

b) All agreements reached at Intake Conference shall be reduced to a Consent Agreement. (FORM 2).

c) If agreement on all issues is not reached, then a temporary agreement may be entered into by the parties and a Conciliation Conference scheduled to further address the unresolved issues.

d) The Conciliation Conference will be conducted by the Custody Conciliator, whose role is to actively engage the parties in reaching a custody agreement using mediation skills and techniques.

Comment - 1998

A Conciliation Conference is informal, with no record created or testimony elicited from parties or witnesses and is scheduled for 1 1/2 hours for one (1) or two (2) sessions as needed. The parties are given the opportunity to present the issues or problems and explore all available options for resolution.

e) A Consent Agreement form will be completed and signed when reached. (FORM 2). Any unresolved issues are to be negotiated to a temporary agreement that the parties can live with or the Conciliator will forward a Referral for Temporary Order to the Court that shall become a final order unless a request for Evidentiary Hearing is filed. The Temporary Order will include all areas of prior agreement.

f) Participation will be limited to the parties and/or their counsel. All participants must act in a cooperative manner and comply with the directives of the person conducting the conference.

g) Any attorney who attends Intake and/or a Conciliation Conference with a client will participate consistent with the following:

- 1) The primary duty of the attorney will be to counsel and advise the client rather than to advocate.
- 2) Attorneys shall fully cooperate with the efforts of the Intake Officer and/or Custody Conciliator to facilitate the agreement of the parties.
- 3) Attorneys shall advise their clients in a manner not disruptive of the conciliation process, which will ordinarily require consulting with the client outside the conference room.
- 4) Counsel shall **at all times** behave in a professional manner and refrain from engaging in hostile or antagonistic conduct directed toward any conference participant.
- 5) Attorneys shall not engage in legal argument except that counsel may advise of legal issues

relevant to the formation of a temporary or recommended order.

6) Counsel shall not attempt to question the other party, present evidence nor otherwise engage in conduct characteristic of an adversarial proceeding.

h) If at any time during the conciliation process a party and/or their counsel engages in conduct inconsistent with the rules or disrupts the conciliation process or interferes with the function of the Blair County Custody Office, the Intake Officer or Conciliator may recess the proceeding, remove the violator and reconvene if appropriate. If a party is removed, an order can be entered in their absence. If an attorney is removed, the party can continue in the process if they so desire. Any violator will be referred to a contempt proceeding.

RULE 1915.21

CUSTODY LITIGATION PROCESS

a) Within ten (10) days from the date of service of a Custody Order, a party may file a request for Evidentiary Hearing form in the Blair County Prothonotary's Office (FORM 3).

1) There is no filing fee required. The request form must be served on the other counsel/party with the specific issues identified for consideration in the

Evidentiary Hearing. The request form shall be forwarded by the Prothonotary to the Court Administrator's Office for a date to be assigned for a prehearing conference before the Hearing Officer.

2) Ten (10) days prior to the prehearing, the parties and/or counsel shall submit to the Court Administrator a prehearing narrative, including but not limited to the following:

- (i) Names and addresses of all witnesses, including experts.
- (ii) Summary of each witness's anticipated testimony.
- (iii) Copies of all exhibits.
- (iv) Anticipated length of trial.
- (v) Proposed custody arrangement for both parties.
- (vi) Requested stipulation of facts.

3) If no prehearing narrative is filed, the offending party may be fined or sanctioned otherwise by the Court.

Comment - 1998

As to 2)(v) Each party shall prepare a parenting arrangement that encompasses time with both parents. The arrangements should be prepared from the perspective that each party would consider either side of the proposal reasonable were they in the position of the other party.

b) The prehearing conference will be conducted by the Blair County Prehearing Officer in preparation for a trial by the parties before a Blair County Judge. The prehearing focuses on identification of contested issues, witnesses to testify, exchange of medical reports, names of any expert witnesses to be called, exhibits and requests for an interview of a child. A time and date for the Evidentiary Hearing will be set and any requirement of the filing of any briefs will also be discussed. A summary will be forwarded by the Prehearing Officer to a Judge in preparation for trial.

c) Before a party can request Special Relief, a complaint for custody must be filed or a Court Order must be in effect. At any time during the custody process, a party may file a Motion for Special Relief setting forth facts as to why the child is in immediate danger of physical injury or serious emotional harm. Where such a motion is filed concerning a temporary or recommended order of custody, the Petitioner must show why the custody arrangement is so harmful to the child to warrant Court intervention apart from the standard custody process.

Comment... 1998

Motions for Special Relief will be screened prior to any hearing scheduled and may be denied without hearing. Special Relief Motions will be scheduled by the Court Administrator. The Petitioner must provide service to the Respondent prior to the case being heard. Special Relief will be decided on oral argument only.

INDEX - FORMS

- FORM 1. Scheduling Order
- FORM 2. Consent Agreement
- FORM 3. Request for Evidentiary Hearing

ADMINISTRATIVE ORDER RE:
LOCAL RULES OF CIVIL PROCEDURE
REGARDING CUSTODY CASES

: COURT OF COMMON PLEAS OF
BLAIR COUNTY, PENNSYLVANIA

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

PRESIDENT JUDGE

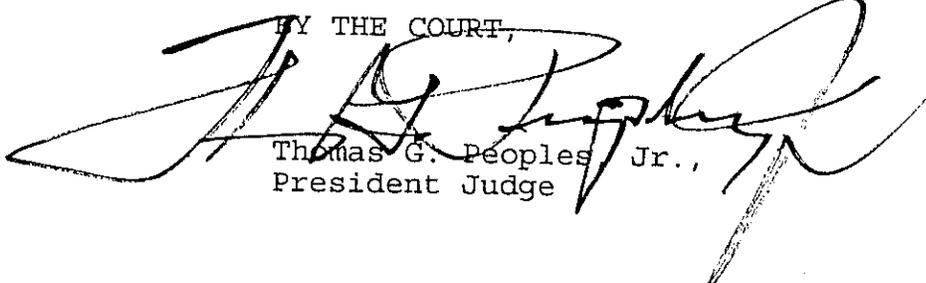
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ORDER

NOW, this 10th day of May, 2001, in furtherance of this Court's concern for orderly and effective processing of custody cases and in recognition of the need to regularly review and improve the Court's rules of procedure of such cases the following Order is provided:

IT IS HEREBY ORDERED, DIRECTED AND DECREED that Rule No. 1915.21(a) (Custody Litigation Process) is revised and changed to provide that:

a) Not later than ten (10) days after the date of service of a custody Order to a party to the action that party may file a request for evidentiary hearing on a form approved and promulgated by the President Judge of the Court which such form shall be available at the Blair County Custody Office.

IT IS FURTHER ORDERED, DIRECTED AND DECREED that this Order shall become effective on the thirtieth (30) day after the publication of same in the Pennsylvania Bulletin as required by the Supreme Court of Pennsylvania.

BY THE COURT,

Thomas G. Peoples, Jr.,
President Judge

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