

ADAMS COUNTY COURT OF COMMON PLEAS **RULES OF CIVIL PROCEDURE**

Rule 51. Title and Citation of Rules. Scope.

All civil procedural rules adopted by the Adams County Court of Common Pleas shall be known as the Adams County Rules of Civil Procedure and may be cited as "Adams C.Civ.R. No. ____." These rules shall be read in conformity with the Pennsylvania Rules of Civil Procedure and shall apply to all civil actions, including appeals, brought before the Adams County Court of Common Pleas.

BUSINESS OF COURTS

Rule 205.2(a). Filing Legal Papers with the Prothonotary.

A. Physical Characteristics of Filed Papers

Legal papers submitted to the Prothonotary shall comply with the following requirements of Adams County Rule of Judicial Administration No. 301(A).

B. Caption

The caption shall conform to Pa.R.C.P. No. 1018.

Note: Upon the filing of any paper, it is the duty of the Prothonotary to immediately docket the paper. Counsel may choose to hand carry the paper to the Court Administrator's Office if Court action is required, or may leave the paper with the Prothonotary for daily transmission to the Court.

Rule 205.2(b). Cover Sheet. (Reserved)

Rule 206.1(a). Petitions. Definition.

A. Additional Petitions

In addition to the definition set forth in Pa.R.C.P. No. 206.1(a)(1), the following documents are defined as petitions:

1. An application to withdraw an appearance as attorney of record pursuant to Pa.R.C.P. No. 1012(c).
2. An application for a change of venue pursuant to Pa.R.C.P. No. 1006.
3. An application to intervene pursuant to Pa.R.C.P. No. 2328.
4. An application for name change pursuant to 54 Pa.C.S.A. § 701, et seq.
5. Preliminary objections filed pursuant to Pa.R.C.P. No. 1028(a)(1), (5), or (6).
6. An application pursuant to Pa.R.C.P. No. 2952(9).
7. A petition filed under Adams C.Civ.R. No. 251.

Note: Applications pursuant to Pa.R.C.P. No. 2039 (approval relating to compromise of minor's settlement), Pa.R.C.P. 2064 (relating to compromise of incapacitated person) and Pa.R.C.P. 2206 (relating to wrongful death settlement) are governed by Adams C. Civ. R. 2039, 2064 and 2206.

Rule 206.4(c). Petition. Rule to Show Cause.

A. The procedure set forth in Pa.R.C.P. No. 206.6 is adopted and a rule to show cause shall issue following petition as a matter of course pursuant to that Rule with the exception that no rule will issue for a petition under Adams C.Civ.R. No. 206.1(a)(4). Petitions under Adams C.Civ.R. No. 206.1(a)(4) will be scheduled for hearing by the Civil Business Judge designated by the President Judge.

B. *Form Order.* The petitioner shall attach to all petitions, except those filed under Adams C.Civ.R. No. 206.1(a)(4), a proposed Order in the following form:

**IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY
(Caption)
ORDER**

AND NOW, this ____ day of _____, 200 __, upon consideration of the within petition, it is hereby ordered that:

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the petition within twenty days of service upon the respondent;

(3) The petition shall be decided under Pa.R.C.P. No. 206.7;

(4) An evidentiary hearing on disputed facts, if necessary, and argument shall be held on _____, 200 __, at _____, in Courtroom ____ of the Adams County Courthouse;

(5) The petitioner shall file a brief in support of the petition within thirty (30) days of the date of this Order. Any party opposing the petition shall file a responsive brief within seven (7) days of service of the petitioner's brief. The filing of briefs is not necessary.

(6) Notice of the entry of this order shall be provided to all parties by the petitioner
[In cases where a stay of execution has been requested]

(7) The request for a stay of execution shall be heard by the Court on _____, 200 __, at _____, in Courtroom ____ of the Adams County Courthouse.

BY THE COURT,

J.

C. The Court, in its discretion, may determine that there are extraordinary circumstances justifying immediate relief or modification of the form of the Order or time period set forth therein. Any party to a

petition may move the Court to modify the procedures set forth in the rule to show cause.

D. The Court may decide a request for a stay of execution by telephone or other conference with the parties or their counsel rather than the alternative set forth in the form of the Order.

E. All petitions filed with the Prothonotary's Office shall be docketed and immediately forwarded by the Prothonotary to the Court Administrator's Office who, thereafter, shall forward the petition to the Civil Business Judge designated by the President Judge. Alternatively, petitions, once filed and docketed, may be hand delivered as set forth in the note to Adams C.Civ.R. No. 205.2(a).

F. *Service.* A petition shall be served upon all of the parties to the action contemporaneously with the filing of the petition with the Prothonotary. A Certificate of Service shall be a part of, or attached to, the petition. The Court may excuse prior service in the case of an emergency petition.

Rule 208.1. Motion. Definition. Scope.

A. All applications to the Court for an Order in any civil action or proceeding shall be considered a motion and shall comply with all rules set forth in the Pennsylvania Rules of Civil Procedure and Adams County Local Civil Rules regarding motion practice unless specifically excluded by subparagraph B.

B. Local rules relating to motion practice shall not apply to the following matters:

- i. Petitions as defined by Pa.R.C.P. No. 206.1 and Adams C.Civ.R. No. 206.1(a);
- ii. Preliminary objections which shall be governed by Adams C.Civ.R. No. 1028(c);
- iii. Motions for judgment on the pleadings which shall be governed by Adams C.Civ.R. No. 1034(a);
- iv. Motions for summary judgment which shall be governed by Adams C.Civ.R. No. 1035.2(a);
- v. Motions relating to the conduct of a trial including, but not limited to, motions for non-suit, motions relating to jury selection, and motions to exclude expert testimony pursuant to Pa.R.C.P. No. 207.1;
- vi. Affidavits pursuant to Pa.R.C.P. No. 1066 (relating to actions to quiet title) which shall be governed by Pa.R.C.P. No. 1066 and Adams C.Civ.R. No. 1066;
- vii. Motions in limine which shall be governed by the Court's Order following pretrial conference;
- viii. Applications pursuant to Pa.R.C.P. No. 2039 (approval relating to compromise of minor's settlement), Pa.R.C.P. 2064 (relating to compromise of incapacitated person) and Pa.R.C.P. 2206 (relating to wrongful death settlement) which shall be governed by Adams C.Civ.R. Nos. 2039, 2064 and 2206;
- ix. Any application excluded from the definition of motion by Pa.R.C.P. No. 208.1;
- x. Discovery motions shall be governed by Adams C.Civ.R. No. 208.3(c);
- xi. Motions for the appointment of arbitrators which shall be governed by Adams C.Civ.R. Nos.

1301(a) through 1303(b).

xii. Motions filed in professional liability actions pursuant to Pa.R.C.P. No. 1042.1 et. seq. shall be governed by Adams C.Civ.R. No. 1042.1.

Rule 208.2(c). Motion. Form. Content.

All motions shall identify the applicable procedural rule, statute or other legal authority.

Rule 208.2(d). Motion. Certification. Stipulation.

(A) All motions must include a certification by counsel for the petitioner, or the petitioner, that the motion is uncontested by all affected counsel and unrepresented parties or, in the alternative, that concurrence of all affected counsel and unrepresented parties has been sought or has been unable to be obtained. All uncontested motions shall include a proposed Order on the first page of the motion.

(B) *Stipulated applications for relief.* If the parties agree to the relief sought, the application for a Court Order shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties and a proposed Order.

Rule 208.2(e). Motion. Discovery Certification.

Every motion relating to discovery shall contain a certification by counsel, or the party, that the moving party has conferred or attempted to confer with all interested parties in order to resolve the matter without Court action and, after reasonable effort, has been unable to resolve the issue.

Rule 208.3(a). Motion. Simplified Procedure.

The following "motions" shall be considered by the court without written responses or briefs:

1. Requests for Alternative Service pursuant to Pa.R.C.P. Rule 430;
2. Requests to Proceed In Forma Pauperis (Pa.R.C.P. Rule 240);
3. Any motion certified as uncontested pursuant to Adams C.Civ.R. 208.2(d).

4. The foregoing motions, after filing with the Prothonotary, shall be presented to the Court Administrator. The Court Administrator shall promptly deliver the motion to the Civil Business Judge for review and determination.

Rule 208.3(b). Motion. Procedures.

(A) In addition to the requirements contained in Pa.R.C.P. No. 208.2, the moving party shall file a supporting brief concurrently with the filing of a motion. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

(B) *Response.* Within twenty (20) days after service of the moving party's motion and brief, any party opposing the motion may file a written response; however, a response is not required.

(C) *Responsive brief.* Within twenty (20) days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

(D) *Reply brief.* The moving party may file a brief in reply to a responsive brief within five (5) business days after service of a responsive brief.

(E) *Argument.* Motions shall be considered on briefs by the Court without argument unless a party files a request for oral argument by praecipe. Such request shall be filed by the moving party concurrent with the filing of the motion. Requests by any opposing party shall be filed within the time period in which a response may be filed pursuant to subparagraph (B) of this Rule. Oral argument shall be held at such time and place as the Judge shall direct. A praecipe for argument not filed within the time period set forth hereinabove shall be considered by the Court as an agreement between the attorneys that the matter be submitted to the Court on briefs.

(F) Upon the filing of a motion and a supporting brief, the Prothonotary shall expeditiously transmit the file to the Court Administrator's Office who thereafter will forward the file to the Civil Business Judge designated by the President Judge. Thereafter, upon the filing of a response, a responsive brief or any other documents affecting the matter, the Prothonotary shall immediately docket the same and expeditiously transmit the documents to the Judge in possession of the file.

(G) *Service.* All motions shall be served upon all of the parties to the action contemporaneously with the filing of the motion with the Prothonotary. A Certificate of Service shall be a part of, or attached to, the motion. The Court may excuse prior service in the case of an emergency motion.

Rule 208.3(c). Discovery Motion.

(A) Failure to answer written interrogatories. A motion seeking to compel an opposing party to answer written interrogatories shall include:

1. All content set forth in Pa.R.C.P. No. 208.2(a);
2. A concise statement concerning the date of service of the interrogatories on the opposing party;
3. A description of all reasonable efforts used to resolve or to obtain answers to the interrogatories;
4. A certification that the interrogatories have not been answered in the time period required by the Pennsylvania Rules of Civil Procedure; and
5. A proposed Order substantially in the following form:

**IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY
(Caption)
ORDER**

AND NOW, this ____ day of _____, 200 __, upon consideration of the Motion to Compel Answers to Interrogatories, it is hereby Ordered that the (Plaintiff/Defendant) shall file answers to the (Defendant/Plaintiff)'s interrogatories within twenty (20) days of the date of this Order. Failure to comply with the time period set forth in this Order may result in the imposition of sanctions including the preclusion of evidence and the imposition of attorney fees.

BY THE COURT:

J.

(B) Other discovery motions. All discovery motions, other than those set forth in subparagraph (A) above, shall include the following:

1. All information contained in subparagraph (A) above;

2. Where applicable, a copy of the discovery request and response, if any, in dispute;

3. A proposed Order substantially in the form set forth in Adams C.Civ.R. No. 206.4(c). All discovery motions other than those set forth in subparagraph (A) above shall result in the issuance of a rule pursuant to Adams C.Civ.R. No. 206.4(c) and shall proceed as a matter of course pursuant to Adams C.Civ.R. No. 206.4(c).

Rule 210. Form of Briefs.

(A) Briefs shall contain complete and accurate citations of all authorities.

(B) The brief of the moving party shall contain all relevant facts, a procedural history, the questions involved, the argument and a conclusion.

(C) The brief in opposition shall contain an argument and a conclusion. It is not necessary that a counterstatement of the case or the question involved be included; however, if the brief in opposition does not include a counterstatement of the case or the question involved, the statement of the moving party shall be deemed adopted.

(D) Briefs shall be submitted on 8 1/2" by 11" paper and shall be double spaced except as stylistically necessary when quoting resources or authority.

(E) Any brief more than fifteen (15) pages shall contain a table of contents and a table of citations.

(F) A party shall file a brief with the Prothonotary who shall immediately docket the same and expeditiously forward the brief to the appropriate Judge.

Rule 212. Pre-Trial Procedure.

(A) When an action is at issue and discovery has been substantially completed, any party may, by praecipe filed with the Prothonotary, request a pre-trial conference. The praecipe shall state whether the case is to be tried before a jury or by bench trial.

(B) The Prothonotary shall forward the praecipe for pre-trial conference to the Judge designated to conduct pre-trial conferences by the President Judge. The Judge to whom the case is referred shall enter court order scheduling a pre-trial conference at a time designated by the Court. The order scheduling pre-trial conference shall be served by the Prothonotary on counsel of record or on the parties in the event the parties are not represented by counsel. Service of the order shall be noted in the docket.

(C) All parties to a pre-trial conference shall prepare and file a pre-trial memorandum within the time period and in substantially the form set forth in Adams C. Civ. R. No. 212.2.

(D) Unless excused by the Court in advance, the attorney or party who intends to try the case shall attend the pre-trial conference. In the absence of excuse, the Court may require the attending attorney or party to try the case. If an attorney or party fails to appear for the pre-trial conference, the Court may

proceed in his/her absence and enter binding rulings regarding any matter, including the admissibility of evidence or dismissal of the case for failure to prosecute.

(E) The conference Judge may sua sponte, or on the motion of any party, dispense with the need for a pre-trial conference, or in the alternative, authorize that a pre-trial conference be conducted telephonically. In the event that a party or counsel is granted permission to participate telephonically, the parties shall be responsible for making all the arrangements for telephonic participation and shall pay all costs related thereto. A party participating in a telephonic conference is not relieved from compliance with Adams C.Civ.R. No. 212.2.

(F) Although it is not necessary for the parties represented by counsel to appear, counsel must appear with authority to bind the client. Parties, or their authorized representatives, must be available by telephone during the pre-trial conference.

(G) At the conclusion of the pre-trial conference, the assigned Judge shall issue an Order setting forth the date of bench trials, or in the event of a jury trial, setting the case for a specific term. The Court Order shall designate a date certain upon which the case will be called to determine trial readiness. The parties may answer the call formally by appearance, or informally by telephone or correspondence to the Court Administrator's Office prior to the call date. Failure to answer the call may result in the case being stricken from the trial list. The Order shall also set forth when appropriate any other action taken at the pre-trial conference including the scheduling of all matters to be completed before trial.

Rule 212.1. Notice of Earliest Trial Date.

Trials by jury may be scheduled during any civil trial term so designated on the Court calendar provided that the earliest date on which the case may be tried is during the first civil trial term which follows the pre-trial conference held pursuant to Adams C.Civ.R. No. 212.2 by at least thirty (30) days. This rule may be waived by agreement of the parties with the permission of the Court.

Rule 212.2. Pre-Trial Statement.

At least five (5) days prior to the pre-trial conference held pursuant to Adams C.Civ.R. No. 212.3, each party shall submit a pre-trial statement which shall contain the following:

(1) A brief narrative statement of the case;

(2) The names and addresses of all persons who may be called as witnesses by the party filing the statement identifying each as a "fact witness, expert witness or damages witness." A reference which does not state the name of the witness shall be permitted when the witness is described by title or representative capacity;

(3) A list of all exhibits which the party intends to use at trial;

(4) A statement of the issues involved;

(5) A statement of damages claimed;

(6) A statement of proposed amendments to pleadings, if any;

(7) A statement of suggested stipulations of law or facts;

(8) Any special requests. For example, a request for a view or a request relating to matters of discovery;

(9) Estimated duration of trial;

(10) A copy of any written reports, or answers to written interrogatories consistent with Pa.R.C.P. No. 4003.5, containing the opinion and basis for the opinion of any person who may be called as an expert witness; and

(11) The amount of settlement demands or offers.

A party which fails to provide a pre-trial statement as required by this Rule may be sanctioned as permitted by Pa.R.C.P No. 212.2(c).

Rule 227.1. Post-Trial Motion.

A. *Procedure.* Upon the filing of a post-trial motion by any party, the Prothonotary shall immediately docket the motion and expeditiously forward it to the trial Judge. All post-trial motions shall be accompanied, where appropriate, by a proposed Order for a transcription of the record. Thereafter, the trial Judge shall enter an Order addressing the transcription of the record and a briefing schedule.

B. *Service.* A party filing a post-trial motion shall serve a copy of the motion on the trial Judge and every other party to the action on the same business day which the motion is filed.

Rule 230.2. Termination of Inactive Cases.

A. The Adams County Prothonotary shall annually review cases pending in the Prothonotary's Office and shall compile a list of cases in which there has been no docket activity for a period of two (2) years or more. The list shall be prepared on or before the first day of September and shall include all cases in which there has been no activity of record for the prior 22 months.

B. On or before the 15th day of September, the Prothonotary shall serve notice on counsel of record, or on the party if not represented, of the proposed termination of the case on the 30th day of November. The notice shall be served in compliance with Pennsylvania Rule of Civil Procedure 440. If the mailed notice is returned, notice shall be served by advertising the same in the legal publication designated by the Court for the publication of legal notices or in one newspaper of general circulation within the county as directed by the Court.

C. If no statement of intention to proceed is filed, the Prothonotary shall enter an Order as of course terminating the matter with prejudice for failure to prosecute. If a statement of intention to proceed is filed, the same shall be promptly forwarded to the Court for purposes of the setting of a scheduling conference or other action deemed appropriate by the Court.

Rule 230.3. Aged Litigation/Scheduling of Conferences.

A. On or before the first day of each month, the Adams County Prothonotary shall forward to the Judge designated to conduct scheduling conferences a list of all cases pending in the Prothonotary's Office for a period of 30 months regardless of whether docket activity has occurred.

B. Upon receipt of the list identified in paragraph A above, the Court shall review the case and conduct a scheduling conference or take other action as appropriate for the prompt resolution of the litigation.

Rule 236. Notice of Order or Judgment.

When the Prothonotary is required by general or local rule to give notice to any party of any hearing, order, judgment or other matter, it shall be the duty of the moving party to furnish the Prothonotary with sufficient copies of such documents. If the document is to be mailed, the moving party shall also furnish the postage, pre-paid envelope with the name and address of the recipient set forth thereon. The Prothonotary shall note the date that the notice was sent on the file copy. If sufficient copies are not provided, the Prothonotary shall make sufficient copies and charge the moving party a fee established by administrative order. The current fee schedule shall be posted by the Prothonotary and available for review at <http://www.adamscounty.us/Dept/Prothonotary/Pages/default.aspx>. Additionally, the Prothonotary may assess postage fees against any moving party who fails to furnish a pre-paid envelope as required by this rule.

Rule 251. Money Paid into Court.

Except for appeals from District Justices pursuant to Pa.R.C.P.D.J. No. 1008 (see Adams County Rule of Judicial Administration 201), any party wishing to pay money into the Court shall, by petition, in conformance with Adams C.Civ.R. No. 206.4(c), request leave to do so. The Prothonotary shall open and maintain accounts for deposit of funds paid into Court. Disbursements from the accounts shall be made only pursuant to Court Order. The Prothonotary shall be entitled to an administrative fee of \$25.00 from the account for handling the account.

Rule 252. Accounts.

When an account is required in a civil action, the account shall proceed in accordance with the Adams County Local Orphans Court Rules except that the filing shall be with the Prothonotary.

SERVICE OF ORIGINAL PROCESS AND OTHER LEGAL PAPERS

Rule 430. Legal Publication.

Note: See Adams County Rule of Judicial Administration No. 110.

ACTIONS

Rule 1018.1. Notice to Defend.

A. The following is designated to be named in the Notice to Defend as the organization from which information can be obtained:

**Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone: (717) 337-9846**

B. The Court Administrator, upon receiving oral or written inquiry as a result of the endorsement on any pleading, shall furnish the name and telephone number of an appropriate member of the Legal Aid Committee of the Adams County Bar Association or immediately forward to the inquiring party a prepared list of the names, addresses, and telephone numbers of all the resident members of the Bar of Adams County, or both. The Court Administrator shall include on such list Mid-Penn Legal Services, Inc.,

432 South Washington Street, Gettysburg, PA 17325; Telephone number (717) 334-7623.

C. Copies of a Spanish translation of the Notice to Defend shall be made available by the Court Administrator upon request.

Rule 1028(c). Preliminary Objections.

A. Preliminary objections pursuant to Pa.R.C.P. No. 1028(a)(2), (3), or (4).

1. *Brief.* A party filing preliminary objections pursuant to this subparagraph shall file a supporting brief within ten (10) days of the date of the filing of the preliminary objections. If a supporting brief is not filed within ten (10) days of the filing of the preliminary objections, the preliminary objections shall be deemed withdrawn and, upon praecipe, the Court shall enter an Order directing the objector to file an appropriate pleading.

2. *Responsive brief.* If a supporting brief is filed by the petitioner, the respondent shall file a responsive brief within twenty (20) days after service of the supporting brief. Any party who fails to file a responsive brief shall be deemed not to oppose the objections. Upon praecipe, the Court will enter an Order granting the preliminary objections except that no civil action or proceeding shall be dismissed with prejudice for failure to comply.

3. *Oral argument.* Preliminary objections shall be decided on briefs alone unless the Court orders oral argument. If a party desires oral argument, then, in the case of the party filing the preliminary objections, a written request for oral argument must be filed with the preliminary objections. If a responding party desires oral argument, a written request for oral argument shall be filed with the Court within ten (10) days after service of the preliminary objections. Oral argument shall be held at such time and place as the Judge shall direct.

4. *Procedure.* Upon the filing of preliminary objections pursuant to this subparagraph, the Prothonotary shall immediately docket the preliminary objections and expeditiously transmit the file to an appropriate Judge. Referrals to Judges for disposition of preliminary objections shall be made on a rotating basis to each of the Judges of this Court. If the Prothonotary is uncertain as to an appropriate referral, the case shall be transmitted to the Court Administrator for assignment. Once the preliminary objections are assigned to a Judge, any further filings, including praecipes shall expeditiously be transmitted by the Prothonotary to the Judge in possession of the file.

B. Preliminary objections pursuant to Pa.R.C.P. No. 1028(a)(1), (5), or (6).

1. Any party filing preliminary objections pursuant to Pa.R.C.P. No. 1028(a)(1), (5), or (6) shall attach a Notice to Plead to the preliminary objections. Such objections thereafter shall be governed by Adams C.Civ.R. Nos. 206.1(a) and 206.4(c).

C. *Service.* All preliminary objections shall be served upon all of the parties to the action contemporaneously with the filing of the preliminary objections with the Prothonotary. A Certificate of Service shall be a part of, or attached to, the preliminary objections. The Court may excuse prior service in the case of emergency preliminary objections.

Rule 1034(a). Motion for Judgment on the Pleadings. Brief.

A. A party filing a motion for judgment on the pleadings shall file the motion, a proposed Order in the form set forth in subparagraph D. below and a supporting brief concurrently. If a brief is not filed with

the motion, the motion shall be deemed withdrawn upon praecipe of an opposing party.

B. *Procedure.* Upon the filing of a motion for judgment on the pleadings and a supporting brief, the Prothonotary shall expeditiously transmit the file to an appropriate Judge. Generally, motions for judgment on the pleadings shall go to the Judge having previous involvement in the matter. Other referrals shall be transmitted on a rotating basis to each of the Judges of this Court. If the Prothonotary is uncertain as to the appropriate referral, the case shall be transmitted to the Court Administrator for assignment.

C. *Response.* Responsive brief. Reply brief. Argument. Except as set forth hereinabove, procedures concerning the filing of a response, a responsive brief, reply brief and argument shall proceed as provided in Adams C.Civ.R. No. 208.3(b).

D. *Proposed Order.* All motions for judgment on the pleadings shall be accompanied by a proposed Order in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA**

(caption)

ORDER

AND NOW, this ____ day of _____, 200 __, upon consideration of the attached Motion for Judgment on the Pleadings, it is hereby Ordered that argument on the Motion:

[] shall not be held, and the matter shall be decided upon briefs.

[] shall be held on _____, 200 __, at _____, in Courtroom No. ____ of the Adams County Courthouse, 111 Baltimore Street, Gettysburg, PA, 17325.

Notice of the entry of this Order shall be provided to all parties by the moving party.

BY THE COURT:

J.

E. *Service.* All motions shall be served upon all of the parties to the action contemporaneously with the filing of the motion with the Prothonotary. A Certificate of Service shall be a part of, or attached to, the motion. The Court may excuse prior service in the case of an emergency motion.

Rule 1035.2(a). Motion for Summary Judgment.

A. *Service.* All motions shall be served upon all of the parties to the action contemporaneously with the filing of the motion with the Prothonotary. A Certificate of Service shall be a part of, or attached to, the motion. The Court may excuse prior service in the case of an emergency motion.

B. *Procedure.* Upon the filing of a motion for summary judgment, the Prothonotary shall expeditiously transmit the file to an appropriate Judge. Generally, motions for summary judgment shall go to the Judge having previous involvement in the matter. Other referrals shall be transmitted on a rotating

basis to each of the Judges of this Court. If the Prothonotary is uncertain as to the appropriate referral, the case shall be transmitted to the Court Administrator for assignment.

C. *Response.* The adverse party must file a response within thirty (30) days after service of the motion pursuant to Pa.R.C.P. No. 1035.3.

D. *Brief.* The moving party shall file a supporting brief within twenty (20) days after the service of the response by the adverse party. If a brief is not filed within the time period set forth herein, the motion shall be deemed withdrawn, without prejudice, upon praeceipe of an opposing party.

E. *Responsive brief.* Within fifteen (15) days of service of the moving party's brief, any party opposing the motion shall file a responsive brief, together with any portions of the record which support opposition to the motion. Previous filings in the matter need not be attached. In the event that a party fails to timely file a responsive brief, the Judge may:

1. Refuse to allow oral argument by the offending party; or
2. Order oral argument to be continued; or
3. Grant the requested relief except that no civil action or proceeding shall be dismissed with prejudice for failure to comply; or
4. Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

F. *Argument.* Motions for summary judgment shall be considered on briefs by the Court without argument unless a party files a request for oral argument by praeceipe. Such request shall be filed by the moving party concurrent with the filing of the motion. Requests for oral argument by any opposing party shall be filed within the time period in which a response must be filed pursuant to subparagraph C. of this rule. Oral argument shall be held at such time and place as the Judge shall direct.

G. *Proposed order.* All motions for summary judgment shall be accompanied by a proposed Order substantially in the following form:

**IN THE COURT OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA**

(caption)

ORDER

AND NOW, this ____ day of _____, 200 __, upon consideration of the attached Motion for Summary Judgment, it is hereby Ordered that argument on the Motion:

[] shall not be held, and the matter shall be decided upon briefs.

[] shall be held on _____, 200 __, at _____, in Courtroom No. ____ of the Adams County Courthouse, 111 Baltimore Street, Gettysburg, PA, 17325.

Notice of the entry of this Order shall be provided to all parties by the moving party.

BY THE COURT:

J.

H. *Service*. All motions shall be served upon all of the parties to the action contemporaneously with the filing of the motion with the Prothonotary. A Certificate of Service shall be a part of, or attached to, the motion. The Court may excuse prior service in the case of an emergency motion.

PROFESSIONAL LIABILITY ACTIONS

Rule 1042.1. Professional Liability. Motions.

All applications or motions filed in professional liability actions pursuant to Pa.R.C.P. 1042.1, et. seq. shall, upon filing, be expeditiously forwarded to the Civil Business Judge designated by the President Judge. That Judge shall then direct such procedure or order such relief as is deemed appropriate.

Comment: For purposes of this rule, applications or motions shall include, but not be limited to, preliminary objections pursuant to Pa.R.C.P. 1042.2(b), a motion to extend the time for filing a certificate of merit, a motion for sanctions, a motion for conference, mediation, or scheduling order, and a motion compelling production of an expert report. Motions for post-trial relief shall be forwarded to the judge assigned to the trial of the case.

ACTION TO QUIET TITLE

Rule 1066. Quiet Title. Order.

All affidavits filed pursuant to Pa.R.C.P. No. 1066 shall be accompanied by a proposed Order containing the requested relief as authorized by Pa.R.C.P. No. 1066.

COMPULSORY ARBITRATION

Rule 1301(a). Compulsory Arbitration.

All civil cases within the jurisdictional limits prescribed in Section 7361 of the Judicial Code (42 Pa.C.S. § 7361) shall be subject to arbitration pursuant to Adams C.Civ.R. 1302 et. seq.

Rule 1301(b). Arbitration by Agreement.

Cases may be referred to arbitration if the parties or their counsel agree. If the case is not at issue, or where no pleadings have been filed of record, the agreement to refer shall state the issues to be considered by the board of arbitrators and shall contain all stipulations of facts reached by the parties. The agreement shall be filed of record. The case shall be subject to Adams C.Civ.R. No. 1302, et. seq.

Rule 1302(a). List of Arbitrators. Appointment to Board.

The President Judge shall appoint attorneys to serve as arbitrators and as chairpersons of the boards of arbitrators. The Court Administrator shall maintain a list of attorneys so appointed and shall assign the attorneys to serve from those lists.

Rule 1302(b). Motion for Appointment. Service. Conflicts.

A. Any party to a case, after the pleadings are closed or an agreement to arbitrate has been filed, may request the appointment of a board of arbitrators by written motion. Included in the motion shall be the names of all attorneys who, to the movant's knowledge, may have a conflicting interest in the case. A motion failing to contain this information will not be scheduled for hearing. The motion shall have a proposed Order in the form prescribed by Local Rule 1303 attached to the front of the motion that shall provide spaces for the names of the board members to be inserted when appointed by the Court. If the parties believe the matter involves complex litigation the motion shall so state and the parties shall comply with Local Rule 1303(A)(2).

Rule 1302(c). Distribution of Pleadings.

The original files may be acquired from the Prothonotary on the date of the hearing by the Chairman of the Board. Electronic copies of the pleadings shall be distributed to all members of the board by the Prothonotary via electronic distribution no earlier than forty-five (45) days prior to the scheduled hearing nor later than thirty (30) days prior to the scheduled hearing.

Note: See Adams County Rule of Judicial Administration No. 310 about removing papers from the Prothonotary's Office.

Rule 1302(d). Arbitrators' Fees.

A. Fees paid to the arbitrators for their services shall be set by Administrative Order of the Court.

B. In the event that a case is settled, withdrawn or terminated within forty-five (45) days of a scheduled hearing date but before the hearing date, the board shall not be required to file a report and award. The board members shall be entitled, however, to one-half of the arbitration fees. In such instance, the Court Administrator, upon notice from the Prothonotary that a praecipe has been filed, shall certify the settlement, withdrawal or termination of the case to the Controller so that the said fees may be paid.

Rule 1303. Hearing.

A. Schedule.

1. The Court Calendar shall have at least two days in each month scheduled for arbitration hearings. Each hearing shall commence at either 8:15 a.m., 10:15 a.m., 12:30 p.m., or 2:30 p.m. Arbitration hearings shall be scheduled for one of the designated arbitration days by Court Administration. Unless by Order of the Court of Common Pleas of Adams County, no hearing shall be scheduled within 90 days of the date that notice of hearing is provided to the parties. A party requesting that a matter be listed for arbitration shall provide notice of the request to the Court Administrator's Office concurrent with the filing of the request with the Prothonotary. The request to list a matter for arbitration shall identify all counsel involved in the litigation or who may otherwise have a conflict in serving as an arbitrator.

2. If the matter involved in the arbitration is anticipated to involve complex issues of law or lengthy evidence presentation, the Court, through written notice to Court Administration, shall be advised of the same. If the party moving to list the case for arbitration hearing believes the matter to involve complex litigation, the party shall so advise the Court in writing at the time the request for arbitration hearing is filed and shall include in the request the anticipated length of hearing. If the non-moving party anticipates complex litigation, the non-moving party shall advise the Court in writing of the same within seven (7) days of receipt of notice from the moving party of the request to list for arbitration hearing. An

untimely request to list the matter as a complex case shall be denied as untimely.

In the event either party identifies the arbitration as one involving a complex case, if appropriate, the Court shall specially appoint a board of arbitrators and have the matter specially set by Court Administration. The Court reserves the right to deny a party's request to have the matter specially set as a complex case.

3. If the case is settled before the hearing date, plaintiff's counsel shall, prior to the date of the scheduled hearing, file with the Prothonotary a praecipe to settle, discontinue and/or satisfy the action. Failure to do so may subject counsel, in the sole discretion of the Court, to sanctions including imposition of all costs of arbitration. Upon receipt of a praecipe to settle, discontinue and/or satisfy an action, the Prothonotary shall immediately notify Court Administration of the same.

B. *Continuance.* A continuance of the scheduled hearing may only be granted by the Court of Common Pleas upon motion filed with the Court. All continuance requests must be filed at least 60 days prior to hearing absent exceptional circumstances. Unless compelling interests of justice require otherwise, untimely requests for continuance shall be denied.

C. *Hearing.*

1. Unless a party advises the Court in writing that the matter for arbitration is a complex case requiring additional time for the presentation of evidence, each party to an arbitration shall be limited to one hour to present argument and evidence to the board of arbitrators. A party anticipating rebuttal testimony may reserve time from their initial presentation for the presentation of rebuttal testimony. No hearing shall exceed two hours from beginning to conclusion unless the matter is identified as a complex case.

2. Upon filing the report and award with the Prothonotary, the Prothonotary shall provide notice of the same to Court Administration in order to initiate payment to the arbitrators.

D. *Notice.* When a hearing is initially scheduled by Court Administration, notice of the hearing, as required by Pennsylvania Rule of Civil Procedure 1303, shall be provided to the parties or their attorneys of record. The notice shall be in the following form:

AND NOW, this _____ day of _____, 20 __, upon consideration of the within Petition, the Court does hereby appoint _____, Esquire, _____, Esquire, and _____, Esquire as arbitrators in the above-captioned matter.

An arbitration hearing is scheduled for _____ at _____ in Conference Room 307C on the third floor of the Adams County Courthouse.

It is further Ordered that the sum of \$650 be paid by the County of Adams to the arbitrators in accord with the provisions of Local Rule 1302(d) upon certification by the

Court Administrator to the Controller of the County that the report and award of the arbitrators has been filed.

At the arbitration hearing before the arbitrators, each party shall be limited to one hour to present the party's evidence to the board of arbitrators. The Plaintiff may reserve a period of time to present rebuttal testimony, however, a party's total presentation shall not exceed one hour. If a party believes that it will require more than one hour to present the party's case, a written motion to have the matter specially set as a complex litigation must be filed within seven days of the date of this Order with the Adams County Court of Common Pleas. A party's failure to request the matter be specially set as a complex litigation shall be deemed as an agreement by the party to limit its presentation of evidence as set forth herein.

This matter will be heard by a board of arbitrators at the time, date, and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a Judge of the Court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a Judge.

E. Failure to Appear. When a board is convened for a hearing, and if one or more parties is not present, any party who is present may request Court Administration to arrange a hearing before a Judge assigned to hear arbitration matters. Court Administration will then schedule a hearing before a Judge on the same date as scheduled for hearing before the board. Upon consent of all parties present, the Judge shall hear the case and enter a decision. Notwithstanding the foregoing, it will remain with the sound discretion of the assigned Judge whether the Judge shall hear the matter at that time.

F. Appointment of Board. Upon receipt of a petition to list a matter for hearing before a board of arbitrators, Court Administration shall schedule a hearing to be held at a time not sooner than 90 days from the date of the scheduling order. In all cases other than complex cases, arbitrators shall be assigned by arbitration dates rather than specific cases. Separate boards will be appointed for either morning or afternoon sessions. At least 45 days prior to a scheduled arbitration date, Court Administration shall notify the entire arbitration panel as to the specific cases to be held on that date. Court Administration shall further notify the Prothonotary's Office of the same who, in turn, will electronically forward the respective case files to the assigned arbitrators. In the event arbitration hearings are not scheduled for a specific date, Court Administration shall notify the panel of arbitrators of the same within the time period set forth herein.

EQUITABLE RELIEF

Rule 1531. Special Relief. Injunctions.

All motions for special relief, including motions pursuant to Pa.R.C.P. Nos. 1530 and 1531, shall be filed with the Prothonotary's office and immediately forwarded by the Prothonotary to the Court Administrator's office who, thereafter, shall forward the motion to the Civil Business Judge designated by the President Judge. Alternatively, applications for special relief, when filed, may be hand delivered as set forth in the note to Adams C.Civ.R. No. 205.2(a). Upon presentation of a motion for special relief, the Civil Business Judge will advise the parties on how to proceed. All motions for special relief shall be served on the opposing party prior to the filing of the motion with the Prothonotary and a Certificate of Service shall be attached to the motion. Prior service of the motion is not required where a party is able to establish to the satisfaction of the Court that immediate and irreparable injury will be sustained before notice can be given to the opposing party.

ACTION PURSUANT TO PROTECTION FROM ABUSE ACT

Rule 1901. Commencement and Referral

The Prothonotary and any Magisterial District Judge shall provide written and oral referrals to any person desiring to file a pro se petition under the Protection From Abuse Act, 23 Pa.C.S. § 6101 et. seq. to Legal Services, Inc. and Survivors, Inc. at their Adams County offices, and the Adams County Bar Association referral service. They shall also maintain sample forms and written instructions, in both Spanish and English, and give clerical assistance in completing forms.

The Prothonotary shall accept petitions without requiring the prepayment of filing fees and transmit copies to the Court Administrator for presentment to a judge for the entry of an order. Upon request by plaintiff, the Court may direct that the petition be served upon defendant by the Sheriff.

In the event an emergency petition is to be filed during a business day when the courthouse is open but a Judge is unavailable as contemplated under 23 Pa.C.S.A. Section 6110(a)(1)(iii), such emergency petition shall be filed with the Magisterial District Judge in the district where the petitioner is residing either temporarily or permanently.

Rule 1902. Hearing after Relief by Magisterial District Judge

Whenever relief is granted by a Magisterial District Judge, the Magisterial District Judge issuing the order shall contact the Court Administrator as soon as possible. The Court will, thereafter, schedule a preliminary hearing and continue the temporary order in effect pending a plenary hearing. Preliminary hearings before the Court will be conducted at 1:00 p.m. on the next Business Court Day following the granting of temporary relief by the Magisterial District Judge. The Magisterial District Judge issuing the order shall provide both parties a notice in the form set forth in Adams C.Civ.R. 1906. The District Justice issuing the temporary order will forward all papers for filing in the Prothonotary's office so that the papers will be available to the Court at the hearing before the Court.

Rule 1903. Petition for Temporary Relief

Petitions for temporary relief may be presented to the Court without the necessity of scheduling an ex parte hearing if the petition is accompanied by an affidavit verifying the averments in the petition and the relief temporarily sought does not include eviction, or transfer of custody of minor children from defendant to plaintiff. Where eviction or custody transfer is requested, an ex parte hearing shall be

scheduled.

Rule 1904. Plenary Hearing

Unless the parties agree otherwise, plenary hearings shall be scheduled within ten (10) days after the filing of the petition.

Rule 1905. Indirect Criminal Contempt Hearing

A. Arrest. When the Court is available, a defendant arrested for contempt shall be produced without unnecessary delay before a judge for preliminary arraignment. If arrest occurs when the Court is unavailable, the defendant shall have preliminary arraignment before the on-call Magisterial District Judge. Upon request, defendant shall be provided with an application form for the appointment of a lawyer. Unless scheduled by a court order for a different time, contempt hearings shall be scheduled for 1:00 p.m. on the Wednesday following preliminary arraignment which is the furthest Wednesday within ten (10) calendar days after the defendant's arrest. Bail shall be set by the Magisterial District Judge with the defendant given an opportunity to post bail. The bail may be subject to special conditions, such as requiring defendant to follow all specified conditions contained in the Protection From Abuse Order. The Magisterial District Judge shall also, when applicable, follow the procedure outlined in Pa.R.C.P. Rule 1901.

At the preliminary arraignment, the Magisterial District Judge or Common Pleas Judge shall advise the defendant of the following:

1. A description of the alleged contemptuous acts;
2. That those acts violate a specific Order of Court;
3. Defendant is subject because of the alleged contempt to a prison sentence of six (6) months and a fine of One Thousand Dollars (\$1,000.00);
4. A hearing will be held by a judge on a specified court business day at 1:00 p.m.;
5. Defendant is entitled to be represented by a lawyer in the contempt proceeding and that, if defendant qualifies, a lawyer will be appointed to represent him or her free of charge. The defendant shall be notified that he or she must apply for the appointment of a free counsel, and the Magisterial District Judge shall provide an application form upon request;

B. Private Complaint.

1. Plaintiff may file a private criminal complaint pursuant to 23 Pa. C.S.A. §6113.1 by filing the complaint in the Prothonotary's Office. The Prothonotary's Office shall, after clocking in the complaint, immediately forward it to the Court Administrator for the scheduling of a hearing. Except in unusual circumstances, hearings will be scheduled in the same manner as in arrest cases and shall be scheduled by court order. Service of the order, once entered, shall be made on the defendant by the Sheriff's Department. No answer shall be required by defendant.

2. Contempt proceedings may be commenced by the filing of a criminal complaint before a Magisterial District Judge. Service shall be accomplished as in other criminal proceedings, by a constable, or police officer. If neither is available, the complaint shall be served by the Sheriff. Upon filing of a private complaint for criminal contempt in the office of a Magisterial District Judge, the Magisterial District Judge shall promptly forward the same to Court Administration who will schedule contempt hearing pursuant to paragraph B(1) above.

Rule 1906. Form of Notice

NOTICE

A Petition Under the Protection from Abuse Act has been filed against you as set forth in the attached Complaint. A temporary order has been entered against you. This order will remain in effect until 1:00 p.m. on _____, 20____, when it will be considered in a Courtroom that will be designated on that date, in the Adams County Courthouse, Gettysburg, Pennsylvania. At that time, the temporary order may be continued, modified, or terminated. If the order against you is continued or modified, a full hearing on the merits will be scheduled. You may appear and either object or consent to an order against you being continued in effect until a full hearing on the merits. You may, but are not required to, appear and consent to the entry of an order for a longer period of time. Any order entered after a full hearing may remain in force for one (1) year. The Court may proceed in your absence to take testimony and enter an order granting relief to the Petitioner. You are entitled to be represented by an attorney at these hearings. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

**Adams County Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone Number: (717) 337-9846 or 1-888-337-9846**

Magisterial District Judge

ACTIONS FOR SUPPORT

Rule 1910.4. Commencement of Action.

- (a) General. These rules shall govern all actions for child support, spousal support and alimony pendente lite (APL). The rules shall be interpreted as supplementing the Pennsylvania Rules of Civil Procedure governing support and alimony pendente lite (APL) actions.

- (b) Actions for child support, spousal support and alimony pendente lite (APL). All actions for child support, spousal support and alimony pendente lite (APL) shall be commenced by filing a complaint with the Adams County Domestic Relations Section located at the Adams County Human Services Building, 525 Boyds School Road, Suite 600, Gettysburg, Pennsylvania. All docketing of the records for child support, spousal support and APL matters shall be conducted by the Adams County Domestic Relations Section, who shall serve as the custodian of the official record for those matters. If filing for APL, the filing party shall provide verification of the divorce filing in the complaint for APL. This verification shall include the docket number and caption of the divorce case. All claims for alimony subsequent to divorce and enforcement thereof shall continue to be filed and docketed with the Adams County Prothonotary, at the parties' divorce case caption and docket number.

Rule 1910.10. Procedure for Establishment of Support and Alimony Pendente Lite (APL).

All actions for child support, spousal support and alimony pendente lite (APL) shall proceed as described by Pa. R.C.P. No. 1910.11.

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

- (a) Office Conference. The office conference shall be a non-record proceeding conducted by a

Conference Officer at the Domestic Relations Section. The Conference Officer shall be designated by the Executive Director of the Domestic Relations Section. The office conference shall not be recorded.

- (b) Request for Continuance of Office Conference. A written request for continuance of the office conference shall be communicated at least seven (7) days before the conference date via correspondence from the moving party to the Conference Officer assigned to the case. A formal motion is not necessary. The request may be hand-delivered, mailed, faxed or emailed to the Domestic Relations Section. All requests must state the opposing party's position and shall be served by the moving party upon the non-moving party. Ex parte communications are strictly prohibited. If the request is made less than seven (7) days before the conference date, it will be denied absent compelling circumstances. Any party aggrieved by a denial of request for continuance of the office conference may file a formal Motion for Continuance at the Domestic Relations Section which must be served upon the other party. The Domestic Relations Section will forward the motion to the judge assigned to the case. The opposing party's position must be stated in the formal Motion for Continuance, otherwise it may be denied at the discretion of the court.
- (c) Demand for Hearing De Novo. Any party may seek review by the court of the order entered following the office conference by filing a Demand for Hearing De Novo. The "Demand For Hearing De Novo" form shall be used to make such a request. An electronic fill-in version of this form is available on the Adams County Court's self-help website under the Domestic Relations Services link at www.adamscounty.us. All Demands for Hearing De Novo shall be filed at the Domestic Relations Section located at 525 Boyds School Road, Suite 600, Gettysburg, Pennsylvania 17325.
- (d) Content of the Demand for Hearing De Novo. Designating a Support Case as Complex. The party filing the Demand for Hearing De Novo shall indicate on the form the reasons and issues that the party wishes the court to consider at the hearing, including citations to applicable legal authority. Typically, the court allots twenty (20) minutes to hear each case. In accordance with Pa. R.C.P. 1910.11 (j)(1), if a party believes the case will involve complex issues of law or fact, and/or it will take more than twenty (20) minutes to complete, then a Motion to Specially Set Hearing De Novo must be filed and served upon the opposing party. The moving party shall include an estimation of the time needed for hearing in the motion.
- (e) Scheduling and Notice of Hearing De Novo. When a Demand for Hearing De Novo is filed, the Domestic Relations Section shall schedule a hearing before the court and issue written notice thereof to the parties. When a party files a Motion to Specially Set Hearing De Novo, this request shall be forwarded by Domestic Relations Section to the executive assistant to the assigned judge for coordination and issuance of notice of a hearing date.
- (f) Motion for Continuance of Hearing De Novo. All Motions for Continuance of Hearing De Novo shall be filed at the Domestic Relations Section, which shall forward a copy of the Motion to the judge assigned to the case. All Motions for Continuance of Hearing De Novo must state the opposing party's position on the request and shall be served on the opposing party by the moving party in accordance with the Pennsylvania Rules of Civil Procedure, otherwise the Motion may be denied at the discretion of the court.
- (g) Prehearing Memorandum for Hearing De Novo in Complex Cases. For all cases designated as

complex, each party shall file a Prehearing Memorandum at the Domestic Relations Section at least five (5) days in advance of the date set for hearing, with service thereof upon the opposing party. The Domestic Relations Section shall forward a copy of the Prehearing Memorandum to the judge assigned to the case.

- (h) Discovery in Complex Cases. When a case has been designated by the court as complex, discovery shall be available in accordance with Pa. R.C.P. Nos. 4001 through 4025. See Pa. R.C.P. No. 1910.11 (j)(2).
- (i) Telephonic participation. Consistent with Pa. R.C.P. No. 1930.3, all requests for a party or a witness to participate in a hearing de novo via telephone, audiovisual or other electronic means shall be made by formal motion with good cause shown filed at the Domestic Relations Section at least seven (7) days in advance of the hearing de novo. The opposing party's position on the request must be noted in the motion, otherwise it may be denied at the discretion of the court.
- (j) Motion to Withdraw Demand for Hearing De Novo. A motion to withdraw a demand for hearing de novo must contain the concurrence of both parties, otherwise it will be denied.

Rules 1910.12 to 1910.19. Reserved

Rule 1910.20. Support Order. Enforcement. General.

- (a) Enforcement. Orders for child support, spousal support and alimony pendente lite (APL) shall be enforced by the Domestic Relations Section, pursuant to applicable law.
- (b) Notice. The notice required by 23 Pa. C.S.A. §4303 shall be as follows:

To: Obligor

The law requires the Domestic Relations Office to periodically provide approved consumer reporting agencies with your name and the amount of overdue arrearages that you owe. According to our records, you owe \$ _____, and this amount will be reported unless you contest the accuracy of the information within the next twenty days by filing a written objection with this office. Your objection should specifically state the amount of money that you dispute is owed.

Upon timely receipt of an objection, this office will schedule a conference to resolve the dispute.

Dated _____

/s/ Domestic Relations Section Representative

Rules 1912 to 1914. Reserved

Comment: In light of comprehensive state rules, it is felt that local rules are unnecessary and might potentially become confusing. Following conference, procedures in Rule 1910.21-4 shall be followed, but no local rule is needed to indicate this.

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

Rule 1915.1. Actions in Child Custody. Scope. Definitions.

- (a) General. These rules shall govern all actions for child custody, including custody complaints, petitions to modify custody, petitions for contempt and petitions to intervene in child custody

matters filed in the Adams County Court of Common Pleas. The rules shall be interpreted as supplementing the Pennsylvania Rules of Civil Procedure governing custody actions. See Pa. R.C.P. No. 1915.1 et seq.

- (b) Definitions. As used in this chapter, unless the context of a rule indicates otherwise, the following terms shall have the following meanings:

“conciliator” shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the court. In accordance with Pa. R.C.P. No. 1915.4-3(a), the conciliator shall not be engaged in the practice of family law before a conference officer, hearing officer, permanent or standing master, or judge of the same judicial district.

“conciliation conference” shall be a prehearing, non-record proceeding conducted under the auspices of the court by the conciliator and in accordance with Pa. R.C.P. 1915.4-3.

“custody presentation” shall be a brief appearance before the presiding judge to ascertain the status of the dispute and determine the status quo custody schedule, if any, enter an interim order as appropriate, and refer the matter to a conciliation conference as appropriate.

“presiding judge” shall be the judge to whom the case is assigned.

- (c) General flow of a custody case. Upon the filing of a complaint or petition, the pleading shall be scheduled for a presentation before the court on a custody presentation day designated on the official court calendar.

If an agreement is not able to be reached at custody presentation, the presiding judge will enter an interim order and directive for the parties to participate in a custody conciliation conference to attempt to resolve the matter.

If the parties are not able to reach an agreement at the conciliation conference, the presiding judge will list the matter for a pre-trial conference upon receiving the report of the conciliator.

After the pre-trial conference is held, the presiding judge will schedule a trial and an in camera interview of the child, as appropriate.

Rule 1915.3. Commencement of Action. Complaint. Order.

- (a) Commencement of an Action. Filing.

(1) All custody complaints, petitions for modification of custody, petitions to intervene and petitions for contempt for disobedience of a custody order shall be filed with the Prothonotary.

(2) All custody complaints, petitions for modification of custody, and petitions to intervene shall include a scheduling order for presentation, substantially in the same form as Sample Form “A” annexed to these rules. All petitions for contempt for disobedience of a custody order shall include a scheduling order for presentation which conforms to Pa. R.C.P. No. 1915.12.

(Sample Form “A” – Scheduling Order for Custody Presentation)

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

Plaintiff, : No.

v. :
: ACTION IN CUSTODY
Defendant, :

ORDER OF COURT

You, _____ (*name of Defendant/Respondent*) have been sued in court to (obtain/modify) custody of the child/ren: _____. (*Insert INITIALS of child/ren*)

You are ordered to appear in person in Courtroom #3 located on the 2nd floor of the Adams County Courthouse, 117 Baltimore Street, Gettysburg, Pennsylvania on _____ at 1:00 PM for a presentation of the pleading. If you fail to appear as provided by this order, an order for custody may be entered against you or the court may issue a warrant for your arrest.

You must file with the court a written verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the court but not later than thirty days after service of the complaint or petition.

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the provisions of 23 Pa. C.S. §5337 and Pa. R.C.P. No. 1915.17 regarding relocation.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Adams County Court Administrator

Adams County Courthouse
117 Baltimore Street, 4th Floor
Gettysburg, PA 17325
717-337-9846

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Adams County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's Office at 717-337-9846. All arrangements must be made at least 72 hours prior to any proceeding.

BY THE COURT:

DATE: _____

JUDGE

- (3) If a custody claim is asserted in a divorce complaint, the moving party shall file a praecipe with the Adams County Prothonotary to list the matter for custody presentation, along with a scheduling order, substantially in the same form as Sample Form "A" annexed to these rules.
 - (4) The presiding judge's chambers will schedule all custody related matters pending before the court. The dates available for custody presentation shall be designated on the official court calendar.
 - (5) The moving party shall pay the requisite filing fee and the conciliator's fee upon the filing of a custody complaint or petition for modification of a custody order. A conciliator's fee shall not be paid with the filing of a petition to intervene or a petition for contempt for disobedience of a court order, unless said petition is filed contemporaneously with a custody complaint or petition for modification of custody. A conciliator's fee shall not be paid if a stipulated agreement is filed contemporaneously with a custody complaint or petition for modification of custody.
- (b) Contents of Complaint or Petition. The complaint or petition shall specifically state the relief sought by the moving party and shall have a proper verification attached, pursuant to Pa. R.C.P. No. 1024. This includes the relief sought for legal custody (sole or shared) and physical custody (sole, primary, partial, shared, or supervised). Further, the moving party shall also state the factual basis for the relief sought. Petitions to intervene shall state the statutory authority relied upon. All complaints and petitions shall conform to the requirements of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

In addition to those averments required by the Pennsylvania Rules of Civil Procedure governing actions relating to custody, the complaint or petition shall also contain:

- (1) Moving party's Criminal Record/Abuse History Verification as required by Pa.R.C.P. No. 1915.3-2 as an exhibit;
- (2) An averment as to the form, time, and manner of serving a copy of the complaint, Order of Court for custody presentation, and moving party's criminal record/abuse history verification to the non-moving party or to legal counsel;
- (3) The proposed custody arrangement shall be stated as a paragraph in the pleading; and
- (4) A proposed scheduling order for custody presentation, in a form similar to Sample Form "A", shall be appended to the front of the pleading.

Rule 1915.4-3.1. Custody Presentation.

(a) General.

- (1) A custody presentation is the first time the parties will appear before the court. The goal of the custody presentation is to ascertain the status quo schedule or affirm the agreement of the parties. If there is no agreement, the presiding judge may enter an interim order that will govern the parties until final disposition of the matter by agreement or a trial. No testimony will be adduced or evidence presented during this proceeding. If there is no agreement regarding a petition to intervene in a custody case, the presiding judge shall schedule the matter for a hearing to address that issue.
- (2) Custody presentations will be heard on a set day and time every week as designated on the official court calendar.
- (3) If the parties are unable to reach an agreement at presentation, the presiding judge will issue an order with a date and time for the parties to participate in conciliation, similar to Sample Form "B" annexed to these rules.

(Sample Form "B" – Directive for Custody Conciliation Conference)

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

Plaintiff, : No.
:
v. :
:
Defendant, : ACTION IN CUSTODY

DIRECTIVE FOR CUSTODY CONCILIATION CONFERENCE

And now, upon consideration of the attached Complaint/ Petition for Modification/Petition

for Intervention/or Petition for Contempt, it is hereby ORDERED that the parties and their respective counsel appear before a Custody Conciliation Officer in Conference Room 307 located on the third floor of the Adams County Courthouse, 117 Baltimore Street, Gettysburg, Pennsylvania, on _____, 20__ at _____ .m.

At the conference, an effort will be made to conciliate and resolve the issues in dispute; or if this cannot be accomplished, to define and narrow the issues to be heard by the Court. Children should not attend the conference unless specifically requested by the Custody Conciliation Officer.

IF YOU FAIL TO APPEAR AT THE CUSTODY CONCILIATION CONFERENCE AS PROVIDED BY THIS ORDER, WITHOUT PROPER CAUSE SHOWN, THE CUSTODY CONCILIATOR SHALL REFER THE MATTER TO THE COURT FOR FURTHER PROCEEDINGS, WHICH MAY INCLUDE A CONTEMPT HEARING WHICH CAN RESULT IN THE IMPOSITION OF SANCTIONS, INCLUDING FINES, ATTORNEYS FEES AND COSTS.

If you have not already done so, you must complete and file with the Prothonotary a Criminal/Abuse History Verification regarding you and all persons living in your household on or before the time of the custody conciliation conference. The form is available on the Court's self-help page at www.adamscounty.us under the "Courts" link and at the Adams County Law Library. You must serve a copy of the completed form on all other parties.

No party may make a change in the residence of a child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa. C.S. §5337 and Pa. R.C.P. No. 1915.17 regarding relocation.

If any party to this custody action is incarcerated at any stage of the proceedings, the custody conciliation officer or the judge will make reasonable efforts to arrange for the incarcerated party to participate by telephone or video conference. Incarcerated persons may make a request to

appear in this manner through the Court Administrator's Office at 717-337-9846, 117 Baltimore Street, 4th floor, Gettysburg, PA 17325.

If you or any other party needs an interpreter, please contact the Court Administrator's Office at 717-337-9846 as soon as possible. Failure to make a timely request may delay the proceedings.

BY THE COURT:

JUDGE

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Adams County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's Office at 717-337-9846. All arrangements must be made at least 72 hours prior to any proceeding.

- (4) The presiding judge's chambers will schedule presentations at least ten days from the date the complaint, petition for modification, petition to intervene or petition for contempt was filed. This is to ensure that the moving party has ample time to serve the non-moving party with the order scheduling the presentation. It is the moving party's responsibility to serve all documents upon the opposing party in accordance with the Pennsylvania Rules of Civil Procedure and file an appropriate certificate of service with the Prothonotary.
- (b) Formal Presentation to the Court Not Necessary. If the parties have a stipulated agreement for custody, then the parties may file the stipulated agreement and a proposed order of court with the Prothonotary. All stipulated agreements shall contain language requesting the presiding judge to enter the agreement as an order of court. If the judge enters the stipulated agreement as an order, then the parties do not need to appear for custody presentation. All proposed orders shall comply with the checklist and form contained in Sample Form "D" annexed to these rules. See also Adams C.Civ.R. No. 1915.7-1. Custody Agreement and Consent Orders.

Rule 1915.4-3.2. Custody Conciliation Conference.

- (a) Non-Record Proceeding. The custody conciliation conference is an opportunity for the parties to reach agreement early in the litigation process. To facilitate the conciliation process and to encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by everyone involved in the conference shall not be admissible as

evidence in the custody proceedings. The custody conciliator shall not be a witness in any custody proceedings. The custody conciliation conference shall not be recorded. No evidence or testimony shall be presented. One-half (1/2) hour shall be set aside for all custody conciliation conferences.

- (b) Scheduling of Custody Conciliation Conference. If the parties are unable to reach an agreement at presentation, the presiding judge will refer the case to the custody conciliator. Custody conciliation conferences shall be scheduled not more than forty-five (45) days from the date of assignment by the presiding judge.
- (c) Appointment and Authority of the Conciliator. The court, in its discretion, shall refer all actions for custody of minor children to a conciliator who shall have the authority to conciliate custody cases in an effort to resolve the matter.
- (d) Participation in Custody Conciliation Process. Conduct of the Conciliator, Parties and Attorneys.
 - (1) Only the parties to the action and their legal counsel shall be present for the conciliation conference. Unless ordered by the court for good cause shown, children should not be brought to the conciliation conference and shall not be heard on the issues by the conciliator.
 - (2) The parties, counsel and the conciliator shall make a good-faith effort to resolve the issues and reach a partial or full agreement regarding the issues. The conciliator shall conduct the conference as an informational and conciliatory proceeding rather than confrontational or adversarial. All parties and counsel must participate in conferences in a cooperative manner and shall adhere to the directives of the conciliator. The conciliator shall attempt to mediate the differences between the parties, encourage amicable resolution of those differences. The conciliator shall attempt to negotiate a settlement by stipulation in writing, signed by the parties and counsel, for approval and entry as an order of court. Prior to agreeing to a custody order the conciliator shall permit the parties to consult with their counsel of record.
 - (3) Statements made by the parties or their attorneys at the conciliation conference shall not be admissible as evidence at a later custody proceeding. The custody conciliator shall not be a witness for or against any party.
 - (4) An attorney who attends a conciliation conference with a client shall participate in accordance with the following standards:
 - a. Attorneys shall fully cooperate with the efforts of the custody conciliator to facilitate the agreement of the parties;
 - b. Attorneys shall at all times behave in a manner consistent with the Rules of Professional Conduct and refrain from engaging in hostile or antagonistic conduct;
 - c. Attorneys shall advise their clients in a manner not disruptive of the conciliation process and shall be permitted to confer with the client privately outside of the conference room;
 - d. Attorneys shall not attempt to question the other party, present evidence or engage

in conduct characteristic of any adversarial proceedings;

- (5) At any time during the conciliation process the conciliator may terminate the proceedings and refer the case to the presiding judge for further action.
- (e) Bypass Custody Conciliation Conference. A party may file a motion to bypass the custody conciliation conference. A motion to bypass the custody conciliation conference may be granted by the presiding judge in limited circumstances wherein:
- (1) There are complex questions of law, fact, or both;
 - (2) Where a Protection from Abuse Order is in effect between the parties pursuant to Pa.C.S.A. § 6101;
 - (3) There are serious allegations affecting the child's welfare; or
 - (4) In relocation cases filed pursuant to 23 Pa.C.S.A. § 5337 and Pa. R.C.P. No. 1915.17.
- (f) Service Upon the Conciliator. Service of pleadings upon the conciliator is not required. The Prothonotary shall ensure that the conciliator has access to the official case file.
- (g) Conciliator's Fees.
- (1) At the time of filing the custody complaint or petition for modification of custody, the moving party shall deposit a conciliator's fee, which shall be established by administrative order of the court. If a petition to intervene is granted by the presiding judge and the matter referred to conciliation, the petitioner shall pay the conciliation fee at least five (5) days prior to the conciliation conference, otherwise the conference will be canceled and the petition dismissed. If a contempt/enforcement matter is referred to conciliation, the petitioner shall pay the conciliation fee at least five (5) days prior to the conciliation conference, otherwise the conference shall be canceled and the petition dismissed.
 - (2) There shall be allotted one-half hour for each conciliation conference. In the event that the conciliation conference exceeds one-half hour, the conciliator may petition the court for additional compensation at the rate established by the court. This additional fee shall be added to the cost of the action and shall be collected by the Prothonotary.
 - (3) In the event a party requests an additional conciliation conference, the requesting party shall pay an additional conciliator's fee, which shall be paid prior to the scheduling of an additional conciliation conference.
 - (4) In the event that the moving party is unable to pay the conciliator's fee, that party may apply file a Petition to Proceed In Forma Pauperis. If the Court grants the request, then the conciliator's fee shall be paid by the County of Adams.
 - (5) If the case is withdrawn from the conciliator's consideration prior to any conciliation conference occurring, and the party paying the initial conciliator's fee seeks a refund thereof, the party shall file a motion requesting a refund not later than ten (10) days after the last scheduled conciliation conference. Requests for refund filed more than ten days after the last scheduled conciliation conference will not be granted.

- (h) Conciliation Conference Memorandum. At least three (3) business days prior to the scheduled conciliation conference, each party shall file a Conciliation Conference Memorandum with the Prothonotary and serve a copy upon opposing counsel or opposing party if self-represented. The conciliation conference memorandum shall be in a form substantially similar to Sample Form “C” annexed to these rules and shall contain the following information:
- (1) Factual background, including a brief history of the case;
 - (2) Initials and ages of all children;
 - (3) Factual and legal issues for resolution;
 - (4) Whether a home study is requested;
 - (5) Whether a custody evaluation is requested and whether the parties will agree to a particular expert for evaluation;
 - (6) A proposed resolution of all matters, which may be in the form of a parenting plan attached to the memorandum; and
 - (7) If not previously filed, Defendant/Respondent must file a Criminal Record/Abuse History Verification with the Prothonotary pursuant to Pa. R.C.P. No. 1915.3-2. Additionally, if a party has already filed a Criminal Record/Abuse History Verification, any necessary updates shall be made at this time.

(Sample Form “C” –Conciliation Conference Memorandum)

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

Plaintiff	:	No.
	:	
v.	:	
	:	ACTION IN CUSTODY
Defendant	:	

CONCILIATION CONFERENCE MEMORANDUM

And now, comes the undersigned party who submits the following custody conference memorandum pursuant to Adams C.Civ.R. No. 1915.4-3.2(h):

1. Brief factual background, including current custody schedule for the child/ren:

_____.

2. Initials and current age of each child:

Child #1: _____ Child#3: _____

Child #2: _____ Child #4: _____

3. Factual and Legal Issues for Resolution:

_____.

4. Are you requesting a home study of your house? (*circle one*) YES NO

5. Are you requesting a home study of the other party's house? (*circle one*) YES
NO

6. Are you requesting a custody evaluation? (*circle one*) YES NO

7. A proposed resolution of all matters, which may be in the form of a Parenting

Plan: _____

_____.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information

and documents differently than non-confidential information and documents.

Respectfully Submitted,

DATE: _____

Signature

Printed Name

Street Address/P.O. Box

City, State, Zip

Telephone number

- (i) Cancellation or Continuance of Custody Conciliation Conference. A scheduled custody conciliation conference shall not be cancelled or continued without the written consent of the parties or leave of court. If a responding party does not consent, a motion to continue may be filed and directed to the presiding judge for consideration, with proper notice to the opposing party. The party requesting the continuance shall include the opposing party's position on the request. If the parties agree to reschedule the conciliation conference, then the conciliator shall set a new date for the conciliation conference to be held and provide notice of same to the presiding judge.
- (j) Failure of a party to appear at Custody Conciliation Conference.
- (1) All parties named in an action for custody shall be present at the custody conciliation conference unless excused by the conciliator or by agreement of counsel. If a party fails to appear, the conciliator shall so inform the court.
- (k) Report and Recommendation by Conciliator.
- (1) Within seven (7) business days after the conclusion of the conciliation conference, the conciliator shall file the original Report of Conciliator with the Prothonotary, along with a copy for each party. The Prothonotary shall serve a copy of the Report of Conciliator upon counsel of record and unrepresented parties in accordance with Pa. R.C.P. No. 236.
- (2) All agreements reached at a conciliation conference, whether a comprehensive, partial or interim agreement, shall be reduced to a written agreement and shall be signed by the parties immediately upon conclusion of the conciliation conference and submitted to the court for adoption as an order. The parties' consent to an interim order shall not constitute the waiver to a de novo trial for any issue.

- (3) If the parties are unable to reach a comprehensive agreement at conciliation, the conciliator's report shall include the following, as may be applicable to the case:
 - a. Legal and physical custody status at the time of conciliation;
 - b. Summary of the parties' positions;
 - c. Summary of the parties' interim or partial agreement, if any;
 - d. The need for an expedited hearing;
 - e. Identification of legal and factual issues.

Rule 1915.4-3.3. Co-Parent Education Program. *Reserved.*

Rule 1915.4-4. Pre-trial Procedures.

(a) Pre-trial conference.

- (1) If the parties are unable to come to a comprehensive agreement during the custody conciliation conference, the presiding judge's chambers will automatically schedule a pre-trial conference after the conciliator's report has been filed.
- (2) Pre-trial conferences shall be held in accordance with Pa. R.C.P. No. 1915.4-4. Unless otherwise ordered by the court, counsel of record and the parties shall be present for the pre-trial conference.
- (3) Any agreement reached at the pre-trial conference shall be reduced to writing and entered as an order of court.

(b) Pre-trial Statement.

- (1) Each party shall file with the Prothonotary a pre-trial statement no later than five (5) days prior to the pre-trial conference. The pre-trial statement shall include a proposed parenting plan and an updated Criminal Record/Abuse History Affidavit for each party and all members of each party's household. All pre-trial statements shall be in the form required by Pa. R.C.P. No. 1915.4-4 and shall include any requests for telephonic testimony.
- (2) Proposed exhibits and copies thereof shall not be appended to the pre-trial statement and shall not be filed with the Prothonotary until admitted into evidence by the court.
- (3) The Court may require the parties to submit a parenting plan to aid in resolution of the dispute. The form of the parenting plan shall be in substantial compliance with 23 Pa. C.S.A. §5331. This form is available at the Adams County Court of Common Pleas' self-help web page (<http://www.adamscounty.us>).

Rule 1915.4-5. Trial.

- (a) Scheduling. The presiding judge's chambers shall schedule all custody trial dates.
- (b) Continuance of Trial. A scheduled custody trial shall not be continued without leave of court. A motion for continuance shall be filed with the Prothonotary, who shall forward same to the presiding judge for consideration. The position of the opposing party must be noted in the

motion.

- (c) Exhibits. Exhibits shall be pre-marked. The party introducing the exhibit shall ensure that there is a reference copy for the presiding judge. Proposed exhibits shall not be filed with the Prothonotary until admitted into evidence by the court.

Rule 1915.4-6. Communication with the Court.

- (a) General. Attorneys and self-represented parties must serve opposing counsel, self-represented parties and the guardian ad litem with a copy of all written communications made to the court. Ex parte communications are strictly prohibited.
- (b) Motion for Phone Conference with the Presiding Judge. All requests for phone conferences shall be made by formal motion filed with the Prothonotary. All requests must include the reason why the telephone conference is being requested and each party's position regarding the motion. The moving party must properly serve the motion on all opposing counsel and self-represented parties in accordance with the Pennsylvania Rules of Civil Procedure.

Rule 1915.5. Preliminary Objections to Jurisdiction or Venue.

All preliminary objections to jurisdiction or venue shall be forwarded by the Prothonotary to the presiding judge for prompt disposition. In order to facilitate compliance with the Uniform Child Custody Jurisdiction Enforcement Act, a party shall provide the court with all known information concerning a custody proceeding in another state which involves the child, including but not limited to the following: (1) the name and address of the court in which the case is pending; (2) the caption of the case; (3) the name, address and telephone number of the judge to whom the case is assigned, and (4) true and attested copies of any orders entered in the case. Information provided under this rule shall be submitted in writing and attached as an exhibit to the preliminary objection.

Rule 1915.7-1. Custody Agreements and Consent Orders.

Contents of Custody Agreements and Consent Orders. At any time during the pendency of the proceedings, the parties may file with the Prothonotary an agreement and proposed consent order, with the written consents attached thereto, containing original signatures by the parties and their counsel. Consistent with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania, all agreements shall contain the initials of each child and shall be filed with a Confidential Information Form. All proposed orders shall contain each child's full name and the month/year of each child's birth for identification purposes. Upon receipt of a consent order, the court may, in its discretion, enter an order without taking testimony thereon. All proposed consent orders shall contain a separate numbered paragraph with language substantially in the following form:

“Relocation. A party proposing to change the residence of a child which significantly impairs the ability of a non-relocating party to exercise custodial rights shall follow the procedures required by 23 Pa. C.S.A. §5337 and Pa. R.C.P. No. 1915.17”. (See Sample Form “D” annexed to these rules for a checklist and sample order.)

(Sample Form “D” - CHECKLIST FOR CUSTODY ORDER BY AGREEMENT AND SAMPLE COURT ORDER ADOPTING THE AGREEMENT OF THE PARTIES)

The Court may incorporate the Agreement of the parties into a Custody Order if the following steps are

followed:

- The Agreement of the parties should list the child/ren by initials and month/year of birth. If the Agreement lists full names and month/year of birth, you must file a Confidential Information Form with the Agreement.
- The Agreement of the parties must contain language requesting the Court to enter the Agreement as an Order of Court.
- The Agreement should include the following standard paragraphs regarding Relocation of a Party:
RELOCATION OF A PARTY:
Relocation. A parent proposing to change the residence of the child(ren) which significantly impairs the ability of a non-relocating parent to exercise custodial rights shall follow the procedures required by 23 Pa. C.S. §5337 and Pa. R.C.P. No. 1915.17.
- Complete the Proposed Order of Court which lists the child(ren)'s full name and month/year of birth. The proposed order must list parties' names and addresses on the distribution under the Judge's signature.
- All parties must sign in the presence of a witness. Notarized agreements are preferred, but not required.
- In addition to the original, make three (3) copies of the Agreement with proposed order. The order is placed on top of the Agreement for filing.
- Take the original and three (3) copies with proposed order to file at the Prothonotary's Office on the 1st floor of the Adams County Courthouse.
- If you are initiating a custody action and the parties have reached an agreement without the need of a custody conference, you must file a custody complaint with criminal affidavits of the parties and pay the appropriate filing fee at the Prothonotary's Office at the same time as submitting the proposed order.
- If the order is granted, the order will be filed in the Prothonotary's Office and copies of the orders will be mailed to the parties, if self-represented, or counsel for the parties. If self-represented

you must provide self-addressed, postage pre-paid envelopes for both parties. If counsel does not have a mailbox in the Prothonotary's Office a self-addressed, postage pre-paid envelope to counsel's office must be provided.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL

Case No.

Plaintiff

v.

Defendant

ORDER OF COURT

AND NOW, this ____ day of _____, 20__, it is hereby ordered and directed that the within Stipulated Agreement for Custody attached hereto and entered into by the parties on _____, 20__, in regard to the child(ren), _____ (*names of child/ren*), born in _____ (*month/year of birth for each child*) is entered as an Order of Court.

BY THE COURT:

JUDGE

Distribution:

_____, Esquire/ or unrepresented party name/address

_____, Esquire/ or unrepresented party name/address

Rule 1915.8. Physical and Mental Examination of Persons.

- (a) Requests for Evaluations. All motions within the scope of this section shall be in conformity with Pa. R.C.P. No. 1915.8, and shall include a proposed order attached which substantially conforms to Pa. R.C.P. No. 1915.18.
- (b) Disclosure of Evaluations. There shall be no disclosure of the contents of an expert evaluation

or report to anyone except parties, the parties' attorneys of record, the guardian ad litem or attorney for the child, if any, and the court in accordance with Pa. R.C.P. No. 1915.8. Disclosure to an unauthorized person, including a child who is the subject of this action, may result in a finding of contempt and sanctions.

Rule 1915.11. Interview of Child. Attendance of Child at Hearing or Conference.

- (a) Attendance of Child at Hearing or Conference. Children shall not be brought to court or a conciliation conference unless so ordered by the presiding judge or conciliator. The Court of Common Pleas of Adams County does not provide childcare services.
- (b) Interview of Child. An interview of the child, also referred to as an "in camera" interview shall be conducted in chambers at the discretion of the presiding judge, pursuant to Pa. R.C.P. No. 1915.11. The court may provide a therapy dog to be present at the time of the in camera interview, in accordance with current court and county policies. If the parties, counsel or the child have any concerns regarding the presence of a therapy dog, they are directed to raise those concerns with the presiding judge at any stage of the proceedings.

Rule 1915.12. Enforcement. Contempt.

- (a) Upon the filing of any motion or petition alleging violation of a custody order, and seeking enforcement of an order, whether or not sanctions are requested, the matter shall be scheduled for custody presentation to attempt to resolve the matter.
- (b) If the request is not disposed of at the custody presentation, the court shall direct appropriate additional proceedings, which may include a custody conciliation conference, a directive to participate in counseling and/or mediation, temporary orders relative to interpretation of the existing order pending further conciliation or trial, scheduling of a trial date, or such additional matters as justice may require.
- (c) Actions referred to the conciliator shall be subject to the administrative fees and conciliation procedures set forth in these Rules.
- (d) If no agreement is reached at the conciliation conference, a conciliator's report shall be filed and the matter shall be scheduled for a hearing before the court.

Rule 1915.13. Special Relief.

- (a) Emergency Petitions. If an emergency complaint for custody, petition for modification of custody, and/or petition for contempt is filed, the moving party shall indicate on the petition that it is an emergency and shall aver the reason(s) for the emergency nature of the request. It is not necessary to hand-deliver, e-mail or fax these documents to the presiding judge's chambers. Ex parte communications are strictly prohibited. The presiding judge's staff will schedule the matter to be heard on the next available custody presentation date, at the discretion of the presiding judge. Counsel and parties shall make themselves readily available to attend all emergency proceedings.
- (b) All petitions and motions for special relief may be referred to the custody conciliator, pursuant to these Rules, at the discretion of the court.
- (c) Alternatively, the court may schedule a hearing to determine the appropriateness of such a request for special relief. If a hearing is granted, the court may continue a scheduled

conciliation conference until the court has rendered a decision on the request for special relief.

- (d) If, in an emergency, the court grants ex parte special relief, the court shall schedule a hearing, within ten (10) days, to address the merits of the petition for special relief. The court may continue the hearing, if requested to do so by the non-moving party, for reasonable time to allow that party to seek counsel and prepare a defense to the petition.

ACTION OF DIVORCE OR ANNULMENT OF MARRIAGE

Rule 1920(a). Uncontested Divorce

A party may file a praecipe directing the Prothonotary to forward all papers to the Court for review and for entry of a final decree when all costs have been paid or excused and when all requirements of law and the Rules of Civil Procedure have been fulfilled. If the defendant files the praecipe, he or she shall state by what authority he or she acts.

Rule 1920(b). Alimony

Claims for alimony pendente lite raised in a divorce complaint or by a subsequent pleading in a divorce action shall be referred to the Domestic Relations Section for a conference upon the written motion of a party, or upon the request of a party at a conference for support. Unless otherwise directed by the Court, an award of alimony pendente lite shall be effective from the date of the motion, or of the request. The procedure for alimony pendente lite shall be in accordance with Pa.R.C.P. 1910.11.

Rule 1920(c). Motion to Appoint Master

When a case is at issue and all discovery relating to issues to be submitted has been completed, a party may move for the appointment of a master. The motion shall under Pa.R.C.P. 1920.74, in item (7) list the names of local attorneys who may be interested in the case, or contain a statement that no local attorneys are known to be interested.

Rule 1920(d). Master's List and Compensation

The Court Administrator shall maintain a list of all attorneys primarily practicing in Adams County and who have not been excused from serving as masters in divorce or annulment. Any attorney may request the President Judge to excuse him or her from such service. Upon motion, the Court will appoint a master from the list to hear the issues set forth in the motion. The master shall be compensated at an hourly rate that will be periodically set by administrative order. Until changed, the hourly rate shall be \$65.00 per hour. No motion shall be considered unless there has been deposited with the Prothonotary the sum of \$500.00 for the purpose of guaranteeing payment of the master's and stenographer's fees. The master may direct at any point that additional deposits be made.

Rule 1920(e). Withdrawal of Issues

Upon motion of any party, the Court may withdraw issues from the master, whether the master has yet acted upon those issues.

Rule 1920(f). Payment

Upon notice to the parties, the master may request an order directing the Prothonotary to disburse fees. If a master's report has not been filed within sixty (60) days of the hearing date, the stenographer may request payment by filing the bill with the Prothonotary. If no exceptions to the sums are filed within ten (10) days, the Prothonotary shall disburse funds as requested.

Following the filing of the Report and Recommendation of the Master, the master may request by Motion and Proposed Order, the payment of stenographer and master's fees.

The Proposed Order shall provide for the payment by the Prothonotary of the stenographer fees if sufficient amount is on deposit, and the master's fees after that, if available, from the Prothonotary's deposit. In the event there are not sufficient funds on deposit with the Prothonotary, the Order submitted with the Motion shall provide for payment of the stenographer's fees first. Such Proposed Order may also provide for the payment of such additional fees not covered by the Prothonotary's deposit by the parties in accordance with the Master's Report and Recommendation or by such third parties as the Court may direct.

Rule 1920(g). Fees

Under appropriate circumstances, the Court may:

- (1) excuse a moving party from depositing all or part of fees, and/or
- (2) direct the non moving party to pay all or part of the fees, and/or
- (3) direct that the County pay all or part of the fees.

Rule 1920(h). Fees as Costs

Master's fees and stenographer's fees shall be considered costs of the case. In the event that master or the Court assesses costs against a party to the action, the costs shall be paid in full or a sufficient amount to cover the costs and shall be deposited with the Prothonotary within thirty (30) days of the date of the court order. If the payment or the deposit is not made within the thirty (30) day period, in addition to other remedies, the Court may direct the master to liquidate sufficient marital property to pay all sums due and owing.

Rule 1920(i). Notice

The master shall give at least ten (10) days written notice of the time and place for taking testimony to the attorneys of record, or to the parties, in the manner prescribed by Pa.R.C.P. 1920.51.

Rule 1920(j). Hearings and Amendments

Subject to the directions of the Court, the master shall have the usual powers of the Court, with regard to the detention of witnesses for examination and the general course of the proceedings before him/her. The master shall also have the authority and power to rule on objections to the admissibility of evidence and to permit amendments to the complaint in order to have the pleadings consistent with the testimony given. However, no amendment shall be permitted which changes the grounds of the divorce alleged. In cases where amendments to the complaint have been granted, the notice of the filing of the master's report shall contain a brief summary of the amendments allowed.

Rule 1920(k). Revocation

The appointment of a master may be revoked by the Court sua sponte, or upon motion of either party for cause shown, or upon the motion of the master on the grounds that no hearing has been held within ninety (90) days after the date of his/her appointment.

Rule 1920(1). Exceptions.

- A. *Filing.* Exceptions to the Master's report, or any motions or reasons for a new trial, which

either party desire to make, shall be filed with the Prothonotary, and a copy thereof served at the same time upon opposing counsel or party if they are not represented by counsel.

B. *Brief in Support.* If either party files Exceptions to the Master's report, the party filing Exceptions shall file and serve a brief in support of their Exceptions within twenty (20) days of their filing of Exceptions. The brief in support shall be filed with the Prothonotary and served upon the opposing counsel or party if they are not represented by counsel. Failure to file and serve a supporting brief within twenty (20) days of filing Exceptions shall result in the Exceptions being deemed withdrawn and, upon praecipe by either party, the Court shall enter an Order dismissing the Exceptions.

C. *Responsive Brief.* If a brief in support of Exceptions has been timely filed and served, the party opposing the Exceptions shall file a brief in opposition within fifteen (15) days after service of the brief in support of Exceptions. This brief shall be filed with the Prothonotary and served upon the opposing counsel or party if they are not represented by counsel.

D. *Oral Argument.* Absent a specific waiver by both parties in writing, oral argument shall be scheduled by the Court.

E. *Procedure.* Upon the filing of Exceptions pursuant to this Rule, the Prothonotary shall immediately docket the Exceptions and expeditiously transmit the file to the family law Judge.

F. *Transmittal of the record.* If no Exceptions are filed by either party in the time prescribed by the Pennsylvania Rules of Civil Procedure, or if Exceptions have been filed and an Order has been entered disposing of the Exceptions, the Court will, upon praecipe of either party, enter the final decree.

Rule 1920(m). Delinquent Report

A. If a master fails to file a report and recommendation within the period established by Pennsylvania Rules of Civil Procedure, the master shall report such failure to the Court, explain reasons for the failure and state when the report shall be filed.

B. The Court may terminate a master's appointment, reduce or deny the master's compensation, or order such other relief as may be appropriate, where: a master has violated this rule, or has failed to comply with the time limits of the Pennsylvania Rules of Civil Procedure, without adequate explanation. Such relief may be ordered by the Court sua sponte, or upon application of any party.

Rule 1920(n). Counseling

If either party requests counseling under § 3302 of the Divorce Code, the party making such request shall deposit seventy-five dollars (\$75.00), with the Prothonotary at the time of filing the request to cover the cost of the counselor's report, unless the court shall order otherwise.

The party requesting counseling shall provide the appointed counselor with a copy of the Court Order directing such counseling.

These amendments shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

Rule 1921. Procedure Relating to Masters' Hearing

Subject to the Court's power to withdraw issues from the master, procedures shall be as prescribed by Pa.R.C.P. 1920.55-2.

Rule 1930.4 Time for Serving a Copy of the Complaint and Scheduling Order to the Non-Moving Party; Record Proof.

A true, attested copy of the complaint, petition for modification, petition for contempt and/or petition for intervention, and proposed scheduling order shall be furnished to the non-moving party's counsel, or to the non-moving party if unrepresented, not less than five (5) business days prior to its anticipated presentation to the presiding judge, with a certificate of service filed with the Prothonotary.

***ACTIONS BY REAL PARTIES IN INTEREST
MINORS AS PARTIES***

Rule 2039. Compromise, Settlement, Discontinuance and Distribution.

A. *Contents of the petition.* A petition for leave to compromise, settle or discontinue an action in which a minor is a party or an action for wrongful death in which a minor is interested shall set forth:

1. The facts of the case.
2. The damages sustained.
3. All expenses incurred or to be incurred, including counsel fees.
4. Any other relevant information.

B. The Court may require a hearing to determine whether the proposed compromise, settlement or discontinuance should be approved.

C. Appearance at hearing. Necessary parties and witnesses shall appear at the hearing unless excused for cause shown.

D. *Proposed Order.* All petitions pursuant to this rule shall be accompanied by alternative proposed Orders consisting of a proposed Order containing the suggested relief and a proposed Order substantially in the following form:

**IN THE COURT OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA**

(caption)

ORDER

AND NOW, this ____ day of _____, 200 __, the Court shall consider the attached motion at a hearing to be held on _____, 200 __, at _____, in a Courtroom to be designated.

BY THE COURT:

J.

Rule 2064. Compromise, Settlement, Discontinuance and Distribution.

A petition for leave to compromise, settle or discontinue an action in which an incapacitated person is a party shall be governed by Adams C.Civ.R. No. 2039.

ACTIONS IN WRONGFUL DEATH

Rule 2205. Wrongful Death. Notice.

In addition to the formal notice authorized by Pa.R.C.P. No. 2205, a plaintiff in a wrongful death action may give notice to a person entitled to recover damages in the action by any means of service, other than ordinary mail, authorized by general rule.

Rule 2206. Settlement, Compromise, Discontinuance and Judgment.

A petition filed pursuant to Pa.R.C.P. No. 2206 shall be governed by Adams C.Civ.R. No. 2039.

SHERIFF'S INTERPLEADER

Rule 3252. Writ of Execution.

The office identified in Adams C.Civil R. No. 1018.1 is designated as the office to be named in a writ of execution notice.

[Pa.B. Doc. No. 05-985. Filed for public inspection May 20, 2005, 9:00 a.m.]

[Pa.B. Doc. No. 07-1227. Filed for public inspection July 13, 2007, 9:00 a.m.] [Rule 1920(a), (d), (e), (f), (n).]

[Pa. B. Doc. No. 08-1581. Filed for public inspection August 29, 2008] [Rule 1920(l)]

[Pa.B. Doc. No. 13-343. Filed for public inspection March 1, 2013, 9:00 a.m.] [Rule 1302(b), (c), (d), (e)][Rule 1303]

[Pa.B. Doc. No. 13-1436. Filed for public inspection August 2, 2013, 9:00 a.m.] [Rule 230.2; Rule 230.3]

[Pa.B. Doc. No. 13-1438. Filed for public inspection August 2, 2013, 9:00 a.m.] [Rule 206.1(a); Rule 212(A), (B), (C), (D)]

[Pa.B. Doc. No. 14-2542. Filed for public inspection December 12, 2014, 9:00 a.m.] [Rule 236; Rule 1916]

[Pa.B. Doc. No. 17-1298. Filed for public inspection August 4, 2017, 9:00 a.m. and Pa.B. Doc. No. 17-1299. Filed for public inspection August 4, 2017, 9:00 a.m.] [Rule 1905]

[Pa.B. Doc. No. 18-1444. Filed for public inspection September 14, 2018, 9:00 a.m.] [Rule 205.2(a), Rule 251, Rule 430, Rule 1302(c)]

[Pa.B. Doc. No. 18-1887. Filed for public inspection December 7, 2018, 9:00 a.m.] [Rule 1910.4, Rule 1910.10, Rule 1910.11, Rules 1910.12 to 1910.19, Rule 1910.20]

[Pa.B. Doc. No. 19-62. Filed for public inspection January 18, 2019, 9:00 a.m.] [Rule 1915.1, Rule 1915.3, Rule 1915.4-3.1, Rules 1915.4-3.2, Rule 1915.4-3.3, Rule 1915.4-4, Rule 1915.4-5, Rule 1015.4-6, Rule 1915.5, Rule 1015.7-1, Rule 1915.8, Rule 1915.11, Rule 1915.12, Rule 1915.13, Rule 1930.4; Rule 1916 vacated]

[Pa.B. Doc. No. 19-1579. Filed for public inspection October 25, 2019, 9:00 a.m.][Rule 1915.3(a)(5)]

{current as of 11/25/19}