

RULES OF THE COURT OF COMMON PLEAS OF LEBANON COUNTY

FAMILY DIVISION

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RULES OF THE COURT OF COMMON PLEAS
LEBANON COUNTY

FAMILY DIVISION

RULE 52-FD-1900-GENERAL

- A. All matters involving actions for Protection from Abuse, Support, Custody, Partial Custody and/or Visitation of Minor Children, Divorce or Annulment of Marriage shall be brought in the Family Division of the Court of Common Pleas of Lebanon County.
- B. All actions and legal documents shall be filed in the manner required by the Prothonotary of Lebanon County, **or in matters of support, as required by the Domestic Relations Section of Lebanon County.**
- C. These rules shall be interpreted as supplementing the Rules of Civil Procedure governing domestic actions (Pa.R.C.P. 1900 et seq.).

ACTIONS PURSUANT TO PROTECTION FROM ABUSE ACT

RULE 52-FD-1901.3-COMMENCEMENT OF ACTION

Petitions requesting protection under the Protection from Abuse Act may be initiated pro se. Any individual desiring to file a pro se petition for Protection from Abuse shall have access to the appropriate petition forms and assistance in filing in the Court Administrator's Office or other designated location in the Municipal Building of Lebanon County.

ACTIONS FOR SUPPORT

RULE 52-FD-1910.4 COMMENCEMENT OF ACTION

- A. All pleadings and legal papers filed involving child support, spousal support, or paternity shall be filed in duplicate with the Domestic Relations Section.
- B. If a claim for child or spousal support is raised ancillary to divorce litigation, it shall be referred to the Domestic Relations Section for

disposition, and it shall be controlled by the procedural Rules governing child or spousal support claims made not ancillary to divorce litigation. **The party or attorney filing a complaint in Divorce with claims for child or spousal support shall file a separate complaint for child or spousal support with the Domestic Relations Section.**

RULE 52-FD-1910.10 – ALTERNATIVE HEARING PROCEDURES

- A. The Court of Common Pleas of Lebanon County adopts the alternative hearing procedure set forth in Pa.R.C.P.1910.12.
- B. The Court shall appoint a minimum of one Domestic Relations Hearing Officer who shall hear all cases involving claims for support. The Domestic Relations Hearing Officer list shall consist of one or more members of the Bar of this Court experienced in family law who shall serve at the pleasure of the Court.
- C. Proceedings before a Domestic Relations Hearing Officer shall be on the record and recorded by a Court Reporter employed by the Court of Common Pleas. The notes of testimony shall not be transcribed unless: (1) required by the Domestic Relations Hearing Officer to prepare the report and recommendation to the Court; or (2) ordered by the Court following the filing of exceptions.
 - (a) It shall be the responsibility of the party first filing exceptions to obtain an order directing the transcription of the notes of testimony if desired. The party filing the exceptions shall bear the costs of the original transcript.
 - (b) If both parties file exceptions, the cost of the original transcript shall be borne by the parties equally. Nothing herein shall prevent the Court from thereafter reallocating the cost of the transcript as part of a final order.
 - (c) Should neither party request a transcript, exceptions shall be decided by the Court on the basis of the record provided.

RULE 52-FD-1910.12 –

A. Court Calendar

The Court shall sit for the purpose of conducting Domestic Relations Hearings and Oral Argument in accordance with the annual Court calendar.

B. Argument on Exceptions

After hearing, if Exceptions are filed to the Recommendations of the Domestic Relations Hearing Officer, the Court shall hear argument upon the Exceptions in accordance with Pa.R.C.P. Rule 1910.12(h); except that upon written Stipulation of counsel, or the parties if unrepresented, Oral Argument upon Exceptions may be waived.

RULE 52-FD-1910.16-COSTS

- A. In all proceedings, the Domestic Relations Hearing Officer may make a determination as to the parties' liability for payment of costs or allocation thereof which shall be included in the recommendation.
- B. In matters requiring disposition following lodging of Exceptions, the Court may assess costs accordingly, which may include costs for the preparation of the transcript of the hearing before the Domestic Relations Hearing Officer.
- C. Compensation of the Domestic Relations Hearing Officer shall be as established by Administrative Order.

**ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF
MINOR CHILDREN**

**RULE 52-FD-1915.4-2 – REFERRAL OF COMPLAINT AND PROPOSED
ORDER FOR CUSTODY CONCILIATOR**

- A. The Court shall appoint at least two (2) custody conciliators who shall hear all cases involving claims for custody. The custody conciliator

list shall consist of at least two (2) members of the Bar of this Court experienced in family law who shall serve at the pleasure of the Court.

B. Upon being filed with the Prothonotary, a complaint relating to child custody and/or visitation shall be accompanied by a proposed order for appointment of a Custody Conciliator and thereafter served upon the opposing party(ies). The Conciliator shall forthwith set the time, date and place for a Conciliation Conference.

C. Deposits for fees and costs.

(1) Upon filing a complaint with proposed Order for the Appointment of a Custody Conciliator, the moving party shall deposit with the Prothonotary a fixed sum to be set by Administrative Order.

(a) Parties proceeding *In Forma Pauperis* are exempt from payment of this sum.

(2) To assure prompt payment for the services of the Conciliator, an additional deposit may be ordered by the Conciliator to be deposited with the Prothonotary. This amount, if any, shall be determined by the Conciliator upon a review of the issues raised in the pleadings, the complexity of the issues, the anticipated length of the hearing and the time estimated to prepare the Summary Report. The Conciliator shall determine how the deposit shall be allocated between the parties and shall fix the deadline for payment. The order shall have the same force and effect as if imposed by the Court. Failure of a party to pay the designated amount by the date set by the Conciliator could be cause for finding that party in contempt of court or the imposition of such other sanctions as may be appropriate.

D. Compensation of the Custody Conciliator shall be as established by Administrative Order.

RULE 1915.4-3 – CONFERENCE AND HEARING BY CONCILIATOR

- A. The Court shall appoint as a Conciliator(s), a member(s) of the Bar of Lebanon County or other appropriate person, as an official of the Court, to:
- (1) Mediate custody matters filed with the Court;
 - (2) Conduct custody conferences;
 - (3) Recommend appointment of counsel for the child when appropriate;
 - (4) Recommend the utilization of home studies and/or expert witnesses including psychiatric and/or psychological evaluations where appropriate;
 - (5) Conduct custody hearings;
 - (6) Prepare agreed interim or final orders for presentation to the Court; and/or
 - (7) Direct payment of any advance costs required as assessed by the Conciliator.
- B. All custody matters shall be promptly scheduled for a conference before the Conciliator. All parties shall be present for such conference. Failure of a party to appear at the conference may provide grounds for the entry of a recommendation of a temporary or permanent order.
- C. At the conference, each party shall provide the Conciliator and each other with the following information, insofar as it is then available:
- (1) A list of all fact witnesses;
 - (2) A list of all expert witnesses;
 - (3) Reports of experts intended to be called as witnesses;
 - (4) All reports from appropriate agencies;
 - (5) Issues for resolution; and

- (6) Estimated length of trial;

Such information shall be updated, as appropriate, any time up to commencement of the full hearing before the Conciliator. Failure to produce the information specified herein at the time of the conference before the Conciliator, may be grounds for excluding the evidence or witnesses at subsequent proceedings.

- D. Following the conference, the Conciliator may present a proposed Interim Order to the Court.
- E. Matters not resolved at the conference shall be scheduled for a full hearing before the Conciliator.
 - (1) At the full hearing all parties, witnesses, experts, reports, exhibits, etc. shall be available. No continuances or extensions shall be granted except in extraordinary circumstances.
- F. To facilitate the mediation process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, any statements made by the parties, or their witnesses, shall not be admissible as evidence in Court and no record shall be made of the proceedings. The Conciliator shall not be a witness at any subsequent proceeding.

**RULE 52-FD-1915.4-5 – CUSTODY CONCILIATION –
POST HEARING PROCEDURE**

- A. **SETTLED CASE:** If, prior to or during the custody conciliation process, the parties are able to reach an agreement, the Conciliator or the parties may submit a stipulation, motion for adoption of stipulation, and a proposed order of court to the Prothonotary. The Prothonotary shall then transmit the file to the Court for disposition of the matter.
- B. **CONTESTED CASE:** Within ten days of the conclusion of the hearing, when the case remains contested, the Conciliator shall

prepare and file a Summary Report. This report shall also become a part of the Court record and upon being submitted to the Court shall also be served upon the parties by the Prothonotary.

- (1) The Summary Report shall include *inter alia*, the following:
 - (a) A synopsis of the facts gathered by the Conciliator during the conference and the hearing.
 - (b) A recommendation by the Conciliator regarding custody of the subject child(ren).
 - (c) A recommendation for allocation of costs and expenses between the parties.
 - (d) The names of counsel for the parties.
 - (e) An estimate of the length of the hearing to be conducted by the Court.
 - (f) A copy of the information provided to the Conciliator as required by Local Rule 1915.4-3C.
 - (g) A proposed order for the adoption of the recommendation before the Court.

- (2) Either party shall be permitted to present a petition with proposed order for a hearing *de novo* before the Court within fourteen (14) days of the date of filing of the Summary Report. The recommendation of the Conciliator shall remain in effect until further Order.
 - (a) If no request for a *de novo* hearing is presented within the time provided, upon motion of the Conciliator, the recommendation of the Conciliator regarding custody shall be adopted as an Order of this Court.

RULE 52-FD-1915.4-6 – NONAPPEARANCE AT HEARING BEFORE CONCILIATOR

- A. If a plaintiff/petitioner fails to appear, without proper cause shown, at the hearing before the Conciliator, and the Conciliator is satisfied that proper notice of the order fixing the hearing has been given to the Plaintiff, he/she shall recommend to the Court that an order be entered dismissing the complaint, which may include a recommendation regarding costs.
- B. If a defendant/respondent or party joined in the case fails to appear, without proper cause shown, at the hearing before the Conciliator, and the Conciliator is satisfied that proper service of the order has been given to the defendant or non-appearing party, it shall be presumed that said party has agreed to a hearing in his absence, and the Conciliator shall proceed to then conduct a hearing and make findings of fact, conclusions of law, and recommend an order to be entered by the Court.
- C. If all parties fail to appear at a hearing before the Conciliator, and the Conciliator is satisfied that proper service has been given to all parties, he/she shall recommend to the Court that an order be entered dismissing the complaint with costs to be assessed to the plaintiff/petitioner.

RULE 52-FD-1915.4-7 – NOTICE OF DISPOSITION BY COURT

The Prothonotary shall give notice forthwith of all final Court Orders to all counsel of record and to parties without counsel of record.

RULE 52-FD-1915.7 - UNCONTESTED CUSTODY

- A. If custody is uncontested, a stipulation, motion for its adoption, and proposed order shall be filed by the parties with the Prothonotary. If custody is raised as an issue in a pending divorce matter, the stipulation shall be filed to the same action number as the divorce.

- B. If there is no divorce action in a particular case, a custody stipulation, motion for its adoption, and proposed order may be filed with the Prothonotary under a new action number if accompanied by the appropriate fees.

ACTIONS OF DIVORCE OR ANNULMENT OF MARRIAGE

RULE 52-FD-1920.51 – DIVORCE MASTERS

- A. **JUDICIAL APPOINTMENT:** Divorce Masters shall be appointed by the Court to hear testimony on all issues, except paternity, custody and support. The Court shall appoint at least two (2) Divorce Masters who shall individually hear all cases involving claims for alimony *pendente lite*, counsel fees and expenses, permanent alimony, and equitable distribution, in addition to the dissolution of the marriage. The Divorce Master list shall consist of at least two (2) members of the Bar of this Court experienced in family law who shall serve at the pleasure of the Court.
- B. **FEES:** Compensation of the Special Master shall be as established by Administrative Order of the Court.
- C. **DEPOSITS FOR FEES AND COSTS:**
- (1) Upon filing a Petition for the Appointment of a Divorce Master, the moving party shall deposit a fixed sum to be set by Administrative Order.
 - (a) Parties proceeding *In Forma Pauperis* are exempt from payment of this deposit.
 - (2) **ESCROW OF ADDITIONAL MONIES:** In order to assure prompt payment for the services of the Stenographer and the Divorce Master, an additional deposit may be ordered by the Divorce Master to be deposited with the Prothonotary. The amount shall be determined by the Divorce Master upon a review of the issues raised in the pleadings, the complexity of the issues, the length of the hearing and the time estimated to prepare the Summary Report. The Divorce Master shall determine and direct how the deposit shall be allocated between

the parties and shall fix the deadline for payment. The directive shall have the same force and effect as if imposed by the Court. Failure of a party to pay the designated amount by the date set by the Divorce Master could be cause for finding that party in contempt of court or the imposition of such other sanctions as may be appropriate.

(3) **ALLOCATION OF COSTS AND EXPENSES:** As part of the recommendation to the Court, the Divorce Master shall make a recommendation for allocation of costs and expenses between the parties.

D. **DUTIES OF MASTER:** The Divorce Master shall set the date for a conference, which shall occur within forty-five (45) days of his/her appointment.

E. **CONFERENCE:** At the conference, each party shall provide the Divorce Master with the following information, insofar as it is then available:

- (1) A list of all fact witnesses;
- (2) A list of all expert witnesses;
- (3) Reports of experts intended to be called as witnesses;
- (4) All reports from appropriate agencies;
- (5) Issues for resolution; and
- (6) Estimated length of trial.

Such information shall be updated, as appropriate, any time up to commencement of the full hearing before the Divorce Master. Failure to produce the information specified herein at the time of the conference before the Divorce Master, may be grounds for excluding the evidence or witnesses at subsequent proceedings.

F. **HEARING:** Within thirty (30) days of the conference, matters not resolved at the conference shall be scheduled for a full hearing before the Divorce Master.

(1) **STIPULATIONS:** An oral stipulation on uncontested issues shall be presented to the Divorce Master at the outset of the hearing.

(2) RECOMMENDATION: Each of the parties shall be accorded thirty (30) days from the conclusion of the hearing to file a written memorandum with the Divorce Master. Thereafter, the Divorce Master shall file a written recommendation covering all issues to the Court within sixty (60) days of the conclusion of the hearing, which shall include a proposed order incorporating the terms of that recommendation. No formal report is required unless exceptions to the recommendation are filed.

(a) As part of the Recommendation or as part of any interim Order, the Divorce Master may recommend payment by either party of alimony *pendente lite*, counsel fees, costs and expenses.

G. EXCEPTIONS

(1) Within ten (10) days after filing of the Divorce Master's Recommendations, any party may file exceptions, which shall include a request for a transcript.

(a) If exceptions are filed the opposing party may file counter exceptions within seven (7) days.

(2) Costs for the transcript shall be deposited as provided by the Pa.Rules of Civil Procedure.

(3) After receipt of the transcript, each party shall be given the opportunity to file briefs within the time required by the Divorce Master.

(4) The Divorce Master shall issue a report concerning all issues to the Court as prescribed by Pa.R.C.P. Rule 1920.53 and within the timeframe provided by the Pennsylvania Rules of Civil Procedure.

(5) At the time of the filing of the report, the Divorce Master shall cause the matter to be listed for Argument before the Court in accordance with the Court Calendar.

- H. CERTIFICATION: In cases where a Divorce Master has been appointed, the record will not be forwarded to the Court for a Final Decree unless a Certification has been filed by the Master verifying that all fees and costs have been paid in full.
- (1) If no exceptions are filed, either party may petition the Court for adoption of the recommendation as a final order of the Court.

RULE 52-FD-1920.56

- A. After the determination of alimony, if the Order directs payment through the Domestic Relations Office, a copy shall be provided to the Prothonotary who shall forward a conformed copy to the Domestic Relations Office.
- B. Any subsequent petition to terminate or modify alimony or alimony *pendente lite* shall be filed in the Prothonotary's office, with a copy provided for forwarding to the Domestic Relations Office.

Rules Number 1901-1923 of the Rules of the Court of Common Pleas of Lebanon County Family Division are specifically repealed as of January 1, 2000.

These Rules shall be effective as of January 1, 2000.