

ADMINISTRATIVE ORDER RE:
LOCAL RULES FOR CUSTODY
EDUCATIONAL PROGRAMMING

:

COURT OF COMMON PLEAS OF
BLAIR COUNTY, PENNSYLVANIA

:

No. 668 Ms, 1998

.....
THOMAS G. PEOPLES, JR.

PRESIDENT JUDGE

.....
ORDER

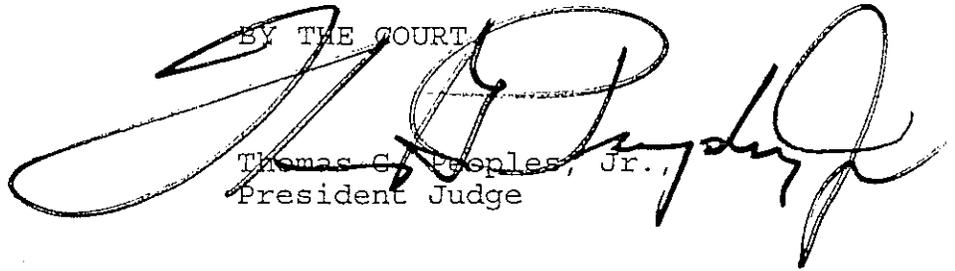
NOW, this 17th day of June, 1998, pursuant to the provisions of Pennsylvania Rule of Civil Procedure No. 239, the Court Administrator of Blair County shall take the following actions for accomplishment of implementation of the Rules of this Court relating to custody educational programming as set forth in this Court's Order of June 17, 1998, in order that said Order might take effect Thirty (30) days following the date of its publication in the Pennsylvania Bulletin:

1. file in the Administrative Office of Pennsylvania Courts seven (7) certified copies of the Order of June 17, 1998;

2. distribute two (2) certified copies of the Order of June 17, 1998, to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin; and,

3. file one (1) certified copy of the Order of June 17, 1998, with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

BY THE COURT



Thomas G. Peoples, Jr.,
President Judge

glh

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FROM THE RECORD CERTIFIED
25 DAY OF June, 1998
Carol A. Newman
CAROL A. NEWMAN
PROTHONOTARY & CLERK OF COURTS

COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

IN RE: CUSTODY EDUCATION
PROGRAM

: No. 668 1/3, 1998

.....
THOMAS G. PEOPLES, JR.

PRESIDENT JUDGE

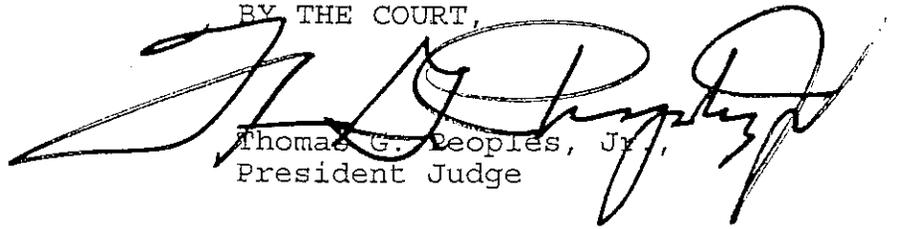
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ORDER

NOW, this 17th day of June, 1998, this Court recognizing that it is both necessary and appropriate to the best interests and welfare of the children who are the subjects of custody proceedings in the Court that the litigants and the minor children in all such proceedings be exposed to a program of education regarding such proceedings and the impact of same upon all who are involved - especially the children - and this Court having given careful study to the design of such an educational program which is now ready for use in all custody proceedings filed on or after the effective date of this Order now provides the following:

IT IS HEREBY ORDERED, DIRECTED AND DECREED

that the Rules For Custody Educational Programming
(attached hereto and made part hereof) are adopted and
shall be applicable to all custody proceedings filed in
this Court after the thirtieth (30) day after the
publication of said Rules in the Pennsylvania Bulletin
as required by the Supreme Court of Pennsylvania.

BY THE COURT,

A large, stylized handwritten signature in black ink, appearing to read 'T. G. Peoples, Jr.', is written over the typed name.

Thomas G. Peoples, Jr.
President Judge

glh

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FROM THE RECORD CERTIFIED

25 DAY OF June 1998

A handwritten signature in black ink, appearing to read 'Carol A. Newman', is written over the typed name.

CAROL A. NEWMAN
PROTHONOTARY & CLERK OF COURTS

COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

CUSTODY EDUCATION PROGRAM RULES

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THOMAS G. PEOPLES, JR.

PRESIDENT JUDGE

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PREAMBLE

It has become evident that the traditional American system of resolving disputes through litigation is an ineffective methodology for achieving permanent resolution of the complex interpersonal difficulties which manifest themselves in custody actions.

Courts throughout Pennsylvania and in many other states have come to recognize that what is needed is a system of dispute resolution that recognizes that children are entitled to a quality relationship with their parents and grandparents and makes possible such resolution with the least stress for the child/children.

It is the intent of this Court to provide to the parties in custody litigation information regarding the availability of alternative dispute resolution methods.

It is the hope of this Court that the parties will take advantage of opportunities for the avoidance of the trauma of litigation and the achievement of a custody arrangement which best serves the children.

Rule 1915.1 (a) Scope

1. These Rules shall be applicable to all actions for custody, partial custody and visitation whether filed as an independent cause of action or as a count in a related proceeding.

2. Any individuals with standing to pursue an action for visitation, partial custody or custody ("Parties") with children from birth to age seventeen (17) shall complete the custody education program for adults known as "Children First" presented by the Altoona

Hospital Drug and Alcohol Services
(hereinafter called Provider).

3. All subject children of a custody action ages six (6) to seventeen (17) shall participate in an interactive group program for children known as "Sandcastles" and conducted by the Provider.

4. Notwithstanding any provision of these Rules, petitions for special relief remain available in accordance with existing custody procedures.

5. Copies of these Rules and program descriptions for any of the Programs shall be available to the Bar and general public at the Office of the District Court Administrator and the Blair County Custody Office.

Rule 1915.3 (a) Filing/Scheduling Procedure

The following procedure shall be utilized to obtain Court orders setting forth mandatory dates for Parties' and Childrens' participation in the programs:

1. at the filing of a divorce complaint containing a count for custody or any complaint for custody, partial custody or visitation, or any other court paper seeking to initiate any proceeding to compel, modify, terminate or otherwise affect contact between Children and Parties (collectively "Custody Action"), the moving party shall attach a copy of the custody notice/scheduling order, accompanied by the program description in form to be published by this Court through the office of the District Court Administrator;
2. the moving party shall serve to all other parties to the action true and correct copies

of the court papers initiating the custody action, the Scheduling Order and the program descriptions in form heretofore mentioned within five (5) days after the date of the Scheduling Order.

In general, the Provider shall schedule separate sessions for parties participating in the "Children First" program.

Notwithstanding any other portion of this Rule, no party shall be compelled to attend any portion of the Programs with the opposing party in cases where either party or child of either party is or has been a subject of domestic violence or child abuse at any time within the past twenty-four (24) months.

3. the moving party shall be solely responsible for filing with this Court's Prothonotary a proof of service indicating the date, time and manner of service of the aforementioned pleadings and documents upon all other parties.

Rule 1915.3(b) Payment of Fees

1. The fee for "Children First" is Forty Dollars (\$40.00) for each participant. Each participant shall pay his/her own fee prior to admittance to the program.

2. The fee for "Sandcastles" is Five Dollars (\$5.00) for each child. Each party shall pay an equal portion of the total fee. Such fee shall be paid prior to admittance to the program.

3. The fees for "Children First" and "Sandcastles" shall be paid directly to the Provider by cash, cashiers' check or money order made payable to the "Altoona Hospital". Payment by credit card may be accepted for telephone registrations. No personal checks will be accepted. Such fees shall be non-refundable.

4. Under extreme circumstances, the Court may consider waiver or reduction of fees for those unable to pay. Any such request must be presented to the District Court Administrator's Office using the IFP (In Forma Pauperis) form available at the District Court Administrator's Office or at the Prothonotary's Office. Such request must be presented to the District Court Administrator's Office at least ten (10) days prior to the date set for the applicable program. The Court will rule on all such requests.

Rule 1915.3(c) Failure to Appear/Pay Fees

1. Should the moving party fail to pay fees as specified herein; fail to appear for "Children First"; or fail to insure that any child within that party's physical custody appears for "Sandcastles", the Custody Action may be dismissed without prejudice and any

filing or program fees paid by such party shall be forfeited.

2. Should a non-moving party fail to pay fees as specified herein; fail to appear for "Children First"; or fail to insure that any child within his/her physical custody appears for "Sandcastles", an immediate rule to show cause why such party should not be held in contempt shall issue from this Court. Such rule will be returnable on a date certain within seven (7) days after the date of issue. Such Party shall then be required to appear in court to show cause why they should not be held in contempt and suffer sanctions for failure to pay or appear. Any party failing to appear in court in accordance with the rule to show cause may have a bench warrant for his or her arrest issued and may be arrested by the Blair County Sheriff's Office and brought before this Court.