accompanied by a completed Domestic Relations Office Standard Intake Form.

Comment: This form is available on the Domestic Relations Office's website @ [www.chesco.org/domestic.html](http://www.chesco.org/domestic.html).

### Rule 1910.7.A. Question of Jurisdiction or Venue

All Preliminary Objections to jurisdiction or venue; in support, shall be accompanied by a Rule to Show Cause stating separate Rule Returnable and Hearing dates.

Rule 1910.10.A. Alternative Hearing Procedures

(a) This court chooses to use the procedures set forth in Pa.R.C.P 1910.12, except for those cases in which a motion for a separate listing pursuant to Pa.R.C.P 1910.12(c)(1) has been granted. Cases separately listed pursuant to C.C.R.C.P. 1910.12 A(i) shall be scheduled for hearing before the Court pursuant to PaR.C.P. 1910.11.

*Editor's note: Notice to the Bar. Effective December 1, 1996 protracted support matters are to be listed before the Court pursuant to Pa.R.C.P 1910.12 (c) and C.C.R.C.P. 1910.10.A, as amended. All matters involving complex issues of law or fact or any case requiring more than two hours for hearing shall be placed on the long-day list. Cases inappropriately placed on either the Hearing Officer's regular support list or the Court's long-day list will be rescheduled, in the normal course of business, on the proper list. Any request for continuance or settlements of matters properly scheduled on the long-day list shall be in writing and submitted no less than 72 hours prior to the scheduled date. Failure to do so within the appropriate time frame will necessitate an appearance of all parties at the hearing.*

Comment: For the form of Motion for Separate Listing and information on the conduct of long day hearings, see C.C.R.C.P. 1910.12.A(i), et seq.

1910.11.A. Office Conference. Subsequent Proceedings. Order.

*(a) If entitlement is challenged at the Office Conference, a Temporary Order of Support shall issue if the parties are subject to a pending Chester County Divorce proceeding in which a claim for Equitable Distribution has been raised.*

*Comment: The requirement that a Chester County Divorce proceeding be pending is to permit an adjustment from equitable distribution proceeds should it be determined the bar to entitlement claim is meritorious.*

Rule 1910.12.A. Office Conference, Hearing, Record, Exceptions, Order, Interpreter.

(a) Whenever possible, all matters dealing with the same parties shall be scheduled for office conference/hearing at the same time.

(b) Continuances of office conferences and matters before Hearing Officers may be granted by agreement of all counsel or counsel and unrepresented parties. All other continuances shall be governed by Pa.R.C.P. 216 and C.C.R.C.P 216.1.

(c) (1) Should a petitioner fail to appear at the office conference or hearing, as scheduled, the petition may be dismissed.

(2) Should a respondent fail to appear at the office conference or hearing, as scheduled, an order may be entered in his/her absence or a bench warrant for his/her appearance may issue.

(d) Recommendations on the matters set forth in Pa.R.C.P 1910. 11(d) and 1910.19 shall be made initially by the conference officer.

(e) At the domestic relations office conference the plaintiff may request the entry of a temporary order in all cases in which there has been filed:

- (1) A complaint for the support of minor children;
- (2) A complaint for the support of spouse and entitlement is not challenged;
- (3) A petition for alimony pendente lite; or
- (4) A complaint for the support of spouse and minor children and entitlement is not challenged as to spouse. If entitlement is challenged, a temporary order may be requested for the minor children and a spouse who is a party to a Chester County divorce proceeding pursuant to C.C.R.C.P. 1910.11.A.

(f) When an interim order is requested at a domestic relations office conference, as above, the domestic relations office shall submit a recommendation to the court as to

the amount of the requested order. The recommendation shall be based on the Pennsylvania Support Guidelines in accordance with Pa.R.C.P. 1910.16-2.

(g) If the dependent spouse is not employed, no earning capacity will be assigned to him/her for the purpose of entering the interim order. The parties shall be informed by the domestic relations conference officer that earning capacity will be taken into consideration at the hearing before the Hearing Officer.

(h) When a complaint or petition is scheduled for hearing before a Domestic Relations Hearing Officer and the parties reach an agreement that resolves the outstanding issues prior to the scheduled hearing, the parties shall immediately notify the Domestic Relations Office in writing and within thirty (30) days after the date set for hearing:

(i) File a stipulation and order outlining the terms of their agreement, or

(ii) File a written statement detailing the current status of the case. Domestic Relations shall automatically review the case every thirty (30) days and submit a report to Family Court regarding any case which has not been resolved within sixty (60) days after the scheduled hearing date. The Court may, sua sponte, direct the parties to file a stipulation and order within a reasonable time or direct the Domestic Relations Office to schedule a new hearing date.

(2) If the parties fail to comply with the terms set forth in part (1) of this rule, the Court may, sua sponte, dismiss the outstanding complaint or petition without prejudice.

**(i) Separate Listings**

**(1) The request for a long day listing shall be in the following form:**

Plaintiff : IN THE COURT OF COMMON PLEAS  
: CHESTER COUNTY, PENNSYLVANIA

vs : NO.  
: CIVIL ACTION - LAW  
Defendant : IN SUPPORT

MOTION FOR A SEPARATE LISTING

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, Plaintiff/Defendant moves the Court for a separate listing and in support thereof avers the following:

- (1) The hearing will be protracted in nature and requires more than two (2) hours for hearing; or
- (2) There are complex questions of law, fact or both.
- (3) Issues for resolution: (state if case entails a determination of income or if incomes exceed the guidelines, whether or not it is a self-employment case, whether or not valuations are at issue)
- (4) Estimated duration of hearing:
- (5) Number of witnesses: (state whether or not witnesses are experts).

Respectfully submitted,

\_\_\_\_\_  
Counsel for

cc: \_\_\_\_\_, Esquire - Attorney for \_\_\_\_\_

**N.B. Failure to complete this form in its entirety will result in its rejection by the Family Court Administrator and the case will not be placed on the Long Day Hearing List.**

- (2)
  - (i) Requests for separate listings shall be filed no later than five (5) ~~business~~ calendar days prior to the scheduled hearing before the Support Hearing Officer.
  - (ii) Objections to requests for separate listings shall be filed within ten (10) calendar days of the filing of the request for separate listing.

Comment: Objections shall be brought pursuant to C.C.R.C.P. 206.2, et seq.

**(3) In all matters where a motion for a separate listing has been filed each party shall submit to the Court and opposing counsel at least five (5) calendar days before the scheduled hearing date a Pre-Trial Statement not exceeding 3 pages setting forth:**

- (i) a brief statement of the claim(s) being made by the moving party or the defense(s) being made by the responding party;
- (ii) a concise statement of the facts;
- (iii) a concise statement of the factual or legal issues involved including citations to the applicable statutes or case law, if any;
- (iv) a list showing the names and addresses of all witnesses each party intends to call at trial;
- (v) a schedule of all exhibits to be offered at trial intended to be admitted during your case in chief and a certification that copies of these exhibits have been provided to opposing counsel and any unrepresented party; and
- (vi) a certification that opposing counsel and/or any unrepresented party have been served with any expert report to be presented at trial.

Any and all reports of any experts intended to be called and a form of proposed Order setting forth the requested disposition and supporting calculations shall be attached to the Pre-Trial statement.

(j) Exceptions

(1) Dismissal-Exceptions shall be dismissed in any case in which the notes or tape recording of testimony have not been ordered, and paid for it required, within five (5) days of the filing of exceptions.

(2) Briefs:

- (i) No less than three (3) weeks before the date set for oral argument, the excepting party or parties shall file a brief with the Domestic Relations Office, shall serve copies of the Brief upon all counsel, unrepresented parties and the Judge assigned to hear the exceptions, and shall file a Certification that service has been made.
- (ii) No less than one (1) week before the date set for oral argument, the responding party shall file a Brief and Certification of Service in the manner prescribed in (i) above.

- (iii) In the event that both parties file exceptions, each party shall be treated as an excepting party for the purposes of the briefing schedule as set forth above.

(3) A time-stamped copy of any exceptions filed shall be served upon the assigned Hearing Officer.

(4) Oral Argument

Argument before the court shall be made only on the basis of the record made before the Hearing Officer. The parties may, by agreement, supplement the record by depositions or stipulations prior to argument, but no live testimony will be heard by the court, unless the court shall permit same for cause shown.

(k) (1)(a) Requests for interpreters in accordance with C.C.R.C.P. 233.3 shall be made no less than twenty-four (24) hours in advance of the proceeding when an interpreter will be needed.

(b) Requests for interpreters shall be made by contacting the Assistant Family Court Administrator providing the name of the parties, the date, time and place of the hearing and the type of interpreting services needed.

(2)(a) The party requesting the services of an interpreter shall be responsible for the cost of the interpreter if they fail to notify the Court no less than forty-eight (48) hours in advance of the conference/hearing if the case has been settled, continued or will not go forward for any reason. In the event both parties request the services of an interpreter, the costs will be split between the parties.

(b) Requests for cancellation of an interpreter services shall be in writing or other form of verifiable means. Costs will be paid by the County only in those circumstances where the interpreter is not cancelled after receiving a specific request.

Comment. Any motions to dismiss may be made at any time prior to commencement of oral argument.

Rule 1910.13-1.A. Failure or Refusal to Appear Pursuant to Order of Court. Failure to Produce



(a) If a party is properly served with a subpoena duces tecum for production of records and documents or a notice to attend and produce before a Hearing Officer and does not have good reason for failure to produce, such failure may be deemed disobedience of a court order, and will, in addition, permit the drawing of adverse inferences by the Hearing Officer and the court.

(b) If either party has failed to comply with the initial Order of Court requiring the production of certain documents and information at the Domestic Relations Office Conference, a per curiam order shall issue requiring that party to produce a copy of said documents and information to both the Domestic Relations Office and to counsel for the other party (or to an unrepresented party) within ten (10) days of the conclusion of the Domestic Relations Office Conference. Failure to comply with said per curiam order may result in the imposition of sanctions recommended by the Hearing Officer or court and will, in addition, permit the drawing of adverse inferences by the Hearing Officer and the court.

**Rule 1910.17.A. Support Order. Private Pay Orders. Arrears. Property Settlement Agreements. Registration. Effective Date.**

(a) All orders for Support shall be paid through the Domestic Relations Office. No orders providing for direct payment of moneys shall be accepted for filing at the Domestic Relations Office, except as follows:

(1) In those cases where a Chester County Divorce action is pending, private pay support orders may be filed with the Office of the Prothonotary under the Divorce Docket number.

(b) In no instance will a miscellaneous docket number be issued either by the Domestic Relations Office or the Office of the Prothonotary.

**Comment:** In lieu of utilizing private pay orders the parties may request no wage attachment issue on matters payable through PA SCUDU.

(c) Requests for modification shall be brought under the Divorce Docket number and heard before the Court. The Court may in its discretion order the matter be registered at the Domestic Relations Office for the purposes of the instant modification hearing and subsequent payment.

(d) Every order filed under a Domestic Relations Office docket number and PACSES identification number shall include a provision for payment toward outstanding arrears of not less than 20% of the monthly support order. Domestic Relations shall not accept for filing any order that fails to include such a provision.

**Comment:** This provision applies to all support orders filed with the Domestic Relations Office. If there are no arrears due on a case, the arrears provision in the order will not be enforced via wage attachment or

any other enforcement remedy. If arrears become due at a later date, the Domestic Relations Office will enforce the arrears provision via wage attachment and any other applicable enforcement remedy.

(e) The Domestic Relations Office shall enforce the support terms and provisions of any property settlement agreement effective the date such agreement is registered with that office.

(1) Any party seeking registration of an incorporated Property Settlement Agreement for enforcement purposes shall:

(i) pay to the Domestic Relations Office a fee of one hundred fifty dollars (\$150.00) for the registration of an alimony order. No fee shall be required to register an order for child support;

(ii) provide to the Domestic Relations Office a certified copy of the divorce decree including a complete, executed copy of the property settlement agreement; and

(iii) completed copies of the Domestic Relations Office information sheets.

Comment: For the time period prior to registration with the Domestic Relations Office, the parties may seek to enforce the provisions of a property settlement agreement by filing the appropriate petition with the Family Court.

#### **Rule 1910.19.A. Support Modification.**

(a) **Modification of Property Settlement Agreement.** Any party seeking modification of any child support provision included in a property settlement agreement of such agreement may petition the court for modification. Such petition must be filed

with the Prothonotary's Office under the divorce caption and will be heard by a family court judge. In the event that a judge determines that the child support provision of the agreement is modifiable, the matter may be remanded to a Hearing Officer for consideration of the merits of the alleged grounds for modification.

(b) The effective date of any modification shall be retroactive to the date of the filing of the modification petition unless otherwise directed by the Court.

Rule 1910.20.A. Credit Bureau Notice.

Notice shall be in the following form in all instances wherein any consumer credit bureau has requested information regarding arrearages:

|           |                                |
|-----------|--------------------------------|
|           | : IN THE COURT OF COMMON PLEAS |
| Plaintiff | : CHESTER COUNTY, PENNSYLVANIA |
| vs        | : NO.                          |
|           | : CIVIL ACTION - LAW           |
| Defendant | : IN SUPPORT                   |

Pursuant to §4303 of Act 1985-66, a Consumer Credit Bureau Organization has requested the amount of arrearages owed by you under your existing support order. Domestic Relations must provide this information to the Consumer Credit Bureau Organization on any arrearage in excess of \$1,000.00

Our records show an arrearage of \$ \_\_\_\_\_ on the above order.

You may contest the accuracy of this information by contacting the Domestic Relations Office at 201 West Market Street, West Chester, PA, (610) 344-6215 no later than \_\_\_\_\_. If you fail to contact Domestic Relations by said date, the figure stated above will be reported to the Consumer Credit Bureau Organization.

Rule 1910.25-5.A. Civil Contempt. Order. Incarceration.

Any individual incarcerated pursuant to a bench warrant issued for failure to comply with an order of support shall be brought before the Court consistent with the procedures outlined in the Court of Common Pleas of Chester County, Pennsylvania Administrative Regulation No. 3 - 2004 and/or its successors.

## **Actions for Legal and Physical Custody of Minor Children**

### **Rule 1915.3.A. Commencement of Action. Complaint, Order. Parenting Class.**

- (a) Notice of a custody action and conciliation conference shall include the date and time for each party to attend parenting class, the date and time for custody conciliation, the name of the assigned mediator and instructions to contact the mediator within three (3) days.
- (b) Relocation.
  - (1) Upon petition of either party, issues of relocation shall be heard before the Court. Each petition shall be accompanied by a Rule Returnable that sets forth separate Rule and Hearing dates.
  - (2) All orders for custody shall include a statement that neither party shall relocate the children without proper consent and/or Court approval as required by 23 Pa.C.S. §5337. Strict compliance with 23 Pa.C.S. §5337 is required.
- (c) All custody matters alleging the prior existence of a Children, Youth and Families (CYF) proceeding shall include a copy of the order closing the case file prior to the institution of an action for custody in the Family Court.
- (d) All initial complaints for custody and petitions for modification shall include an executed copy of the moving party's Custody Crimes Affidavit. Within ten (10) days of service or at the conciliation conference/appearance before the court, whichever occurs first, the responding party shall file a similar affidavit.
- (e) Parenting Class: When an initial complaint or petition to modify custody is filed, all parties shall be required to attend the Court approved Parenting Program. Upon good cause shown, a party may request permission in writing to the Family Court Administrator to attend an approved alternate program. Should the Court grant permission to attend an alternate program proof of attendance must be produced. Any party attending the Court approved program within one (1) calendar year may be excused from attendance. Failure to attend the Parenting Program as directed may result in a finding of Contempt and/or the issuance of Sanctions.
- (f) Mediation: In appropriate cases, the parties to a custody proceeding shall be required to attend a Mediation Orientation session. Failure to attend the Mediation Orientation session may result in a recommendation by the custody conciliator that sanctions be entered including but not limited to a fine of up to \$100.00.

**Comment:** For form of the order as required by Pa.R.C.P. 1915.3(a) see C.C.R.C.P. 1915.15.A.(a).

See C.C.R.C.P. 1915.4.A.(c) for pleadings to be filed in conjunction with a Petition for Relocation.

For the form of the Custody Crimes Affidavit required by 23 Pa.C.S. §§5328, 5329 see C.C.R.C.P. 1915.15.(A)(b).

The current Court approved Parenting Program is *Children in Between*. Parties residing outside the Commonwealth of Pennsylvania may be given permission to attend the online version of *Children in Between*. It is the party's responsibility to provide the Court with the certificate of completion.

**Rule 191 5.4.A. Prompt Disposition of Custody Cases. Custody Hearing Demand. Pre-Trial Statement. Certificate of Readiness. Relocation.**

(a) Initial Contact with the Court.

- (1) All complaints for custody and petitions for modification shall be scheduled for mediation within thirty (30) days of filing with the Office of the Prothonotary and/or
- (2) All parties shall attend parenting classes within thirty (30) days of filing the initial Complaint with the Office of the Prothonotary.

(b) Listing Trials before the Court.

- (1) All temporary orders for custody unless otherwise specifically indicated on the order shall automatically become a Final Order of the Court no later than 180 days of the filing of the Complaint or Petition to Modify except in those cases where the parties have demanded trial within the time limitations set forth in Pa.R.C.P. 1915.4 and C.C.R.C.P. 1915.4.A.(c)(3)(4).
- (2) All temporary orders for custody shall include the following language:

**NOTICE: UNLESS A DEMAND FOR TRIAL, A CERTIFICATE OF TRIAL READINESS AND A PRE-TRIAL STATEMENT HAS BEEN FILED, THIS ORDER SHALL BECOME A FINAL ORDER OF THE COURT WITHIN 90 DAYS OF THE MOST RECENT CONCILIATION CONFERENCE.**

**NOTICE: NEITHER PARTY SHALL RELOCATE THE CHILDREN WITHOUT PROPER CONSENT AND/OR COURT APPROVAL AS REQUIRED BY 23 Pa.C.S.§5337. STRICT COMPLIANCE WITH 23 Pa.C.S.§5337 (related to relocation) IS REQUIRED.**

(c) Trial

(1)

- (i) When trial is demanded by any party, within thirty (30) days of filing the demand or in conjunction with the filing of a petition for relocation, the moving party shall file with the Prothonotary a completed Certificate of Readiness and a Pre-trial statement containing the following information:
  - (a) a brief statement of the claim(s) being made by the moving party or the defense(s) made by the responding party;
  - (b) a concise statement of the facts;

- (c) a concise statement of the factual or legal issues involved, if any, including citations to applicable statutes or case law, if any;
  - (d) a list showing the names and addresses of all witnesses each party intends to call at trial; ~~and~~
  - (e) a schedule of all exhibits to be offered at trial;
  - (f) a proposed Final Order and Parenting Plan; and
  - (g) updated Custody Crimes Affidavit.
- (ii) Attached to the Pre-trial statement shall be the reports of any experts intended to be called.
  - (iii) All Pre-trial statements shall not exceed three (3) pages in length;
  - (iv) A time-stamped copy of the filed Pre-Trial shall be served upon Family Court and opposing counsel;
  - (v) The responding party shall file his/her Pre-trial statement within twenty (20) days of the filing of the movant's statement.
  - (vi) Failure to comply with the timely filing of a pre-trial statement may result in the imposition of sanctions including but not limited to exclusion of evidence at trial, fines and costs.
  - (vii.) Failure to comply with the timely filing of a certificate of trial readiness shall result in the recommendation of the custody conciliator being entered as a final order for custody.

(2)

(i) The form of Demand for Trial as required by C.C.R.C.P. 1915.4.A.(c)(1)(i) shall be substantially in the following form:

|           |                                |
|-----------|--------------------------------|
| Plaintiff | : IN THE COURT OF COMMON PLEAS |
|           | : CHESTER COUNTY, PENNSYLVANIA |
| vs        | : NO.                          |
|           | : ACTION - LAW                 |
| Defendant | : IN CUSTODY                   |

DEMAND FOR TRIAL

TO THE FAMILY COURT ADMINISTRATOR:

I, \_\_\_\_\_, plaintiff/defendant, hereby demand trial in the above-captioned custody matter.

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

\_\_\_\_\_  
Attorney for I.D. #

\_\_\_\_\_  
Address

Date of Most Recent Conciliation Conference: \_\_\_\_\_  
(Must be within 90 days of filing)

**N.B. No case shall receive a trial date until such time as a Certificate of Trial Readiness and a Pre-Trial Statement is are filed of record. All Certificates of Trial Readiness and Pre-Trial Statements shall be filed within thirty (30) days of filing a demand for trial. Failure to file within the time frame as specified will result in the recommendation of the custody conciliator becoming a Final Order of the Court.**

(ii) The form of Certificate of Readiness required by C.C.R.C.P. 1915.4.A.(C)(1)(i) shall be substantially in the following form:

|           |                                |
|-----------|--------------------------------|
| Plaintiff | : IN THE COURT OF COMMON PLEAS |
|           | : CHESTER COUNTY, PENNSYLVANIA |
| vs        | : NO.                          |
|           | : ACTION - LAW                 |
| Defendant | : IN CUSTODY                   |

CERTIFICATE OF READINESS - CUSTODY

I hereby certify that all reports are completed and the above custody matter is ready for trial.

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

\_\_\_\_\_  
Attorney for

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

\_\_\_\_\_  
Attorney for

Estimated time of hearing: \_\_\_\_\_ (An estimated time of hearing must be entered or the certificate will be rejected by the Family Court Administrator and the case will not be listed for trial.

I hereby certify that on \_\_\_\_\_, I served a copy of this certificate on \_\_\_\_\_

Date: \_\_\_\_\_  
\_\_\_\_\_ Attorney for

(iii) (a) A copy of the Certificate of Trial Readiness and the Pre-Trial Statement shall be served upon the Family Court Administrator, who shall schedule the case for hearing and promptly notify all counsel and unrepresented parties in the case. Any certificate of readiness that fails to include an estimated time of trial will be rejected and not scheduled for trial.

(b) Failure to timely file a Certificate of Trial Readiness and Pre-Trial Statement shall result in the temporary order entered after the conciliation conference being entered as a Final Order for Custody unless good cause can be shown for the matter to proceed to trial.

(4)(a) All demands for trial shall be filed within ninety (90) days of the most recent conciliation conference.

(b) A copy of the demand for trial shall be served upon the Family Court Administrator.

**Comment:** In the event no demand for trial has been filed, the docket will automatically reflect that the Order of the Court was finalized no later than 180 days after the filing of the Complaint or Petition for Modification. This rule does not apply to collateral matters not involving actual custody issues such as legal, physical, partial physical and primary physical custody.

See 23 Pa.C.S. §5331 for the contents of the proposed Parenting Plan

In the event the Certificate of Readiness is filed without the Pre-Trial Statement, no hearing date will be scheduled until the Pre-Trial Statement is filed.

The demand for trial must be served upon Family Court in order for the case to be placed on the trial list.

**Rule 1915.5.A. Questions of Jurisdiction. No Responsive Pleading by Defendant Required. Counterclaim. Venue. Discovery.**

(a)(1) All references to hearing in Pa.R.C.P. 1915.5 shall be construed as referring to the conference before the custody conciliator. If a question of jurisdiction or venue is raised by timely Preliminary Objections, the conciliation shall be continued until decision by the court.

(2) All Preliminary Objections to jurisdiction or venue shall be accompanied by a Rule to Show Cause stating separate Rule Returnable and Hearing Dates.



(b) Requests for discovery shall be in accordance with C.C.R.C.P. 208, et seq., except that no brief shall be required.

**Rule 1915.5.B. Custody Conciliator. Conference.**

- (a) The Court shall appoint appropriate persons as custody conciliators.
- (b) The custody conciliator :
  - (1) shall conciliate custody, and visitation cases filed with the court;
  - (2) may hear contempt cases filed with the court;
  - (3) may recommend to the court that interim temporary and final custody orders be entered; and
  - (4) may recommend the appointment of counsel and/or a guardian ad litem for the child.
- (c) All custody matters shall be scheduled for conference before the custody conciliator no sooner than ten (10) days after filing of an action. Emergency matters may be scheduled for an earlier conference on a standby basis. All parties shall be present at such conference. Failure of a party to appear at the conference may result in the entry of an order in the absence of such party.
- (d) An appearance by counsel before the custody conciliator shall be deemed an entry of appearance on behalf of the party represented.
- (e) To facilitate the conciliation process and encourage frank, open and meaningful exchanges between the parties and their respective counsel all statements, except agreements made by the parties, shall not be the subject of direct or cross examination at a later hearing before the court. The custody conciliator shall not be subject to subpoena as a witness.
- (f) (1) An order, agreed upon by the parties or recommended by the custody conciliator shall issue at the conclusion of the conciliation conference or at the discretion of the conciliator by the close of the next business day. In the event a recommendation does not issue at the conclusion of the conference, upon letter request of counsel or the party(ies), the custody conciliator may conduct a brief conference call limited to minor issues regarding the implementation of his/her recommendation. The conciliator shall submit the order reflecting the agreement or recommendation to the Court for approval.
  - (2)
    - (i) Recommendations that change primary custody: The recommendation of the custody conciliator shall state whether or not the recommendation will result in a change in primary custody that is not agreed upon by the parties. The conciliator shall advise the objecting party to an Order recommending a change in primary custody that a request for stay of the entry of the recommended order shall be filed within five (5) days of the conciliation conference. If no stay is filed within five (5) days, the order shall be entered. If no demand for trial is filed within ninety (90) days, the recommended order shall become a final order of court. If a request for stay is timely filed, a hearing shall be scheduled within thirty (30) days to determine if the recommended order shall be made a temporary pending trial. The party seeking the stay shall submit an order for hearing . The objecting party shall file a Demand for Trial and serve Family Court Administration no later than the date set for the hearing. A certificate of trial readiness and pre-trial statement shall be filed within thirty (30) days of the filing of the demand for trial. The certificate of trial readiness and pre-trial statement shall be served upon Family Court Administration. Failure to file a timely demand for trial or certificate of trial readiness and pre-trial statement shall result in the recommendation of the conciliator being entered as a final order of court.

(ii) The form of order required by C.C.R.C.P. 1915.5.b.(F)(2)(i) shall be substantially in the following form:

Plaintiff : IN THE COURT OF COMMON PLEAS  
: CHESTER COUNTY, PENNSYLVANIA  
vs : NO.  
: CIVIL ACTION - LAW  
Defendant : IN CUSTODY

NOTICE AND ORDER TO APPEAR

A recommended order for a change in primary custody has been forwarded to the Court by \_\_\_\_\_, Conciliator. At the request of \_\_\_\_\_, a hearing has been scheduled before the Court to determine if the recommended order should be entered as an Interim Order pending trial.

The parties and counsel are ordered to appear for a hearing on \_\_\_\_\_ at \_\_\_\_\_ m. in Courtroom No. \_\_\_\_\_ of the Chester County Courthouse, West Chester, PA. The Court has set aside fifteen (15) minutes for each side to present their case in the format of their choice (evidentiary testimony, legal argument). At the conclusion of which, the Judge will render a decision regarding the entry of an Interim order pending trial. Failure to demand trial by the aforementioned date shall result in the recommendation of the custody conciliator being entered as a final order of court.

BY THE COURT:

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

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, PLEASE CONTACT THE OFFICE SET FORTH BELOW:**

Lawyer Referral Service  
15 West Gay Street  
West Chester, PA 19380  
610-429-1500

**IF YOU CANNOT AFFORD A LAWYER, PLEASE CONTACT THE OFFICE SET FORTH BELOW:**

Legal Aid of Southeastern Pennsylvania  
Chester County Division  
222 North Walnut Street, 2<sup>nd</sup> floor  
West Chester, PA 19380  
610-436-4510

**Comment:** It is the general practice of this Court to schedule Custody conciliation conferences not later than 90 days from the filing of the Complaint or Petition to Modify.

**Rule 1915.11.A. Appointment of Attorney for Child. Interrogation of Child. Attendance of Child at Hearing or Conference.**

- (a) If counsel or a guardian ad litem is appointed for the child, fees may be assessed against the parties.
- (b) (1) No child(ren) shall be present at a conciliation conference unless specifically ordered to appear.  
(2)
  - (i) Parties requesting the presence of children ages ten (10) and older at a conciliation conference shall do so by submitting their request in the form of a proposed order to the Office of the Family Court Administrator. That office shall maintain such forms in blank, for this purpose. The proposed order shall be served by the requesting party on all other parties promptly and in sufficient time so that the opposing parties are given at least ten (10) days notice, prior to the conciliation conference, of the entry of the order.
  - (ii) The form of order required by C.C.R.C.P. 1915.11.A.(b)(2) shall be substantially in the following form:

Plaintiff \_\_\_\_\_ : CHESTER COUNTY, PENNSYLVANIA  
vs \_\_\_\_\_ : NO.  
\_\_\_\_\_ : ACTION - LAW  
Defendant \_\_\_\_\_ : IN CUSTODY

**ORDER FOR APPEARANCE**

WHEREAS, a Custody Conciliation Conference in this matter has been scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ m. before a Chester County Custody Conciliator in the Child Custody Conciliation Room at Courthouse, Third Floor Annex, West Chester, Pennsylvania, and,

WHEREAS, \_\_\_\_\_, who is a party to these proceedings has requested the presence at the Conciliation Conference of the children named below who are the subject of these proceedings and are ten (10) years of age or older,

IT IS HEREBY ORDERED that the following minor children shall attend the aforesaid Conciliation Conference:

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

BY THE COURT:

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

- (3) The custody conciliator may at his/her discretion reschedule a conference and may direct the appearance of a child or children of any age.

**Rule 1915.12.A. Civil Contempt for Disobedience of Custody Order. Petition. Form of Petition. Service. Order.**

- (a) All petitions for Contempt shall be accepted for filing by the Office of the Prothonotary upon payment of the appropriate fee.
- (b) All petitions for Contempt shall allege with specificity the facts that constitute a willful failure to comply and indicate the remedy the party is seeking.
- (c) All Petitions for Contempt may be scheduled for a hearing before the Custody Conciliator. The hearing shall be limited to one (1) hour in duration at which time the parties may present evidentiary testimony. At the conclusion of the hearing, the custody conciliator shall make a recommendation and advise the parties they have ten (10) days in which to request a hearing *de novo*. At the conclusion of the ten (10) days if no objections have been filed, the recommendation shall become an order of the court. In the event objections are filed, the matter shall be listed, in the normal course of business, for a hearing *de novo* before the Court. The hearing shall be limited to the issues raised by the petition for contempt.
- (d) The recording of testimony during an evidentiary hearing before the custody conciliator is precluded.
- (e) Timely objections to the recommendation of the custody conciliator shall be filed in writing with the Office of the Prothonotary. A copy of the objections shall be filed upon the Family Court Administrator who shall promptly schedule the matter for hearing before the Court.
- (f) The form of order required by Pa.R.C.P. 1915.12(a) shall be in the following form:

Plaintiff : IN THE COURT OF COMMON PLEAS  
vs : CHESTER COUNTY, PENNSYLVANIA  
Defendant : NO.  
: CIVIL ACTION - LAW  
: IN CUSTODY

**NOTICE AND ORDER TO APPEAR**

Legal proceedings have been brought against you alleging you have willfully disobeyed an order of court for custody. If you wish to defend against the claim set forth in the following pages, you may but are not required to file in writing with the court your defenses or objections.

An evidentiary hearing has been scheduled for \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. in the Chester County Justice Center, 201 West Market Street, Fifth Floor, Hearing Room #1, West Chester, PA.

Whether or not you file in writing with the court your defenses or objections, you must appear in person for this hearing.

**IF YOU DO NOT APPEAR IN PERSON, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.**

If the court finds that you have willfully failed to comply with its order for custody, you may be found to be in contempt of court and committed to jail, fined or both.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, PLEASE CONTACT THE OFFICE SET FORTH BELOW:**

Lawyer Referral Service  
15 West Gay Street  
West Chester, PA 19380  
610-429-1500

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Legal Aid of Southeastern Pennsylvania  
Chester County Division  
222 North Walnut Street, 2<sup>nd</sup> Floor  
West Chester, PA 19380  
610-436-4510

## AMERICAN WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Chester County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference.

BY THE COURT:

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

### **Rule 1915.13.A. Special Relief**

- (a) Petitions seeking a stay or other immediate, substantive relief may be presented to the court at any time.
- (b) The court will not enter a stay or grant the relief *ex parte* unless:
  - (1) *Notice* – it appears from the petition or motion that reasonable notice, under the circumstances, has been given to all parties in interest of the date, time and place of the application; or
  - (2) *Stipulation* - it appears from the petition or motion that there is an agreement by all parties in interest; or
  - (3) *Exigency* – the court in its discretion shall determine that there are extraordinary circumstances justifying a stay or immediate relief. Such exigent circumstances include those where immediate action is necessary to protect the mental or physical well-being of a child or children, or to undo the effects of a “snatch” (that is, a recent sudden change in a long-standing custody arrangement brought about contrary to the wished of the custodial parent), or to preserve the status quo.
- (c) Where prompt action is necessary, the family court may also enter temporary orders based on:
  - (1) the recommendations of the conciliator; or
  - (2) affidavits, depositions, reports of physicians, police or school personnel, and the oral representations of counsel; or
  - (3) investigations of child service agencies, or
  - (4) a combination of the foregoing.

### **Rule 1915.15.A. Form of Complaint. Caption. Order. Petition to Modify a Partial Custody or Visitation Order.**

- (a) The form of order required by Pa.R.C.P. 1915.3(a) shall be in the following form:

Plaintiff : IN THE COURT OF COMMON PLEAS  
vs : CHESTER COUNTY, PENNSYLVANIA  
Defendant : NO.  
: CIVIL ACTION – LAW  
: IN CUSTODY

**NOTICE & ORDER TO APPEAR**

You \_\_\_\_\_, defendant, have been sued in court to obtain/modify custody of the child(ren):

---

**You are hereby notified of the following:**

1. **Court Ordered Mediation:** You are ordered to contact the Mediator assigned to your case within three (3) days of receiving these papers to schedule mediation orientation.

Mediator: \_\_\_\_\_ Phone: \_\_\_\_\_

**Failure to contact the mediator and attend mediation orientation may result in sanctions, including, but not limited to, a fine of up to \$100, delay in your custody proceedings or other appropriate sanction.**

2. **Custody Conciliation Conference:** You are ordered to appear in person at the Chester County Justice Center, 5<sup>th</sup> Floor, Hearing Room 5206, 201 West Market Street, West Chester, PA 19380 for a Custody Conciliation Conference on \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.m. at which time a recommendation for a custody Order may be entered.

***If you fail to appear, an order for custody may be entered against you or the court may issue a warrant for your arrest.***

3. **Parenting Class:**

- a. You, \_\_\_\_\_, Plaintiff, are ordered to appear in person to attend a Parenting Class on Thursday, \_\_\_\_\_ at 4:30 p.m. in Room 4112, Fourth Floor, Chester County Justice Center, 201 West Market Street, West Chester, PA.

- b. You, \_\_\_\_\_, Defendant, are ordered to appear in person to attend a Parenting Class on Thursday, \_\_\_\_\_ at 4:30 p.m. in room 4112, Fourth Floor, Chester County Justice Center, 201 West Market Street, West Chester, PA.

***Failure to attend your parenting session as scheduled may affect your rights to custody, partial custody or visitation.***

4. You must file with the Court a verification as required by Pa.R.C.P. 1915.3-1 in the form attached regarding any criminal record or abuse history regarding you and anyone living in your

household within thirty days of the service of the within complaint or petition on you, but not later than the custody conciliation conference scheduled in Paragraph 2, above.

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

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, PLEASE CONTACT THE OFFICE SET FORTH BELOW:**

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610-436-4510

**AMERICAN WITH DISABILITIES ACT OF 1990**

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\_\_\_\_\_  
DATE

\_\_\_\_\_  
BY THE COURT

**CRIMINAL CHARGE INFORMATION FOR INDIVIDUALS INVOLVED IN CHILD CUSTODY CASES CAN BE FOUND BY ACCESSING THE JEN & DAVE PROGRAM AT [WWW.JENDAVEPROGRAM.US](http://WWW.JENDAVEPROGRAM.US)**

- (b) All Petitions for Modification shall be accepted for filing by the Office of the Prothonotary upon the payment of the appropriate fee.
- (c) All Petitions for Modification shall allege with specificity the modification sought and the reasons for seeking the modification.



## **Actions of Divorce or Annulment of Marriage**

Rule 1920.16.A. *Severance of Actions and Claims. Bifurcation.*

- (a) Upon petition of either party/or upon consent of the parties and after a record proceeding the Master may recommend bifurcation of the divorce proceedings and issuance of a divorce decree, prior to a determination of other matters raised, by written report in accordance with Pa.R.C.P. 1920.53. The court shall permit bifurcation for good cause shown. In such event, this decree shall be indexed in the judgment docket to give notice of the divorced spouse's equitable interest in the property of the other.
- (b) The decree of divorce in such circumstances shall be substantially in the form as prescribed by Pa.R.C.P. 1920.76.
- (c) A copy of the Petition for Bifurcation shall be served upon the appointed Master.
- (d) (1) Requests for Interim Distribution where equitable distribution has been raised by the pleadings and grounds have been met shall be referred to the appointed Master for disposition.  
  
(2) Claims for Interim Distribution shall be raised by the filing of a verified petition with a rule returnable. No hearing will be assigned at the time of filing.  
  
(3) In those cases where a master has not been appointed, the moving party shall motion for the appointment of an equitable distribution master and pay the appropriate fee.  
  
(4) The assigned master shall schedule a preliminary conference and ultimately a hearing, if necessary. At the conclusion of the hearing, a report shall issue.  
  
(5) Objections to a recommendation for Interim Distribution shall be made by the filing of exceptions.

Comment: Grounds for divorce pursuant to 23 Pa.C.S. §3301 shall have been met prior to the hearing on the petition raising the request for Interim Distribution.

Exceptions to the recommendation for Interim Distribution are deemed to be interlocutory. Oral argument, as necessary, will be scheduled when the final report and recommendation is filed.

Rule 1920.31.A. *Joinder of Related Claims. Child and Spousal Support. Alimony. Alimony Pendente Lite. Counsel Fees. Expenses. Registration of Alimony. Registration of Foreign Decrees.*

(a)(1) Any party to an alimony order/award may register the order/award upon payment of the required fee to the domestic relations office. Upon registration, and notice to the opposing side, the order/award shall be enforced in the same manner as other support orders.

(2) All orders for alimony may be subject to wage attachment consistent with Pa.R.C.P. 1910.21.

(b)(1) Petitions to register, adopt and enforce foreign decrees as provided in Section 3705 of the Divorce Code shall be filed with the Prothonotary and shall contain the following:

- (i) identification of parties and their respective residences;
- (ii) a certified copy of the decree and any subsequent modifications; and
- (iii) a reference to laws of the issuing state which impact on enforcement of such decree.

(2) Upon filing of the petition, the Family Court Administrator is authorized to issue, per curiam, a Rule to Show Cause why the prayer of the said petition should not be granted, returnable in not less than twenty (20) days. Each rule shall notify respondents that well pled facts of the petition will be admitted unless an answer specifically denying the same is filed by the close of court on the return date of the rule.

(3) The petitions shall be served in the same manner as in original process for divorce.

(4) All well pled factual averments in the petition shall be deemed admitted unless an answer specifically denying the same is filed on the return date of the rule. The requirements of Pa.R.C.P. 1029 shall apply.

(5) An answer to the petition for registration shall contain all defenses to the requested relief including those based upon jurisdiction and the law of the issuing state. Any statutes or applicable law upon which the respondent bases his defense shall be cited, and in the case of foreign statutes, a copy of the applicable statute shall be attached.

(6) If no answer has been timely filed, the petitioning party, five (5) days after the return date, may move to have the rule made absolute, granting the prayer of the petition.

(7) When an answer has been timely filed and any issue(s) raised in the petition and answer is (are) ripe for consideration, subject to the provisions of Pa.R.C.P. 206.7 any party may file a praecipe for determination in the form prescribed by C.C.R.C.P. 206.6, with a supporting brief. Responsive briefs shall be filed with fifteen (15) days of the filing of the praecipe for determination.

(8) A decree granting registration and adoption of a foreign decree with respect to alimony or alimony pendente lite may be registered with the Domestic Relations Office in the same manner as provided in C.C.R.C.P. 1920.31.A.

Comment: All requests for registration of an alimony or alimony pendente lite order/award must comply with C.C.R.C.P. 1910.17.A.(e).

Rule 1920.32.A. Joinder of Related Claims. Custody. Hearing by Court. Joinder of Custody Claim.

If a custody claim is asserted in a divorce complaint, a duplicate copy of the complaint shall be filed with the Prothonotary and it shall receive a docket number separate from the divorce action. Such filing shall contain the information required by Pa.R.C.P. 1915.3(a), 1915.15(a) and C.C.R.C.P. 1915.3.A. An additional filing fee may be required for this duplicate complaint. A copy of the duplicate, with the separate court number, shall be served on the defendant.

Rule 1920.42.A. Affidavit and Decree Under §3301(c) or §3301(d)(1) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in §3301(c) and §3301(d)(1)(i) Divorces. Counter-Affidavit. Praecipe to Transmit Record. Incorporation of Agreement in Divorce Decree.

- (a) Withdrawal of Claims – Prior to the filing of the praecipe to transmit the record, any ancillary claim that has not been resolved by an agreement to be incorporated into the decree shall be withdrawn by praecipe of the party who raised the claim.

All praecipes to withdraw ancillary claims shall include a certification that opposing counsel, any unrepresented party and the Master, if appointed, have been served with a copy of said praecipe and notice of intention to file same at least twenty (20) days prior to the date of its filing. The notice of intention to file the withdrawal of ancillary claims may be waived. Waivers shall be in writing and signed by counsel of record, or the parties and filed of record.

Note: The required notice of intention to file a praecipe to withdraw ancillary claims may be given at the same time as the notice of intention to file a praecipe to transmit the record. The praecipe to withdraw ancillary claims may then be filed immediately prior to the filing of the praecipe to transmit the record.

- (b) In those cases where a Master has been appointed, at the time of filing the Notice of Intention to file the Praecipe to Transmit the Record or the Waiver of Notice of Intent with the Prothonotary, the filing party shall notify the Master, in writing, that the action has been settled and file a certification of said notice with the Prothonotary.
- (c) Within eight (8) days of the Master's receipt of a notice of intention to file a praecipe to transmit record, the master shall return the court file to the Prothonotary of Chester County.
- (d) If the parties conclude a written agreement as to any or all ancillary matters and desire to have such agreement incorporated in the divorce decree, the agreement to be so incorporated must be filed of record. The Praecipe to Transmit the Record should request incorporation and a written stipulation agreeing to same, executed by the parties and/or their respective counsel, must be filed of record. Should incorporation be included in the agreement, the Praecipe to Transmit the Record shall refer to the paragraph and page number(s) of the agreement at which the terms providing for incorporation may be found.

Rule 1920.43.A. Special Relief.

- (a) All petitions for special relief shall be in the form prescribed by C.C.R.C.P. 206.2 and 1930.1.A.(6).
- (b) A rule to show cause assigned a return date not sooner than twenty (20) days after the date of filing shall be issued per curiam when presented to the deputy court administrator, family court.
- (c) Any petitioner seeking a return date sooner than twenty (20) days of filing, or seeking a rule which stays proceedings or which by its terms grants substantive relief, shall present the petition, proposed order and rule to the signing judge of the Family Court. The court will not enter a stay or grant more immediate relief ex parte unless:

- (1) Notice – It appears from the petition or motion that reasonable notice, under the circumstances, of the date, time and place of the presentation of the petition has been given to all counsel and unrepresented parties;
  - (2) Stipulation – It appears from the petition or motion that there is an agreement by all counsel and unrepresented parties; or
  - (3) Exigency - The court in its discretion shall determine that there are extraordinary circumstances justifying a stay or more immediate relief.
- (d) Immediately after filing documents with the Prothonotary, each party shall serve upon all other counsel and unrepresented parties complete copies of such documents. Within five (5) days of such filing, the moving party shall file with the Prothonotary a separate document certifying such service in the form prescribed by C.C.R.C.P. 206.3

Rule 1920.46.A. Military Service.

- (a) If the defendant has not appeared and the plaintiff avers in the affidavit regarding military service that the defendant is in the military service or that the plaintiff cannot determine whether or not the defendant is in the military service, then the plaintiff shall file with the affidavit a motion and order for the appointment of an attorney to represent the defendant and shall deposit with the Prothonotary four hundred (\$400.00) dollars to cover the attorney's fees.
- (b) The attorney appointed to represent the defendant shall promptly perform the following duties:
  - (1) The attorney shall make diligent inquiry to ascertain the whereabouts of the defendant.
  - (2) If the attorney ascertains that the defendant is in the military service, the attorney shall inform the defendant of the action pending and ascertain whether the defendant wishes to appear and be heard, shall attend all hearings before the Master, and shall take any action proper to protect the interests of the defendant.
  - (3) If the defendant is in the military services and wishes to appear and be heard, or if in the opinion of the attorney the defendant is prejudiced by said military service, the attorney shall state this in an interim report filed with the Prothonotary, copies of which shall immediately be served upon the attorney for the plaintiff and the Master, if appointed. In such event all proceedings shall be stayed until further order of the court.
  - (4) If the attorney cannot ascertain the whereabouts of the defendant or whether or not the defendant is in the military service, the attorney shall, within ninety (90) days from the date of appointment, file with the Prothonotary an interim report stating what information has been ascertained and what steps were taken to ascertain such information, copies of which report shall immediately be served upon the attorney for the plaintiff and the Master, if appointed. The attorney shall attend all hearings before the Master and take any action proper to protect the interest of the defendant.

- (5) Within ten (10) days after the hearings before the master have closed, the attorney shall file with the Master a final report stating whether or not the defendant's whereabouts have been ascertained, and if the defendant is in the military service, whether or not the defendant is prejudiced by said military service. The final report shall be attached to and made a part of the report of the Master.
- (6) Upon the filing of an interim report resulting in the staying of all proceedings until further order of the court, or upon the filing of a final report, the attorney shall be entitled to receive the four hundred (\$400.00) dollars previously filed with the Prothonotary.

Rule 1920.51.A. Hearing by the Court. Appointment of Master. Interim Distribution. Notice of Hearing. Applicable Masters' Fees.

- (a) In actions where ancillary claims have been raised and are at issue, or a petition for Interim Distribution has been filed, on the motion of either party, a Master shall be appointed by the court to hear testimony and prepare a report and recommendation.
- (b) Motion for Appointment of a Master – A motion for the appointment of a Master may be filed at any time after the filing of a complaint in divorce and shall state specifically what claims are at issue, what claims have been settled by agreement and whether any such agreement is to be entered as a court order. The moving party must be in compliance with Pa.R.C.P. 1920.31 and 1920.33. The motion shall include a certification that the completed inventory has been filed and served on the other party. The motion and order shall be in the form prescribed by Pa.R.C.P. 1920.74(a),(b).
  - (1) Certification of Service – The movant shall file, along with the motion for appointment of Master, as certification that opposing counsel or any unrepresented party has been served with a copy of the motion and all other documents required pursuant to subsection (b) hereof.
  - (2) The motion for the appointment of a Master shall aver whether any acting Master is disqualified from acting as a Master in the action and the basis for disqualification.
- (c) Objections to the Motion for the Appointment of Master shall be filed within ten (10) days of the filing of the motion and shall be in accordance with C.C.R.C.P. 206.2 and 206.6 except that no brief shall be required.
- (d) Cover Sheet - Any motion for appointment of a Master shall be filed in the office of the Prothonotary and shall be accompanied by a cover sheet, available at the office of the Prothonotary.
- (e) Appointment of Master – Upon filing of the motion for the appointment of a Master, in the form prescribed by Pa.R.C.P. 1920.74, the required cover sheet and the posting of the required fee, the Office of the Prothonotary shall forward the motion to the Masters' Unit for the scheduling of a preliminary conference.

When a party files a motion for the appointment of a Master, the moving party shall pay the Prothonotary the applicable fee pursuant to this Rule. No Master shall be appointed without such payment.

(f) Applicable Fee – The party filing for the appointment of a Master shall specify on the cover sheet the matters sought to be heard by the Master, which shall determine the applicable fee. In addition to posting the requisite fee, the moving party shall pay ten dollars and thirty-five cents (\$10.35) for filing fee with the Prothonotary.

(1) The fee for the appointment of a Master to hear only marital dissolutions issues shall be \$130.00.

(2) The fee for the appointment of a Master to hear interim issues of alimony pendente lite, counsel fees/and or litigation expenses shall be \$100. The party moving for the appointment of a Master to hear a claim for alimony pendente lite shall file a time-stamped copy of the motion filed with the Prothonotary pursuant to subsection (1) hereof and a copy of the receipt or payment of the requisite fee, in the Domestic Relations Office of Chester County. The Domestic Relations Office shall then schedule a conference in accordance with Pa.R.C.P. 1910.12 and C.C.R.C.P. 1910.12.A.

(3) Whenever a party moves for the appointment of a Master to hear equitable distribution of marital property, whether or not there are other claims to be heard by the Master, the moving party shall deposit \$500 for the Master's fee plus ten dollars and thirty-five cents (\$10.35) for filing with the Prothonotary.

(g) The above fees are non-refundable.

Comment: All fees are subject to change consistent with the Prothonotary's published fee schedule which may be found at [www.chesco.org](http://www.chesco.org).

Rule 1920.53.A. Hearing by Master. Master's Report.

(a) Master's Duty to Determine Jurisdiction – The Master shall examine the formal sufficiency and regularity of the proceedings and the question of jurisdiction on the face of the pleading. If defective, but curable by amendment, the Master shall notify counsel and suspend further action until the necessary amendment is made. When the Master is satisfied of the formal sufficiency and regularity of the proceeding and the existence of jurisdiction, the hearing shall proceed as follows:

(b) Divorce and Annulment Cases – (Not Involving Equitable Distribution.)

(1) Counsel or any unrepresented party shall be provided with written notice of the hearing at least ten (10) days prior thereto.

- (2) The Plaintiff shall, prior to the hearing, submit to the master a written “Plaintiff’s Record of Testimony” bearing the case caption, and consisting of the following:
- (i) The Plaintiff’s testimony, in question and answer form, signed and verified by the Plaintiff,
  - (ii) Any exhibits specifically identified in the Plaintiff’s evidence, and
  - (iii) The testimony of each of the Plaintiff’s witnesses, in question-and- answer form, signed and verified by the witnesses.
- (c)(1) The Master’s hearing in uncontested cases shall be conducted as follows:
- (i) At the time hearing, the Plaintiff and all witnesses whose Record of Testimony has been prepared in advance shall be present and shall affirm their prerecorded evidence, under oath or affirmation, in the Master’s presence.
  - (ii) The Master may examine the Plaintiff and the witnesses regarding the prerecorded evidence to evaluate their credibility, and may interrogate them as to any relevant matter whether or not included in the prepared record of testimony.
  - (iii) The Master, upon being satisfied that the Plaintiff’s record of testimony is credible, shall accept it and include it in the Master’s report in lieu of findings on the merits, provided however, that in the report the Master certifies that:
    - (a) At the hearing and in the Master’s presence the Plaintiff and witnesses offering prerecorded testimony were placed under oath and were examined and that they, by credible evidence, substantiated the facts set forth in the Plaintiff’s record of testimony, and
    - (b) No witness who was sworn or affirmed presented testimony or evidence contrary to the facts set forth in such record testimony.
    - (c) A report and recommendation of the Master shall issue at some time after hearing.
    - (d) The Master’s hearing, in contested divorce and annulment cases, shall be conducted as follows:

(1) The parties shall appear and present evidence, with a Court Reporter present.

(2) The Master may inquire of the parties under oath.

Rule 1920.54.A. Hearing by Master. Report. Related Claims.

(a) Preliminary Conference –

(1) A Master shall hold a preliminary conference within thirty (30) days after being appointed to determine the scope of the ancillary issues raised. No stenographic record shall be made of this conference unless requested by a party, and approved by the Master, in which case that party shall engage and bear the cost of the stenographer.

(2) A Master may recommend to the court the entry of orders for alimony pendente lite, child support, counsel fees, expenses or costs following the preliminary conference.

(b) Discovery –

(1) Counsel may prepare and submit to the assigned Master and opposing counsel a list of requested discovery at the preliminary conference.

(2) A Master may recommend to the court the entry of orders for discovery, including but not limited to, the filing of an inventory, an income and expense statement and affidavit of vital statistics. Said discovery orders may include discovery deadlines upon the request of either party or at the direction of the Master.

(3) In any divorce matter in which a Master has been appointed, all discovery motions, which do not involve a non-party, filed pursuant to Pa.R.C.P. 1930.5 and Pa.R.C.P. 4001 et seq. shall be heard by the Master.

(4) An argument, if requested by either party, shall be scheduled before the Master. At the conclusion of the argument or within a reasonable time, the Master may make a recommendation and advise the parties they have ten (10) days in which to request an argument before the Court. At the conclusion of the ten (10) days, if no objections have been filed, the recommendation shall become an order of the Court. In the event objections are filed, the matter shall be listed, in the normal course of business for argument before the Court. Argument shall be limited to the issues raised by the pleadings.

(5) All Objections shall be in writing and filed within ten (10) calendar days of the recommendation. A copy shall be served upon the Family Court Administrator who shall schedule the case for argument and promptly notify all counsel and unrepresented parties in the case.



- (c) Settlement Conference – The Master shall conduct a settlement conference at which both parties shall submit a statement, which:
- (1) Gives biographical information of each party, including but not limited to, age, education, occupation, income, health and children;
  - (2) Contains any updates on valuation of property at issue;
  - (3) Identifies any and all legal or factual disputes or issues; and
  - (4) Contains a proposed specific schedule of distribution of all property including the percent of distribution to each party.
- (d) Certification of Trial Readiness-
- (1) At the conclusion of the settlement conference, if all discovery has been completed, the deadline for discovery has passed, the case has not settled and divorce grounds have been established, the parties may file a Certification of Trial Readiness.
  - (2) A time-stamped copy of the completed Certification of Trial Readiness shall be served upon the assigned Master and proof thereof, shall be filed with the Prothonotary. Any certificate that fails to include an estimated time of trial will be rejected by the Master and not placed on the Master’s trial list.
  - (3) Upon receipt of the Certification of Trial Readiness by the Master, the matter shall be placed on the assigned Master’s trial list in accordance with the filing date as indicated by the Prothonotary’s time-stamp.
  - (4) All certifications of trial readiness shall be filed on blue paper with the Office of the Prothonotary.

Comment: The form certificate has been moved to C.C.R.C.P. 1920.74.A. to be consistent with Pa.R.C.P. 1920.71, et seq.

Note: This form of certification of trial readiness amends the prior form originally published in 1993.

- (e) Hearing –
- (1) The Master shall hold a formal record hearing for the determination of all matters at issue. Each party shall file a pre-trial statement in conformance with Pa.R.C.P. 1920.33(b) not less than 10 calendar days prior to the scheduled Master’s hearing.

- (2) Failure to comply with the above rule may result in the imposition of sanctions recommended by the Master and will, in addition, permit the drawing of adverse inferences by the Master and the court.
- (3) A copy of the pre-trial statement shall be served upon the Master and opposing counsel or any unrepresented party. Proof of service shall be filed with the Prothonotary.
- (4) The time and place of hearing shall be designated by the court. Court reporters shall be made available to the Masters. Once a hearing begins, it shall proceed to its conclusion within the limits of the estimated trial time. Thereafter, scheduling shall be consistent with the schedule of the Master.
- (5) The Master shall file a report in accordance with Pa.R.C.P. 1920.53, 1920.54 and 1920.55-2(a)(1), (2).

Comment: Exhibits not attached and intended to be used as rebuttal or on cross-examination are still subject to relevancy standards by the finder of fact.

Comment: See generally, Pa.R.C.P. 1920.33

Rule 1920.55-2-A. Master's Report. Notice. Exceptions. Final Decree.

- (a) Dismissal – Exceptions shall be dismissed in any case in which the notes of testimony have not been ordered, and paid for if required, within thirty (30) days of the filing of the exceptions.
- (b) Briefs –
  - (1) No less than three (3) weeks before the date set for oral argument, the excepting party or parties shall file a brief with the Prothonotary, shall serve copies of the brief upon all counsel, unrepresented parties and the judge assigned to hear the exceptions, and shall file a certification that service has been made.
  - (2) No less than one (1) week before the day set for oral argument, the responding party shall file a brief and certification or service in the manner prescribed in (1) above.
  - (3) In the event that both parties file exceptions, each party shall be treated as an excepting party for the purposes of the briefing schedule as set forth above.
- (c) Argument – If a non-excepting party fails to file a brief within the time prescribed by these rules, or within the time as extended, he will not be heard at oral argument except by permission of the court.
- (d) A time-stamped copy of any exceptions filed shall be served upon the assigned Master.

Comment: These motions to dismiss may be made at any time prior to commencement of oral argument and are not subject to the requirements of C.C.R.C.P. 206.2.

Comment: In order to preserve the issue for review, Exceptions filed to a recommendation for Interim Distribution, Alimony Pendente Lite, Interim Counsel Fees and Date of Separation shall be filed within 20 days of the filing of the Report and Recommendation of the Master. However, oral argument shall be deferred until the filing of the Final Report and Recommendation of the Master.

Rule 1920.72.A. Form of Complaint. Affidavit. Affidavit Under §3301(c) or 3301(d) of the Divorce Code. Counter-affidavit. Waiver of Notice of Intention to Request Decree Under §3301(c) and §3301(d). Form of Continuance.

- (a) All requests for continuance for any proceeding under these rules shall be in the form prescribed by C.C.R.C.P. 1920.30.1.A.
- (b) All requests for continuance shall be by original motion. No facsimile requests will be accepted.

Rule 1920.74.A. Form of Motion for Appointment of Master. Order. Form Certification of Trial Readiness – Divorce.

- (a) All certifications of trial readiness shall be filed on blue paper with the Office of the Prothonotary. Upon the filing of the certificate, a copy shall be served upon the appointed Master.
- (b) The certificate of trial readiness shall be substantially in the following form:

|           |   |                              |
|-----------|---|------------------------------|
|           | : | IN THE COURT OF COMMON PLEAS |
| Plaintiff | : | CHESTER COUNTY, PENNSYLVANIA |
| vs        | : | NO.                          |
|           | : | CIVIL ACTION - LAW           |
| Defendant | : | IN DIVORCE                   |

**CERTIFICATION OF TRIAL READINESS -DIVORCE**

Please place the above-captioned case on the trial list of \_\_\_\_\_, Esquire, Master and schedule it for a hearing. **NO CONTINUANCES SHALL BE GRANTED WITHOUT GOOD CAUSE SHOWN. FAILURE TO BE READY AT THE TIME THE CASE IS CALLED MAY RESULT IN THE REASSIGNMENT OF THE CASE ON THE TRIAL LIST.**

If after fifteen (15) days the adverse party fails to execute this certificate, the moving party may certify the matter as an active case.

Estimated trial time \_\_\_\_\_.

I hereby certify that on \_\_\_\_\_, I notified all interested parties.

\_\_\_\_\_  
Signature of Attorney  
for Plaintiff

\_\_\_\_\_  
Signature of Attorney  
for Defendant

\_\_\_\_\_  
Type Name & Attorney  
I.D. No.

\_\_\_\_\_  
Type Name & Attorney  
I.D. No.

\_\_\_\_\_  
Address of Attorney

\_\_\_\_\_  
Address of Attorney

\_\_\_\_\_  
Telephone # of Attorney

\_\_\_\_\_  
Telephone # of Attorney

\_\_\_\_\_  
Unrepresented party (signature), name and address typed

TO BE FILED WITH THE PROTHONOTARY.

(This form is printed on blue paper).

**Domestic Relations Matters-Generally**

**Rule 1930.1.A. Form of Pleadings. Form of Caption. Form of Continuance Request and Order.  
Form of Rule Returnable.**

(a) The form of request for continuance as required by C.C.R.C.P. 1920.72.A.(a) shall be substantially in the following form:

Plaintiff : IN THE COURT OF COMMON PLEAS  
: CHESTER COUNTY, PENNSYLVANIA  
vs : NO.  
Defendant : FAMILY COURT

*Motion for Continuance*

*I, \_\_\_\_\_, Attorney for Plaintiff/Defendant  
move for continuance of \_\_\_\_\_ scheduled for \_\_\_\_\_ in  
Courtroom No. \_\_\_\_\_ for the following reasons:*

\_\_\_\_\_ Counsel/Plaintiff/Defendant

*The opposing party has been notified and AGREES/DISAGREES.  
(circle)*



**ORDER**

*AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, based upon the  
foregoing Motion, the continuance is GRANTED/DENIED.*

The above matter is hereby rescheduled to the \_\_\_\_\_ day of \_\_\_\_\_,

200\_\_ in Courtroom NO. \_\_\_\_\_ at \_\_\_\_\_ .m.

BY THE COURT:

\_\_\_\_\_ J.

(b) The form of request for continuance, of matters listed before a Custody Conciliator, Support Hearing Officer or Master in Divorce, required by C.C.R.C.P. 1920.72.(A)(a) shall be substantially in the following form:

(1)

\_\_\_\_\_: IN THE COURT OF COMMON PLEAS  
Plaintiff  
: CHESTER COUNTY, PENNSYLVANIA  
vs : NO.  
\_\_\_\_\_: [DIVORCE] [CUSTODY][SUPPORT]  
Defendant

**MOTION FOR CONTINUANCE**

I, \_\_\_\_\_, Esquire, attorney for Plaintiff/Defendant (or pro se Plaintiff or Defendant), move for a continuance of the \_\_\_\_\_ (specify type of hearing or conference) scheduled for \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ a.m./p.m. before Master \_\_\_\_\_ for the following reason(s):

- 1.
- 2.

I certify that I served the opposing party/counsel, \_\_\_\_\_ (name), on \_\_\_\_\_ (date) by \_\_\_\_\_ (mail/fax/email) with a copy of this motion and attempted to resolve the issue with opposing party/counsel before filing this motion. The opposing party/counsel AGREES/DISAGREES (circle one) to the relief sought in the motion and REQUESTS/DOES NOT REQUEST (circle one) a conference call with the Master or Conciliator. I understand that the agreement of the counsel/parties does not mean the continuance will necessarily be granted. The opposing party/counsel shall submit any relevant information opposing the request to the Master/Conciliator in writing within twenty-four (24) hours of service of the motion.

\_\_\_\_\_  
Attorney for Plaintiff/Defendant; Pro Se  
Telephone # \_\_\_\_\_

**DISPOSITION OF CONTINUANCE REQUEST**

The continuance is: \_\_\_\_\_ GRANTED; New date: \_\_\_\_\_  
\_\_\_\_\_ DENIED.

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

\_\_\_\_\_  
Master/Conciliator

*(2) Motions for continuance/objections may be faxed. Faxes shall be directed to the appropriate department for consideration.*

*(c) The form of Rule to Show Cause as required by Pa.R.C.P. 206.6, in Family Matters shall be substantially in the following form:*

|           |                                |
|-----------|--------------------------------|
|           | : IN THE COURT OF COMMON PLEAS |
| Plaintiff | : CHESTER COUNTY, PENNSYLVANIA |
| vs        | : NO.                          |
|           | : CIVIL ACTION - LAW           |
| Defendant | : IN                           |

**RULE**

*AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, upon consideration of with Petition for \_\_\_\_\_, a Rule is issued upon the Respondent, \_\_\_\_\_, to show cause, if any he may have, why the prayer of the Petition should not be granted.*

*Rule Returnable the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, with hearing the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_ at \_\_\_\_\_ a.m. in Courtroom No. \_\_\_\_\_, Chester County Courthouse, West Chester, PA.*

*The respondent is advised the well-pled facts of the Petition shall be deemed admitted unless a response specifically denying same is filed by close of court on or before the rule returnable date as set forth above.*

**BY THE COURT:**

\_\_\_\_\_

## **Custody Mediation**

Rule 1940.3.A. Order for Orientation Session and Mediation. Selection of Mediator.

(a) All Complaints for Custody or Petitions to Modify Custody shall be referred to mediation. The mediator shall be assigned to the case at the time the custody conciliation conference and the parenting classes are scheduled. All parties shall call the assigned mediator within three (3) days of receiving the Complaint for Custody or Petition to Modify.

(b) All parties shall attend a custody mediation orientation, unless otherwise excused under this rule.

(c) An orientation session shall not be required if a party or a party's child is or has been the subject of a Protection from Abuse Order within 24 months preceding the filing of the action.

(d) The Family Court Administrative Office shall maintain a list of custody mediators who have satisfied the requirements of C.C.R.C.P. 1940.4.A. The list of custody mediators shall be made available, upon request, to all parties and counsel.

(e) In the event the parties agree to additional mediation at the conclusion of the orientation session, 42 Pa.C.S.A. 5949 shall govern confidentiality and admissibility issues.

Rule 1940.4.A. Minimum Qualifications of the Mediator.

(a) A mediator must meet the following minimum requirements:

(1) hold a postgraduate level degree in law, or a mental health field such as psychiatry, psychology, counseling, or family therapy;

(2) have successfully completed a 40-hour basic mediation training in a family law, approved by the Association for Conflict Resolution ("ACR"), or its successors, the Academy of Matrimonial Lawyers, or substantial equivalent;

(3) provide written proof that the mediator maintains a current policy of Professional Liability Insurance; which includes mediation as covered practice area;



(4) complete twenty (20) hours of additional mediation training every two (2) years, effective January 1, 2002. For the purposes of this rule, additional training shall include advanced mediation training, ongoing supervision by or consultation with an Advanced Practitioner level member of ACR or substantial equivalent, or by a professional mediation trainer.

(b) Mediators shall submit an application and an application fee in the amount of \$100.00 to the Court [or its designee]. Mediators shall be required to renew their registration every two years and to pay a bi-annual renewal fee of \$70.00. The Court has designated *MediationWorks* or its successors to administer the application and registration process.

(c) The Court, upon its own motion or the motion of *MediationWorks* or its successors, shall have the authority to decertify any Chester County custody mediator who has not complied with any provision of these Rules.

#### Rule 1940.5.A. Duties of the Mediator.

(a) At the orientation session, the mediator must inform the parties in writing of the following:

(1) the costs of mediation;

(2) the process of mediation;

(3) that the mediator does not provide legal advice, therapy or counseling to either or both of the parties;

(b) The primary focus of all custody mediation shall be the best interests of the children.

(c) The parties may mutually agree that the mediator include the parties' children or other persons to participate in the mediation process.

(d) At the conclusion of the mediation session, the mediator shall submit a written report to the Family Court Administrative Office.

#### Rule 1940.6.A. Termination of Mediation

(a) Mediation, if undertaken after the initial orientation session, shall terminate upon the earliest of the following:

- (1) a written agreement between the parties on all custody issues;
- (2) a written agreement between the parties that mediation be terminated;
- (3) a partial written agreement between the parties concerning custody issues and a determination by the mediator that further mediation will not resolve the remaining issues;
- (4) a written determination by the mediator that the parties are unable to reach an agreement through mediation or that the proceeding is inappropriate for mediation; or
- (5) a refusal of one of the parties to continue with the mediation.

(b) If the parties reach a complete or partial agreement regarding custody at the mediation, the mediator shall promptly prepare and transmit to the parties and their attorneys, if any, a Temporary Custody Order, setting forth the terms of the parties' agreement. In no event shall any such Temporary Custody Order be binding on the parties unless and until it is incorporated into a written agreement signed by the parties.

**(c) If the parties reach an agreement regarding custody at mediation, the mediator shall advise them that they may review the Temporary Custody Order with an attorney. If the parties wish to review the Temporary Custody Order with their attorneys, the order shall not be signed, by the parties, at mediation. The mediator shall provide the parties with a copy of the Temporary Custody Order. The attorneys must finalize and submit the signed Temporary Custody Order to the Family Court at least five (5) days prior to the scheduled custody conciliation conference in order for the conference to be cancelled.**

(d). The parties may agree to waive review by their attorneys and to sign the Temporary Custody Order at the mediation. If the parties sign the Temporary Custody Order at mediation, the mediator shall submit the signed Temporary Custody Order to the Family Court at least five (5) days prior to the scheduled custody conciliation conference in order for the conference to be cancelled.

Note: Rule 1940.7 has been subsumed by C.C.R.C.P. 1940.3.A.

#### Rule 1940.7.A. Mediator Compensation.

Mediators shall be compensated for their orientation services at the rate of \$75.00 per hour. Unless otherwise ordered, the rate established for the custody mediation orientation session shall be divided between the parties.

Note: Rule 1940.7. has been subsumed by C.C.R.C.P. 1940.5.A.

Note: Rule 1940.8 has been moved in its entirety to C.C.R.C.P. 1940.7.A. to coincide with the Pennsylvania Rules of Civil Procedure.

Rule 1940.8.A. Sanctions.

On its own motion or the motion of a party, the Court may impose sanctions against any party or attorney who fails to comply or causes a party not to comply with these mediation rules. Sanctions may include an award of mediation costs and attorney's fees, including those incurred in the filing and presentation of the motion for sanctions, as well as a finding of contempt. The Custody Conciliation shall not be delayed, however, by a party's refusal or failure ~~in~~ to attend the mediation orientation sessions.

Note: Rule 1940.8 has been subsumed by C.C.R.C.P. 1940.3.A.

Note: Rule 1940.9 has been moved in its entirety to C.C.R.C.P. 1940.8.A. to coincide with the Pennsylvania Rules of Civil Procedure.

Rule 1940.10.A. Evaluation of Custody Mediation Orientation Program.

(a) The court [or its designee] may evaluate the mediation orientation program annually.

(b) The President Judge may appoint a judge of the Court to oversee and implement the program consistent with the Chester County Rules of Civil Procedure, including, but not limited to, implementing and monitoring the program consistent with Paragraph (a) above.

Note: Rule 1940.12 has been subsumed by C.C.R.C.P. 1940.3.A.

Rule 1940.11.A. Ex Parte Communications

Counsel and/or the parties shall not engage in or participate in ex parte communications with the mediator regarding substantive issues which relate to the mediation. Communications regarding scheduling are not subject to this rule.

Rule 1940.12.A. Removal of Mediator from Court List.

(a) A mediator may be removed from the court list for the following reasons:

(1) Failure to maintain current mediation qualifications as set forth in C.C.R.C.P. 1940.4.A.

(2) Failure to file mediator's reports with the court in a timely manner;

(3) Repeated and consistently negative reports about the mediator.

(b) Procedure for Removing a Mediator from the Court List

(1)

(i) Complaints regarding a mediator shall be in writing and be sent to the Family Court Administrator for submission to the Court.

(ii) All complaints shall be considered confidential in nature.

(2) The Court, in its discretion, may decide whether to remove a mediator or recommend additional training or other remedial steps.

(3) If remedial steps are recommended, the mediator may be suspended during the time needed for additional training but shall not be removed from the list unless the mediator fails to amend the situation to the satisfaction of the Court.