

**LEHIGH COUNTY COURT OF COMMON PLEAS
FAMILY COURT DIVISION
RULES OF COURT**

Actions for Support *Effective Dec. 29, 2014*

Rule 1910.6 Notification. Entry of Appearance

An attorney who attends a support conference or hearing on behalf of a party shall first file a Praecipe for Entry of Appearance with the Domestic Relations Section. The Entry of Appearance shall continue for all aspects of the support action.

Rule 1910.12 Hearing. Exceptions. Continuance

Support actions shall proceed in accordance with the alternative hearing procedure set forth in Pa. R.C.P. 1910.12.

(d) (1) If the moving party fails to appear for the hearing, the hearing officer, upon agreement of the appearing party, shall:

- a) make the Interim Order a Final Order or
- b) dismiss the pleading.

(2) If the non-moving party fails to appear for the hearing, the hearing officer shall proceed with the hearing.

(3) Evidence to be received by the hearing officer pursuant to Pa.R.C.P. 1910.12(d) shall include financial information gathered through the regularly conducted business of the Domestic Relations Section, including, but not limited to income tax returns, wage, employment, and asset information.

(e) Information on the procedure for filing exceptions and the costs associated therewith shall be sent with the proposed order and report of hearing officer to counsel of record and to each party.

(f) Upon the filing of exceptions, an order shall issue:

- (1) scheduling the matter for argument within 45 days and
- (2) directing the party filing exceptions to obtain a hearing transcript.

(h) Failure to comply with the provisions of this rule or the provisions of the order set forth in section (f) above may subject a party to:

- (1) dismissal of the exceptions,
- (2) a finding of contempt after notice and hearing, and imposition of appropriate sanctions.

(l) Applications for Continuance

Applications for continuance shall be made by the attorney of record or a self-represented litigant on the Domestic Relations Section Application for Continuance form.

(1) An application for continuance for any matter scheduled before a conference officer shall be presented to the director of the domestic relations section for decision. Any party dissatisfied with the decision of the director may seek further relief from the family/miscellaneous motions judge.

(2) An application for continuance for a hearing before a hearing officer shall be presented to the hearing officer for decision. Any party dissatisfied with the decision of the hearing officer may seek further relief from the family/ miscellaneous motions judge.

(3) An application for continuance for a matter scheduled to be heard by a judge shall be presented to the assigned judge, or if the matter is not assigned to a judge, to the family/miscellaneous motions judge.

Actions for Custody *Effective July 27, 2015*

Rule 1915.3 Commencement of Action. Complaint. Order. Co-Parent Education.

(a) Prior to filing a complaint, petition for modification, or petition for contempt, the moving party shall obtain a scheduling order from Family Court Administration which shall direct the appearance of the parties for a mandatory office conference at Room 325, Lehigh County Courthouse, 455 W. Hamilton St., Allentown, PA 18101.

(b) Voluntary mediation shall be offered, except where there are allegations of domestic violence.

(f) If the case has been assigned to a judge, the name of the assigned judge shall be stated in the caption of all pleadings or filings.

(g) All parties to a custody action shall complete a program entitled Co-Parent Education Program, hereinafter referred to as COPE.

(1) Plaintiff shall register for and attend COPE within sixty days of filing the complaint. Defendant shall register for and attend COPE within sixty days of service of the complaint.

(2) Failure to comply with an Order to attend COPE may result in a finding of contempt and appropriate sanctions.

Rule 1915.4 Prompt Disposition of Custody Cases. Attorney Appearance. Continuance.

(a) Complaints for custody, petitions for modification, and petitions for contempt shall be scheduled for an office conference, except where agreements have been reached in mediation. Conferences shall proceed in accordance with Pa. R.C.P. 1915.4-2(a) and Lehigh County Rule of Civil Procedure 1915.4-2(a).

(b) If an agreement is not reached at the conference,

- (1) Claims for partial physical custody shall be scheduled for hearing before a hearing officer in accordance with Pa. R.C.P. 1915.4-2;
- (2) Claims for contempt shall be scheduled for hearing before a judge; and
- (3) Claims for legal custody and claims for primary or shared physical custody shall be scheduled for trial before a judge.

(f) An attorney shall file a praecipe for entry of appearance with the Clerk of Judicial Records before appearing on behalf of a litigant. The entry of an appearance shall continue in effect for all aspects of the custody action until withdrawn pursuant to Pa. R.C.P. 1012 or Pa. R.C.P. 1930.8.

(g) All applications for continuance shall be made by the attorney of record or self-represented litigant using the Family Court Division Application for Continuance form and presented to Family Court Administration. A party dissatisfied with the continuance decision of a hearing officer or the family court administrator may appeal the decision to the assigned judge, or if no judge is assigned, to the family court motions judge.

Rule 1915.4-1 Alternative Hearing Procedures for Partial Custody Actions.

(a) All claims for partial custody shall be conducted in accordance with Pa. R.C.P. 1915.4-2.

Rule 1915.4-2 Partial Custody. Office Conference. Hearing Record. Exceptions. Order.

(a) Office Conference

- (5) The office conference is a non-record proceeding.
- (b) Hearing
 - (1) If the moving party fails to appear for the hearing, the hearing officer shall dismiss the pleading. If the non-moving party fails to appear for the hearing, the hearing officer shall proceed with the hearing.
 - (2) Information on the procedure for filing exceptions and the costs associated therewith shall be sent with the proposed order and the report of hearing officer to counsel of record and to each party. Upon the filing of exceptions, Family Court Administration shall issue an order scheduling the matter for argument within 45 days and directing the party filing exceptions to obtain a hearing transcript.
- (c) Participation in conference and hearing
 - (1) Parties shall attend the conference and hearing. Children shall not attend unless directed to do so by the hearing officer *sua sponte* or upon written request of either party. A request to participate by telephone shall be made in writing to the assigned hearing officer and shall only be granted upon good cause shown.

Rule 1915.4-3 Primary Custody. Non-Record Proceedings. Trial.

(c) If an agreement regarding legal custody or primary or shared physical custody is not reached at the conference, the hearing officer shall prepare a memorandum for the court and parties setting forth relevant information about the parties and a summary of the information presented at the conference.

Rule 1915.7 Consent Order.

(a) A written agreement for custody may be presented to Family Court Administration for a consent order under this Rule.

Rule 1915.8 Physical and Mental Examination of Persons.

(e) A party to a custody action shall not disclose the contents of an expert report prepared pursuant to Pa. R.C.P. 1915.8, including home study evaluations and physical, mental, drug and/or alcohol evaluations, to anyone except his/her attorney, another party, or an expert consultant. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in sanctions. An attorney who provides such a report to a party whom he represents, or the custody hearing officer who provides such a report to an unrepresented party, shall advise the party in writing of the limits on disclosure imposed by this rule.

(f) All home study evaluations and physical, mental, drug and/or alcohol evaluations filed with the court shall be sealed by the Clerk of Judicial Records and shall be unsealed only by an order of court.

Rule 1915.12 Civil Contempt for Disobedience of Custody Order.

(a) Prior to filing a petition for civil contempt, the moving party shall obtain a scheduling order from Family Court Administration which shall direct the appearance of the parties for office conference at Room 325, Lehigh County Courthouse, 455 W. Hamilton St., Allentown, PA 18101.

(b) Parties shall attend the conference; children shall not attend unless directed to do so by the hearing officer *sua sponte* or upon written request of either party. A request to participate by telephone shall be made in writing to the assigned hearing officer and shall only be granted upon good cause shown.

(c) If the contempt matter is not resolved at the conference, it shall be scheduled for a hearing before a judge.

Rule 1915.13 Special Relief.

(a) A petition for special relief requires the simultaneous filing of either 1) a complaint for custody when the petition seeks to establish custody or 2) a petition for modification when the petition seeks to change an existing custody order. The

complaint or petition for modification shall be scheduled in the normal course of operations.

(b) A party seeking special relief may present a petition to Family Court Administration for scheduling or present a petition pursuant to Lehigh County Rules of Civil Procedure.

(c) The party seeking relief shall serve the filed petition and file proof of service prior to the hearing in accordance with Pennsylvania Rules of Civil Procedure.

(d) Relief granted without notice of hearing to the opposing party or parties shall be an interim order. The court shall direct the scheduling of a hearing after notice is provided to the opposing party.

Rule 1915.17 Relocation.

(e) Prior to filing a Petition to Confirm Relocation pursuant to Pa. R.C.P. 1915.17(e), the moving party shall obtain a date and time for hearing from Family Court Administration.

(f) Any party requesting a hearing as set forth in Pa. R.C.P. 1915.17 (f), (g), or (h) shall, in addition to the requirements of the Rule, file a Request for Relocation Hearing on forms provided by Family Court Administration. The parties shall initially be directed to appear for conference before a custody hearing officer.

Actions for Divorce / Annulment *Effective Aug. 17, 2015*

Rule 1920.2 Venue.

(d) A party who enters an appearance in order to file Preliminary Objections to venue in an action for divorce or annulment shall not be deemed to be participating in the proceedings for purposes of Pa. R.C.P. 1920.2(a)(2)(ii).

Rule 1920.31 Joinder of Related Claims. Child and Spousal Support. Alimony. Alimony Pendente Lite. Counsel Fees. Expenses.

(a)(3) Where a claim for spousal support and/or alimony pendente lite is made in a complaint for divorce or annulment or in a counterclaim thereto, the party filing a pleading containing such a claim shall:

(i) file at the Domestic Relations Section a time-stamped copy of the pleading and proof of service thereof, a praecipe for conference, and the Domestic Relations data sheet, and

(ii) serve a copy of the request for conference on the opposing party, or if represented, on the attorney of record in the action for divorce or annulment.

(e) The divorce master shall be appointed to consider petitions seeking interim counsel fees and expenses. Such petitions shall be filed with the Clerk of Judicial Records and a time-stamped copy sent to the master.

(1) In addition to the information required to be submitted pursuant to Pa. R.C.P. 1920.31(a)(1), the petition shall include written estimates as to the amounts requested for interim counsel fees and expenses and the basis for the requests.

(2) All averments contained in such petitions shall be deemed denied. However, the respondent shall have a period of twenty (20) days in which to file an answer, which shall be filed and a time-stamped copy sent to Family Court Administration.

(3) The matter shall be scheduled for a non-record conference with the master. After consideration of the petition, the answer, supporting documentation, and argument, the master shall prepare a recommended Order addressing the petition.

(4) A recommended Order which is not based upon agreement of the parties shall provide for twenty (20) days from the filing, during which time either party may file exceptions and demand a hearing de novo before the Court. A time-stamped copy of exceptions filed shall be provided to Family Court Administration for scheduling.

(f) The master shall be appointed to consider petitions for modification of post-divorce alimony. Such petitions shall be filed with the Clerk of Judicial Records and a time-stamped copy sent to Family Court Administration.

(1) The matter shall be scheduled for conference. If the petition is not resolved during the conference, a record hearing shall be scheduled before the master.

(2) The notes of testimony shall be transcribed and a report shall be generated by the master as soon as administratively possible following the hearing.

(3) Either party may file exceptions to the report of the master within twenty (20) days from the date the report is filed of record.

(4) A time-stamped copy of any such exceptions filed shall be provided to Family Court Administration to schedule for argument before a judge and to set a briefing schedule.

Rule 1920.42 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) Divorce. Counter-affidavit.

(f) The court record shall be reviewed by court review officers, who shall be practicing attorneys designated by the Court.

Rule 1920.43 Special Relief

(c) A petition for special relief shall be filed with the Clerk of Judicial Records, and a time-stamped copy delivered to Family Court Administration for scheduling. The master may be appointed to consider such petitions.

Rule 1920.51 Hearing by the Court. Appointment of Master. Notice of Hearing.

(f) A Motion for Appointment of a Master as required by Pa. R.C.P. 1920.33 shall be filed with the Clerk of Judicial Records and a time-stamped copy sent to Family Court Administration.

(1) Upon appointment, the master shall schedule an initial conference with counsel for the parties, or with self-represented parties.

(2) At the initial conference, counsel and/or the parties shall supply the master with background information for the case, a list of remaining discovery needs, and suggestions as to an appropriate track for resolving the issues in the case.

(3) Following the initial conference, if appropriate, the master shall prepare a recommended Order directing additional discovery, setting appropriate deadlines and scheduling the matter for further proceedings. Any party dissatisfied with all or any part of a recommended Order may file a written demand for review by the Court pursuant to the remedy and procedure set forth in the Order.

Rule 1920.55-1 Alternative Hearing Procedures for Matters Referred to a Master.

Pursuant to Pa. R.C.P. 1920.55-1(b), Lehigh County has adopted the procedure set forth in Pa. R.C.P. 1920.55-2 for all divorce/annulment proceedings referred to a master.

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

The party filing exceptions shall provide a time-stamped copy to Family Court Administration to schedule argument before a judge and to establish a briefing schedule.