

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND
VISITATION OF MINOR CHILDREN

Rule NCV-1915.1 Scope

These local rules shall be interpreted as supplementing the Rules of Civil Procedure governing custody matters, Pa.R.C.P. 1915.1 et seq. Northumberland County conducts custody proceedings generally in accord with Pa.R.C.P. 1915.4-3.

Rule NCV-1915.3

(a) Commencement of Custody Actions

1. Upon receipt of a custody complaint or a divorce complaint which contains a custody count, the Custody Conference Officer shall set the date, time and place of the initial conference and file a scheduling order with the Prothonotary.
2. Plaintiff(s) shall serve the complaint (if not delivered to the Sheriff) and the scheduling order upon Defendant(s) promptly in accordance with the applicable Rules of Civil Procedure and shall thereafter file a certificate of service with the Prothonotary before or on the date of the scheduled conference.

(b) Subsequent actions (Petitions for Modification or Contempt).

1. In the event there is an existing Order for custody, partial custody, or visitation, any Petition for Contempt or Petition for Modification of Custody shall be filed to the same term and number as the previously entered Order. In addition to the filing fees assessed, an administrative fee for the use of the court of \$50.00 shall be paid to the Prothonotary at the time of filing a petition for modification of a custody order or a petition for contempt of a custody order.
2. Upon receipt of a Petition for Modification or Petition for Contempt, the Custody Conference Officer shall set the date, time and place of an initial conference and file a scheduling order with the Prothonotary.
3. The Petitioner(s) shall serve the petition for modification or contempt and the scheduling order upon the Respondent(s) promptly in accordance with the applicable Rules of Civil Procedure and shall thereafter file a certificate of service with the Prothonotary before or on the date of the scheduled conference.
4. A copy of the most recent custody order shall be attached to the petition for modification or contempt.

(c) All parties in a contested custody case may be required to attend and complete the Kids First program, and each such party is required to pay the required fee for the program.

(d) Parties may also avail themselves of the services of the Susquehanna Valley Mediation Service upon their own arrangements.

Rule 1915.4-3 Custody Conference Officer

- (a) The Custody Conference Officer appointed by the Court shall meet with the parties and their counsel, if any, with a goal of mediating the differences between the parties,

encourage an amicable resolution of their differences and, if appropriate, refer the parties to counseling or other services which may assist the parties and the minor child or children.

- (b) At the conference the Custody Conference Officer shall ascertain the respective positions of the parties and, if necessary, receive testimony from the parties, documentary evidence, medical and other records, and wherever appropriate, statements from the minor children involved in the matter.
- (c) To facilitate the conference process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses, shall not be admissible as evidence in any custody hearing before the court. The Custody Conference Officer shall not be a witness for or against any party in a custody hearing before the court or in any other proceeding whatsoever absent a court order.
- (d) If the parties are able to reach an agreement during the conference resolving all of the issues raised, the Custody Conference Officer shall prepare an order memorializing the agreement, to be forwarded to the court for review. If approved, the order shall be filed with the Prothonotary and copies distributed to counsel, or to any unrepresented party.
- (e) If the parties are unable to reach an agreement during the conference, the Custody Conference Officer shall prepare a Conference Summary Report setting forth the facts ascertained from the conference and outline the issues for resolution by the court. The Conference Summary Report shall be filed with the Prothonotary and copies shall be distributed by the Custody Conference Office to all parties. Whenever necessary, the court may enter an interim order after review of the Conference Summary Report.
- (f) Any matters not agreed upon at the conference is subject to review at a custody hearing before the court. The Custody Conference Officer may schedule a pretrial conference in an initial custody or modification proceeding before a judge, or a party may file a praecipe for a pretrial conference before a judge, in accordance with Pa.R.C.P. 1915.4-4.

Rule 1915.13.1

Petition for Special Relief. Ex Parte Hearing and Temporary Order.

- A. Where a party believes there is an immediate clear and present danger to the child(ren), or an emergency requiring immediate court action, that party may file a petition for special relief. The petition for special relief must be presented as a separate document headed "Petition for Special Relief." The petition shall conform to the requirements of Pa.R.C.P. No. 1915.15, as may be applicable, and must allege facts which clearly specify the clear and present danger to the welfare of the child(ren).
- B. Upon filing the petition for special relief, the Custody Conference Officer or the court may conduct an immediate ex parte proceeding, which shall be held within two (2) business days of the presentation of the petition to the court;
- C. After the ex parte proceeding, the Custody Conference Officer may forward to the court a summary report. The Court will review the Petition and Report and determine if ex parte relief is warranted, and schedule a hearing to be held within 10 days of the ex parte order.
- D. Prior to the hearing before the Court, the petition for emergency custody relief and any temporary emergency order containing notice of the 10-day hearing shall be served on the opposing party by the petitioning party in the same manner as original process. In addition to service on the opposing party, the petitioner shall make reasonable efforts to provide a copy of the documents to an attorney whom the petitioning party reasonably believes may represent the interests of the other party.

AMENDED ORDER

Pursuant to Pa.R.C.P. 239

AND NOW, this ____ day of February, 2016, it is hereby ORDERED that the following local rules are adopted, replacing all existing local rules, practice and procedure (NCV-1915.3-1 through NCV-1920.13), governing custody matters filed in Northumberland County, Pennsylvania, to be effective thirty (30) days after publication in the Pennsylvania Bulletin.

The Deputy District Court Administrator is directly hereby to carry out the requirements of Pa.R.C.P. 239:

- (1) File a certified copy of the local rules with the Administrative Office of Pennsylvania Courts.
- (2) File this Order and text of the new rules with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin by submitting two (2) certified paper copies and one (1) computer diskette or CD-ROM copy which complies with 1 Pa. Code § 13.11(b).
- (3) File one (1) certified copy of the local rule with the Domestic Relations Procedural Rules Committee.
- (4) Arrange to have the local rules continuously available for public inspection in the office of the Northumberland County Prothonotary, the law library, the office of the Custody Conference Officer, and published on the county's web site.

BY THE COURT:

Charles H. Saylor
President Judge