

1. Custody Education Program Rules

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 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.

A. 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.

B. Rule 1915.3 (a) Filing/Scheduling Procedure

The following procedure shall be utilized to obtain Court orders setting forth mandatory dates for Parties' and Children's' 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 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.

C. 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 Courts 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.

D. 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 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.

2. Custody Process Local Rules

Order

Now, this 9th day of December , 1998, it appearing that this Court should establish procedures which will provide to parties involved in custody cases in the Court the opportunity for access to systems through which resolution of their controversies may be accomplished via mediation and agreement while providing full accessibility to the opportunity for litigation before the Court this Court concludes that the following Order is appropriate.....

A. Rule 1915.3 Commencement of Action. Complaint Order. Order

All actions for custody, partial custody and visitation of minor children, including divorce complaints, shall be commenced by the filing of a verified complaint and scheduling order a required by Pa. R.C.P. 1915.3 and Local Rule 1915.3.

B. Rule 1915.20 Custody Conciliation Process

- a. The parties and/or their counsel shall attend the intake conference which shall be conducted by the Intake Officer or designated individual within approximately forty-five (45) days after the filing of the Complaint or Modification Petition so the parties will have had an opportunity to attend the Children First Program in accordance with Local Rule 1915.3

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The Intake Conference is not a hearing, but an opportunity for parents to reach agreement early in the custody process. No evidence or testimony is presented. The goal of the Intake Conference is (1) to assist the parties in identifying areas of agreement and disagreement and sharing parenting responsibilities and (2) develop a parenting plan that best suits them and their children.

- b. All agreements reached at Intake Conference shall be reduced to a Consent Agreement.
- 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 ½ 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. 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 file. 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, the party can continue in the process if they so desire. Any violator will be referred to a contempt proceeding.

C. Rule 1915.21 Custody Litigation Process – Amended May 10, 2001

a. No 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. (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 pre-hearing conference before the Hearing Officer.
2. Ten (10) days prior to the pre-hearing, the parties and/or counsel shall submit to the Court Administrator a pre-hearing narrative, including but not limited to the following:
 - i. Names and addresses of all witness, 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 pre-hearing narrative is filed, the offending party may be fined or sanctioned otherwise by the Court.

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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 pre-hearing conference will be conducted by the Blair County Pre-hearing Officer in preparation for a trial by the parties before a Blair County Judge. The pre-hearing 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 any 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 Pre-hearing 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 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 to the respondent prior to the case being heard. Special Relief will be decided on oral argument only.