

Actions in Custody

1915.1 Definitions

“Conciliator” shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the Court.

“Conciliation Conference” shall be a prehearing negotiation meeting conducted under the auspices of the Court by the Conciliator.

“Evidentiary Hearing” shall be an evidentiary hearing before a judge of the Court of Common Pleas of Monroe County.

“Program” shall be the Monroe County Co-Parent Education Program.

“Provider” shall be the provider of the Monroe County Co-Parent Education Program.

1915.3 Commencement of Action. Complaint. Order. Fees.

(a) All Complaints for custody, partial custody, visitation or modification of custody, and contempt of a custody order and all Motions for Conciliation Conference shall be filed with the Prothonotary and shall be forwarded promptly to the Court Administrator.

Complaints and Motions for Conciliation Conference shall be accompanied by a Scheduling Order and by the Co-Parent Information and Registration forms in the form set forth at Rule 1915.15 below.

(b) Upon the filing of any complaint, petition or motion relating to child custody, partial custody or visitation, the moving party shall pay a fee to the Prothonotary (in addition to the fees required by 43J.D.R.C.P. 1940.5) in an amount set forth in the fee schedule adopted by the Court.

1915.3-1 Co-Parent Education Program

1. In all custody actions, including initial complaints, petitions for modification and contempt, the adult parties shall attend and complete the four hour program entitled Co-Parent Education Program.

2. The parties shall register for the Program using the Registration Form set out in these Rules and served with the Complaint. The moving party must register for the Program within fifteen days after filing the Complaint or Motion for Conciliation Conference and must complete the Program within sixty days of such filing. The responding party must register for the Program within fifteen days after service of the Complaint or Motion for Conciliation Conference and must complete the Program within sixty days of registration. The Provider shall certify the parties' attendance by filing a Certificate of Attendance with the Prothonotary.

3. No Evidentiary hearing shall be held until all parties have attended and completed the Program unless the requirement is waived by the Court for good cause shown.

4. Failure to comply with the Co-Parent Education Order may result in the Court's taking any appropriate action, including sanctions and/or contempt.

1915.4-1 Conciliation Conference

1. All parties and all children specifically ordered to attend shall attend the Conciliation Conference. At the Conciliation Conference, the Conciliator shall meet with the parties and their counsel to conciliate all claims and may meet with the children if deemed appropriate in the discretion of the Conciliator. The Conciliator shall also screen for referral of the appropriate cases to mediation.

2. To facilitate conciliation and to encourage frank, open and meaningful exchanges between the parties and their counsel, statements made by the parties, children, counsel or the Conciliator at the conciliation conference shall not be admissible as evidence in court. The Conciliator shall not be competent to serve as a witness for or against any party nor shall there be any testimony taken at the Conciliation Conference. The Conciliator shall not be subject to subpoena to compel testimony regarding information revealed at the Conciliation Conference.

3. Promptly following the Conciliation Conference, the Conciliator shall file a Recommendation with the Court setting forth the terms of a Consent Agreement reached by the parties or setting forth a recommendation for a Temporary Order that may include a requirement that the parties undergo a specific period of counseling with a licensed psychologist or a certified mediator. In appropriate cases, the Conciliator may recommend mediation pursuant to P.A.R.C.P. 1940.1 et seq.

4. Where it appears that the resolution of the matter will require an evidentiary hearing, the Conciliator shall recommend family social studies. The Agency issuing the family social study shall mail the written study to the judge and to counsel of record for the parties or to the parties if there are no attorneys of record, pursuant to Pa.R.C.P.1915.8.

5. Where it appears that the resolution of the matter will require an evidentiary hearing, the Conciliator may make any additional recommendations for mental health evaluations, drug and alcohol evaluations, the appointment of experts, guardians ad litem or counsel for the child or for any other prehearing matters the Conciliator deems necessary or appropriate.

6. No exceptions may be taken from the Recommendation of the Conciliator.

1915.5 Motions and Petitions

1. Motions for the scheduling of a Conciliation Conference shall be in accordance with 43 J.D.R.C.P. 206(a).

1915.8 Disclosure of Expert Evaluations

A party to a custody, partial custody or visitation action shall not disclose the contents of an expert report pursuant to Pa. R.C.P. 1915.8, including home study evaluations, mental and physical evaluations, and drug and alcohol evaluations, to anyone except their attorney. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in a finding of contempt and sanctions.

1915.10 Evidentiary Hearing

Upon the completion of all Family Social Studies and any evaluations ordered by the Court, either party may move for an evidentiary hearing that shall be held before a Judge of the Court. The motion for evidentiary hearing shall be filed with the Prothonotary and shall be accompanied by a proposed Order scheduling a prehearing conference and the evidentiary hearing in accordance with the form set forth in Rule 1915.15 below. Prior to any evidentiary hearing, counsel to the parties shall appear for a prehearing conference to be scheduled by the assigned judge. Parties need not attend prehearing conferences but shall be available for consultation by telephone.

1915.12 Civil Contempt for Disobedience of a Custody Order

Petitions for contempt shall be filed in the Office of the Prothonotary in accordance with 43 J.D.R.C.P. 1915.3(a) and may be scheduled for a conference before the Conciliator. If the contempt matter is not resolved at conference, then the Conciliator shall refer the matter to the Judge for appropriate action.

1915.15 Forms

1. The Scheduling Order on Complaints and Motions for Conciliation Conferences shall be in the form attached hereto.
2. The Co-Parent Information and Registration forms shall be in the forms attached hereto.
1. The Order for prehearing conference and final hearing shall be in the form attached hereto.