

Lackawanna County Family Court Rules



Rule 1910.10. *Alternative Hearing Procedures.*

In accordance with Pa.R.C.P. 1910.10, the hearing procedure of Pa.R.C.P. 1910.12 is hereby adopted in this judicial district.

Rule 1915.1(b). *Scope. Definitions.*

- (1) “Conciliation Conference” means an office conference which is conducted at the court house, by a conference officer or a hearing officer, at which all parties and/or their counsel shall be present.
- (2) “Conference Officer” or “Hearing Officer” means an attorney engaged in the practice of law before the Court of Common Pleas of Lackawanna County who is duly licensed to practice law in the Commonwealth of Pennsylvania, who shall conduct the conciliation conference at such times and places as the Court shall direct.
- (3) “Kids First.” A four hour orientation and education program established to help parents understand the effect of divorce and family conflict on their lives and the lives of their children.
- (4) “Parenting Plan.” A parenting plan is a written description of what the parent believes would be the best residential living arrangement for the child(ren).

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

- (a) In addition to the information required by Pa.R.C.P. 1915.15(a), every complaint for custody, partial custody or visitation shall contain the following averments:
 - (i) Plaintiff has been advised of the requirement to attend the seminar entitled “Kids First.”
 - (ii) Defendant has been advised of the requirement to attend the seminar entitled “Kids First.”

<i>See Forms Index</i>

- (b)(i) The Order required under this rule shall be completed by the Family Court Administrator at the time the complaint is filed.
- (ii) The Family Court Administrator shall schedule a conciliation conference to be held within forty-five (45) days from the date of the initial filing.
- (iii) The Family Court Administrator shall also include in the Order the dates each parent shall attend the Kids First seminar.

- (iv) Both parents shall attend the Kids First Seminar on a date scheduled by the Family Court Administrator.
- (v) The moving party is responsible for ensuring that the opposing party receives the Kids First brochure and registration form.
- (vi) Each party is to submit the registration form and payment to Kids First prior to the seminar.
- (vii) Parents proceeding in forma pauperis or who are on public assistance must provide proof of same to the presenter.
- (viii) Parents residing outside Lackawanna County may contact the presenter for possible alternative programs if unable to attend the Kids First seminar.
- (ix) The Court has authorized the presenter to approve individual changes to the Kids First registration, only upon a showing of good cause.
- (x) After successfully completing the Kids First seminar, the presenter will issue a certificate of completion to the parties, and will provide the Family Court Clerk of Judicial Records with a seal of completion which shall be affixed by the Family Court Clerk of Judicial Records to the front inside cover of the file.
- (xi) The presenter shall timely provide the Family Court with a list of non-attendees, along with court docket numbers, against whom the Court may issue contempt proceedings for failure to appear.

See Forms Index

Rule 1915.4. *Prompt Disposition of Custody Cases.*

- (a) At least 7 days prior to the conciliation conference, the parties shall file and serve a Parenting Plan. The Plan shall be in the form attached as Form A.

See Forms Index

- (b) The Order and Motion for a Custody Hearing or Trial shall be presented in Motion Court. Parties and/or their counsel shall then present the executed Order to the Family Court Administrator who shall thereafter provide the requisite dates. The Order and Motion for a Custody Hearing or Trial shall be in the form attached as Form B.

See Forms Index

Prior to a custody hearing or trial, counsel and the parties shall appear for a pre-trial or status conference. The pre-trial or status conference shall be scheduled by the Court no later than 30 days before the custody hearing or trial. Both parties shall file a Pre-Hearing or Pre-Trial Statement no later than 5 days before the pre-trial hearing or conference, and serve it on the opposing party. The Pre-Hearing or Pre-Trial Statement shall be in the form attached as Form C.

See Forms Index

- (d) The time line for prompt disposition of a primary custody matter would be essentially as set forth in the form attached as Form D.

See Forms Index

Rule 1915.4-1(a). *Alternative Hearing Procedures for Partial Custody or Visitation Actions.*

In accordance with Pa.R.C.P. 1915.4-1, the custody proceedings in this judicial district are conducted pursuant to Pa.R.C.P 1915.4-2.

Rule 1915.4-2. *Partial Custody. Visitation. Office Conference. Hearing. Record. Exceptions. Order*

- (a) At least 7 days prior to the conciliation conference, the parties shall file and serve a Parenting Plan. The Plan shall be in the form attached as Form A.

See Forms Index

- (4) In instances where the parties attend mediation as set forth in Pa.R.C.P. 1940.3(a) and/or 1940.3(c), mediation shall take place as soon as reasonably possible at the conclusion of the conciliation conference, but in no event shall it take place so as to interfere with the time period prescribed in Pa.R.C.P. 1915.4-2(a)(4).
- (b)(2) The conference officer or hearing officer shall encourage and supervise the formulation of consent orders. In cases where

consent orders cannot be obtained, the conference officer or hearing officer shall receive evidence and hear argument as set forth in Pa.R.C.P. 1915.4-2(b)(2).

(6) The time line for prompt disposition of a partial custody or visitation matter would be essentially as set forth in the form attached as Form E.

See Forms Index

Rule 1915.11(a). *Appointment of Attorney for Child.
Interrogation of Child.*

In accordance with 23 Pa.C.S.A. § 5334, the Guardian Ad Litem procedure set forth in 23 Pa.C.S.A. § 5334 is hereby adopted in this judicial district.

Rule 1915.13. *Special Relief.*

- (a) At any time after commencement of the action, the court may, on application of any party or ex parte on the application of a hearing officer, grant appropriate interim or special relief. Such relief may include issuance of a writ of ne exeat directed to the present custodian of the child(ren) where flight to evade jurisdiction is imminent.
- (b) When relief is sought on application of a party, the court shall grant appropriate interim or special relief only after written notice and hearing unless it appears to the satisfaction of the court that immediate and irreparable injury will be sustained before notice can be given or a hearing held, in which case the court may issue a preliminary or special injunction without a hearing or without notice. In determining whether a preliminary or special injunction should be granted and whether notice of a hearing should be required, the court may act on the basis of the averments of the pleadings or petition and may consider affidavits of parties or third persons, or any other proof which the court may require.
- (c) Special relief and/or interim relief granted without notice to the opposing party shall be deemed dissolved unless a hearing on the continuance of the special and/or interim relief is held within five (5) days after granting such relief or within such other time as the parties may agree or as the court upon cause shown shall direct.

Rule 1920.3. Commencement of Action.

- (a) Every complaint, counterclaim, or petition in an action for divorce or annulment shall be filed with the Family Court Clerk of Judicial Records.
- (b) Any party filing with the Family Court Clerk of Judicial Records a claim for child, spousal support or alimony pendente lite in a complaint, counterclaim or petition may simultaneously file a conformed copy thereof in the domestic relations office of this court where it shall proceed in accordance with the practice and procedure of the domestic relations section of this court.

Rule 1920.51(a)(3). Hearing by the Court. Appointment of Master. Notice of Hearing.

- (i) For Appointment of a Master, counsel (or party if pro se) shall present the Order and Motion for Appointment of Master in Motion Court. The moving part shall provide opposing counsel (or party if pro se) with three (3) days notice of his/her intent to present the Motion. Counsel shall then present the executed Order to the Family Court Administrator who shall thereafter assign a Master per sub-section (ii) herein.
- (ii) After the Court approves the appointment of a Master, the moving party shall proceed to the Court Administrator. The moving party must inform the Court Administrator of all pending divorce cases that he/she has with any Master from the list of Masters as a litigant. Within five (5) days of receipt of Notice that a party is requesting a Master, counsel for the opposing party must notify the Court Administrator of all pending cases he/she has with any Masters on the list as a litigant. In addition, both counsel shall notify the Court Administrator of any Masters that were litigants on divorce cases that ended within three (3) months from the date the Court is being requested to appoint a Master. Upon Notice to the Court Administrator from both sides, the Court Administrator shall appoint a Master that is not named on either list presented to the Court Administrator. This requirement shall also apply to pro-se litigants.

In the event a party is pro-se and later hires counsel or a party hires new counsel after the Master is appointed, this provision shall not apply since the Master has already been in place. New counsel shall refrain from accepting the case if he/she feels there is an appearance of a potential conflict.

Attorneys shall have the right to agree to and select a Master from the list of Masters provided each attorney obtains the written consent of his/her client. The requirement about Masters being involved in other cases is waived when both attorneys and their clients agree on a Master. The completed Waiver of Conflict Form shall be an exhibit to the Motion for Appointment of Master. The Waiver of Conflict Form shall be in the form attached as Form F.

See Forms Index

In addition, the Master acting as an attorney, shall not accept a new case if opposing counsel on the new case is involved in current litigation before the Master. In this instance, the Master must either withdraw as Master with Court approval or not accept the case as private counsel for a litigant.

In the event two (2) Masters are litigants in separate pending divorce proceedings, neither Master shall be permitted to act as Master for the other's proceeding. This restriction cannot be waived.

- (iii) In all actions for which appointment of a Master is sought, the party seeking appointment shall pay the sum of Seven Hundred and Fifty (\$750.00) Dollars at the time of the appointment directly to the appointed Master and serve the Master with a copy of the Order and Motion for Appointment of Master. The Master shall not commence action on the case until payment is received. The Master shall be required to deposit the fee into his or her escrow account until earned and billed. Master's fees shall be billed at a rate of One Hundred Twenty-Five Dollars (\$125.00) per hour. The Master may require additional deposits of funds from either or both parties, if necessary. The Master may enter such order concerning the allocation of Master's fees and related costs as may appear just and reasonable. Whenever the amount required to be deposited is exhausted before the filing of the Master's Report and Recommendations, proceedings may be stayed until the amount so directed shall be deposited. Any party who seeks a waiver of the \$750.00 fee shall do so by filing a Petition with a Rule Returnable so that the Court can address the same. Forms for this purpose will be available at the Family Court Administrator's Office.
- (iv) Within twenty (20) days from the date the Master receives notice of his/her appointment and the \$750.00 fee, the Master shall

schedule a Pre-Hearing Conference. The Master shall give written notice to the parties through their counsel or directly if they are unrepresented.

- (v) The parties with the aid of their counsel and the appropriate assistance of the Master should make a good faith effort to resolve contested matters, including the marital property division, and shall determine those items which are contested and upon which testimony shall be taken at a scheduled hearing.
- (vi) Before fixing the time and place for the hearing, the Master shall examine the pleadings to determine the formal sufficiency and regularity of the proceeding, including the matter of jurisdiction. If, in the opinion of the Master, the proceeding is defective in any manner, s/he shall report any defects to the Court with appropriate notice to the parties through their counsel or directly if they are unrepresented, within twenty (20) days from his or her appointment and shall suspend further action until the defect is cured. If the defect is not cured within a reasonable period of time, the Master shall apply to the Court for instructions. When the Master is satisfied as to the formal sufficiency and regularity of the proceedings, including jurisdiction, or when directed by the Court to proceed, s/he shall thereafter promptly fix the time and place of taking testimony, if any.
- (vii) At the close of the Pre-Hearing Conference, the Master shall establish a scheduling deadline, and the time and place for a formal hearing. The Master shall give written Notice of the schedule and formal hearing to the parties through their counsel or directly if they are unrepresented, by mail within ten (10) days. The Master shall file said Notice with the Court. The party who has filed for appointment of the Master shall engage a stenographer for transcription of the Hearing.
- (viii) After the formal hearing, the Master shall file a report consistent with Pa.R.C.P. 1920.53 &/or 1920.54. The Master shall conclude the case within six (6) months from the date the Master receives notice of his/her appointment. This date may be extended by agreement of the Master and all counsel of record and/or the parties, if pro se. If the Master cannot conclude the case within this six-month time frame, then s/he shall file a Status Report at the expiration of each six-month time period. The Master shall give the Family Court Administrator a copy of each such Status Report. The Status Report shall be in the form attached as Form G.

See Forms Index

(ix) Upon completion of the case, the Master shall send a final bill and upon payment in full, the Master shall file a Certification of Payment that all Master's fees have been paid. In any case in which a Master is appointed, no Decree in Divorce shall be entered absent a Master's Certification of Payment that all Master's fees have been paid. In addition, upon completion of the case, the Master shall file a Divorce Master Closing Form. The Master shall give the Family Court Administrator a copy of each such Divorce Master Closing Form. The Divorce Master Closing Form shall be in the form attached as Form H.

See Forms Index

Rule 1940.3(a). *Order of Orientation Session and Mediation. Selection of Mediator.*

If the parties agree to attend mediation, or mediation is ordered by the Court, the Court may appoint the mediator, or if desired by the parties, the parents may choose an appropriate mediator approved by the Court. If the parties agree to attend mediation, or mediation is ordered by the Court, then the Order for Mediation shall be in the form attached as Form I.

See Forms Index

Rule 1940.6. *Termination of Mediation.*

(b) If the parties execute a Memorandum of Understanding, then the Mediator shall provide a copy to the Family Court Administrator within 14 days. The Family Court Administrator shall thereafter send both counsel and/or the parties a letter notifying them that they have the right to object to the Memorandum of Understanding within 20 days from the date of the letter, and if no objection is received within that time, the Memorandum of Understanding will be adopted by the Court as an Order. The letter shall be in the form attached as Form J The Objection shall be in the form attached as Form K.

See Forms Index

- (c) If the parties cannot reach a resolution during Mediation, then the Mediator shall report this in writing to the Family Court Administrator within 14 days. Upon receipt of this information, the Family Court Administrator shall send both counsel and/or the parties a letter notifying them they must, on their, reschedule the matter for conference and/or hearing. The letter shall be in the form attached as Form L.

See Forms Index



Family Court Forms



See Rule 1915.3(a)

COURT OF COMMON PLEAS OF LACKAWANNA COUNTY

CIVIL COVER SHEET

FOR CLERK OF JUDICIAL RECORDS USE ONLY
Docket Number:

PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS	TOTAL NUMBER OF DEFENDANTS	COMMENCEMENT OF ACTION
		Complaint Petition Action Notice of Appeal Writ of Summons Transfer from another jurisdiction

ACTION IN CONTROVERSY	COURT PROCEDURES
In Excess of Jurisdictional Amount? Yes No	Arbitration Jury Non-Jury Petition Motion Court Appeal Statutory Appeal Other

CASE TYPE AND CODE (SEE INSTRUCTIONS)

STATUTORY FOR CAUSE OF ACTION (SEE INSTRUCTIONS)

REMARKS:

TO THE CLERK OF JUDICIAL RECORDS

Please enter my appearance on behalf of Plaintiff. Papers to be served at the address set forth below	ADDRESS
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PHONE NUMBER	FAX NUMBER:	
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SUPREME COURT IDENTIFICATION NO.	E-MAIL ADDRESS
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SIGNATURE	DATE
-----------	------

_____	:	
Name	:	
_____	:	
Address	:	
_____	:	IN THE COURT OF COMMON PLEAS
_____	:	
Phone Number	:	OF LACKAWANNA COUNTY
	:	
_____	:	FAMILY DIVISION
Plaintiff(s)	:	
vs.	:	20 ____ FC ____
_____	:	
Name	:	
_____	:	
Address	:	
_____	:	
Phone Number	:	
Defendant(s)	:	

ORDER

You, _____ {Plaintiff} {Defendant}, have been sued in Court to
{obtain} {modify} custody, partial custody or visitation of the following children:

You, as a party to this action, are directed to attend the "KIDS FIRST" Seminar on the assigned date listed below:

Plaintiff's Class Date: _____

Defendant's Class Date: _____

FAILURE TO REGISTER AND COMPLETE THE PROGRAM WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN FINDING OR CONTEMPT AND THE IMPOSITION OF SANCTIONS.

You are ordered to appear in person at the Lackawanna County Family Center, 200 Adams Avenue, Scranton, PA on _____ at _____ .M. for a:

_____ Conciliation Conference, 1st Floor, Court Administrator's Office – Family Court Division

_____ Hearing before the Court, 1st Floor, Court Administrator's Office – Family Court Division

If you fail to appear as provided by this Order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

*North Penn Legal Services, Inc.
300 Scranton Electric Building
507 Linden Street
Scranton, PA 18503
1-877-953-4250*

*Lawyer Referral Service
Lackawanna Bar Association
338 North Washington Avenue
Scranton, PA 18503-1502
(570) 969-9161*

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lackawanna County is required by law to comply with the American with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

_____, J.

DATE: _____

_____	:	IN THE COURT OF COMMON PLEAS
(Plaintiff(s))	:	
	:	OF LACKAWANNA COUNTY
vs.	:	
	:	FAMILY DIVISION
	:	
_____	:	20____ FC _____
Defendant(s)	:	

PETITION FOR CUSTODY

AND NOW, comes the petitioner, _____, filing the following petition for Custody, Visitation, etc., of _____ (minor child(ren)).

Petitioner's relationship to minor child(ren) _____.

1. _____

2. _____

3. _____

4. _____

5. _____

WHEREFORE, the petitioner, _____, respectfully requests that this Court issue an Order granting the following relief:

Respectfully submitted,

Date: _____

_____	:	IN THE COURT OF COMMON PLEAS
(Plaintiff(s))	:	
	:	OF LACKAWANNA COUNTY
vs.	:	
	:	FAMILY DIVISION
	:	20 ____ FC ____
_____	:	
Defendant(s)	:	

.....

VERIFICATION

I, _____, the petitioner, do hereby affirm that the facts set forth in the foregoing Petition for Custody are true and correct to the best of my knowledge, information and belief. I affirm that there are no outstanding custody matters concerning the minor child(ren) in any other jurisdiction. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

Petitioner

Date

See Rule 1915.3(a)

IN THE COURT OF COMMON PLEAS OF LACKAWANNA COUNTY

Plaintiff/Petitioner : **FAMILY COURT**

vs.

Defendant/Respondent : Docket Number: _____

TO: ORDER

Name: _____ Date of Birth: _____
Address: _____
City/State/Zip: _____ Attorney: _____
Phone: _____

NOW, this _____ day of _____, 20__, you are mandated and ordered by The Family Court of Lackawanna County to attend the next available conflict awareness class called:

"KIDS FIRST": Children Coping with Parental Breakups & Family Conflict"

IMPORTANT!
Immediate Attention Required

YOU ARE TO ATTEND THIS CLASS ON:

Date: _____
CIRCLE ONE: Saturday Morning (8:30am - 12:30 pm) or Evening: _____ (5 pm - 9 pm)

PLEASE BE ADVISED

Failure to attend this conflict awareness class may lead to contempt of court proceedings and will be considered in custody decisions

BY THE COURT



_____ J.

Top Copy: Clerk of Courts Yellow Copy: Court Administrator Bottom Copy: Litigant
Source: DR_PFA_CUST_JUV_CONTPT_TRUANCY

HOW TO REGISTER

- Read the information on the reverse side
- ___ Complete the attached registration form
- ___ Enclose a check or money order for \$30 written to "Kids First"
- ___ Mail to Kids First, P.O. Box 308, Scranton, PA 18501



Course Description

Kids First is a four-hour educational program designed help parents and other critical caretakers protect children from the harmful effects associated with parental breakups and family conflict. Participants will learn the critical importance of self care; what helps and hurts; how children might respond at different ages; how to help children make positive adjustments; how to disengage from conflict, and how to develop a functional co-parenting relationship.

Who Has to Attend?

Parents or other caretakers, with children under the age of 18, who are litigating custody, divorce, and, in some cases, child support.

What if I have already Taken This Class?

You do not have to take the class again if you have taken it within the past five years. Otherwise, yes.

What if I Need to Reschedule?

With good reason, you can reschedule a class one time. You must contact Kids First to reschedule.

What if I Live Out of State?

You can take a regional class or take a home study class. Regional classes must be preapproved. Contact Kids First.

How Do I Check for Snow Cancellations?

A message will be available at 570-580-0794.

Registration & Fees

Complete the registration form at the bottom of this court order and mail it to: Kids First, PO Box 308, Scranton, PA 18501. A fee of \$30 must be included. All registration forms must be received no later than seven days before the actual class date.

Certificates

Certificates of attendance will be given to participants at the end of the class. You should keep your certificate as proof of your compliance with the court order to attend the class. Kids First will send a copy of your certificate to the court to verify your attendance. No further action is required by you to verify your compliance with the court order.

About the Presenter

Dr. Chet Muklewicz is a Pennsylvania licensed psychologist. He is a nationally recognized expert on child custody issues, as he has provided training to legal and mental health professionals throughout the United States. For almost twenty years, he has presented his Kids First class to over 20,000 parents and he has helped over a thousand families in his private practice. Dr. Muklewicz has written several books, including *Kids First Parenting Plan*, *Kids First: Children Coping with Parental Breakups & Family Conflict*, & *Taking the Conflict Out of Child Custody*.

LOCATION

LACKAWANNA COLLEGE STUDENT UNION
(former Catholic Youth Center—CYC)
501 Jefferson Ave (Corner of Jefferson & Vine)
Scranton, Pa

**WALK-IN REGISTRATIONS
NOT ACCEPTED****DO NOT BRING CHILDREN**

CLASS SCHEDULE On Website:
www.kidsfirst.ee

**HOW TO CONTACT
KIDS FIRST:**

Send an email to pakidsfirst@aol.com
or send a text message to 570-580-0794

REGISTRATION

Print Class Day(s)	Date(s)	Time:	Docket #:
Print Name: _____		Phone: _____	
Address: _____ City: _____		State: _____ Zip: _____	
Is there a Protection from Abuse Order (PFA) against either parent?		Yes: _____ No: _____	
If so, print the other parent's name: _____			

Send Registration and Payment (\$30 per person) to: Kids First, P.O. Box 308, Scranton, PA 18501

See Rule 1915.3(b)(vii)

_____	:	IN THE COURT OF COMMON PLEAS
	Plaintiff	:
	:	OF LACKAWANNA COUNTY
VS.	:	
	:	FAMILY COURT – DIVISION
	:	
_____	:	_____ FC _____
	Defendant	

ORDER

AND NOW, this _____ day of _____ 20__, upon consideration of the application to proceed in forma pauperis, which was filed by the above Plaintiff, _____, in accordance with Rule No. 1920.62 of the Pennsylvania Rules of Civil Procedure, IT APPEARING TO THE COURT that he/she is indigent and unable to pay the filing fees and service of process costs; the request for permission to proceed in forma pauperis is granted.

BY THE COURT:

_____ J.

IN THE COURT OF COMMON PLEAS

Plaintiff :
: OF LACKAWANNA COUNTY
:
: FAMILY COURT-DIVISION

VS.

Defendant : FC

PETITION AND AFFIDAVIT

1. I am the (Plaintiff) (Defendant) in the above matter and because of my financial condition(s) I am unable to pay the fees and costs of prosecuting or defending the action or proceeding.
2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct.

(a) Name _____
 Address _____

(b) Employment
 If you are presently employed, state
 Employer _____
 Address _____

Salary or wage per month _____

Type of work _____

If you are presently unemployed, state _____

Date of last employment _____

Salary of wages per month _____

Type of work _____

(c) Other income within the past twelve months

Business or Profession _____

Other Self-Employment _____

Interest _____

Dividends _____

Pension and Annuities _____

Social Security Benefits _____

Support Payments _____

Disability Payments _____

Unemployment Compensation and Supplemental Benefits _____

Workman's Compensation _____

Public Assistance _____

Other _____

(d) Other contributions to household support

(Wife) (Husband) Name _____

If your (wife) (husband) is employed, state

Employer _____

Salary or wages per month _____

Type of Work _____

Contributions from children _____

Other contributions _____

Property Owned

Cash _____

Checking Account _____

Saving Account _____

Certificate of Deposit _____

Real Estate (including home) _____

Motor Vehicle Make _____

Year _____ Cost _____

Amount Owed \$ _____

Stocks, Bonds _____

Other _____

Debts and Obligations

Mortgage _____

Rent _____

Loans _____

Other _____

(g) Persons dependent upon you for support

(Wife)(Husband) Name _____

Children if any:

Name _____ Age ____

Other Persons

Name _____

Relationship _____

- 4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances, which would permit me to pay the costs incurred herein.
- 5. I verify that the statements made in this affidavit are true and correct, I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. 4904, relating to unsworn falsification to authorities.

Date _____

Petitioner _____

See Rule 1915.4(a) and 1915.4-2(a)

FORM A

CAPTION

PARENTING PLAN PURSUANT TO 23 P.A.C.S.A. § 5331(e)

This Parenting Plan involves the following child/children:

Child's Name Age Where does this child live?

_____	_____	_____
_____	_____	_____
_____	_____	_____

If you have children not addressed by this parenting plan, name here:

Child's Name Age Where does this child live?

_____	_____	_____
_____	_____	_____
_____	_____	_____

Legal Custody (who makes decisions about certain things):

Circle one:

- | | | | |
|--------------------|------------------------------|-----------|-----------|
| Diet | Both parties decide together | Plaintiff | Defendant |
| Religion | Both parties decide together | Plaintiff | Defendant |
| Medical Care | Both parties decide together | Plaintiff | Defendant |
| Mental Health Care | Both parties decide together | Plaintiff | Defendant |
| Discipline | Both parties decide together | Plaintiff | Defendant |
| Choice of School | Both parties decide together | Plaintiff | Defendant |
| Choice of Study | Both parties decide together | Plaintiff | Defendant |
| School Activities | Both parties decide together | Plaintiff | Defendant |
| Sports Activities | Both parties decide together | Plaintiff | Defendant |
| Additional Items | Both parties decide together | Plaintiff | Defendant |

Explain what process you will use to make decisions?

(For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline)

Physical Custody (where the child/children live)

The child/s/children's residence is with _____.

Describe which days and which times of the day the child/children will be with each person:

Monday: _____

Tuesday: _____

Wednesday: _____

Thursday: _____

Friday: _____

Saturday: _____

Sunday: _____

Describe where and when the child/children will be dropped off and/or picked up (day and time of day)?

Drop-Off

Where: _____

When: _____

Pick-Up

Where: _____

When: _____

If one of you doesn't show up, how long with the other one wait? _____

If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs?

HOLIDAYS

Where will the child/children stay?

HOLIDAY	Year A	Year B	Every Year
Martin Luther King Day	_____	_____	_____
President's Day	_____	_____	_____
Easter	_____	_____	_____
Memorial Day	_____	_____	_____
Fourth of July	_____	_____	_____
Labor Day	_____	_____	_____
Yom Kippur	_____	_____	_____
Rosh Hashanah	_____	_____	_____
Thanksgiving	_____	_____	_____

Vacation after Thanksgiving _____

Christmas Vacation _____

Kwanzaa _____

New Year's Eve/Day _____

Spring Vacation _____

Easter Sunday _____

Child's Birthday _____

Mother's Day _____

Father's Day _____

Other _____

Other _____

Other _____

Summer Vacation Plans _____

Special Activities or School Activities

Child's Name	Activity	Will both of you attend? If not, which one of you will attend?
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Temporary changes to this parenting schedule

From time to time, one of you might want or need to rearrange the parenting time schedule due to work, family or other events. You can attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision.

The parent asking for the change will ask:

- ___ In person
- ___ By letter/mail
- ___ By phone

No later than:

- ___ 12 hours
- ___ 24 hours
- ___ 1 week
- ___ 1 month

The parent being asked for a change will reply:

- In person
- By letter/mail
- By phone

No later than:

- 12 hours
- 24 hours
- 1 week
- 1 month

May parents contact one another? _____

When the child/children is/are with one of you, how may they contact the other parent?

When and how may _____ contact the child?

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specific method of arbitration, mediation, court action, etc.):

The following matter or matters as specified by the court:

Other (Anything else you want to agree on)

Date: _____
Signature of Mother

Date: _____
Signature of Father

Date: _____
Signature of Witness

See Rule 1915.4(b)

FORM B

(Caption)

ORDER FOR A CUSTODY HEARING OR TRIAL

AND NOW, this ____ day of _____, 20 __, upon consideration of the Motion for a Custody Hearing or Trial, a full Custody Hearing or Trial (circle one) is scheduled for the ____ day of _____, 20 __, at __ A./P.M., in Courtroom No. __, Lackawanna County Family Court, 200 Adams Avenue, Scranton, Pennsylvania.

Further, a Pre-Trial or Status Conference is scheduled for the ____ day of _____, 20 __, at __ A./P.M., in Courtroom No. __, Lackawanna County Family Court, 200 Adams Avenue, Scranton, Pennsylvania

At least 5 days prior to the Pre-Trial or Status Conference, parties or their counsel shall file and serve on the Court and opposing party or counsel, a Pre-Hearing or Pre-Trial Statement which shall be in the form as prescribed by FORM C in the Appendix of the Lackawanna County Local Rules of Family Court.

BY THE COURT:

(Caption)

MOTION FOR A CUSTODY HEARING OR TRIAL

1. The parties have attended a conciliation conference.
2. The parties have attended all required court programs.
3. The parties are unable to resolve their difference(s) regarding the following issue(s):

4. The parties move the Court to schedule a Custody Hearing or Trial (circle one).

By: _____
Plaintiff or Defendant

Address

Telephone number

See Rule 1915.4(b)

FORM C

(Caption)

PRE-HEARING OR PRE-TRIAL STATEMENT

1. Date of Conference:

Party's Name:

Counsel's Name, Address, Telephone Number:

Opposing Counsel's Name, Address, Telephone Number:

Guardian ad Litem:

Children subject to custody proceeding:

NAME	BIRTH DATE	AGE	GRADE IN SCHOOL
------	------------	-----	-----------------

Household Members (other than children subject to this proceeding) and relationship:

NAME	RELATIONSHIP TO PARTY
------	-----------------------

2. Date and terms of current custody order and proposed changes to order, if any:

3. Brief Statement of the procedural history and relevant facts:

4. Summary of all legal and factual issues and citation to legal authority relied upon by counsel:

5. Name and address of each expert whom the party intends to call as a witness. A report of each such expert witness listed shall be attached to the pre-trial statement. The report shall describe the witness's qualifications and experience and state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion:

6. Name, address and a short summary of the testimony of each person, other than the party, whom the party intends to call as a non-expert witness, a summary paragraph of the anticipated testimony of each witness and a statement by counsel that counsel has communicated with each witness whose anticipated testimony is summarized.

7. A list of all of the exhibits which the party expects to offer in evidence, each containing an identifying mark. Any exhibits that do not exceed three pages shall be attached to the pre-trial statement, and any exhibits which exceed three pages shall be described.

8. Statement of any Requested Stipulations of fact or admissibility of exhibits:

9. Estimated Length of Hearing time necessary for Counsel to present evidence: (NOTE: The Court will strictly enforce the parties' estimated trial time):

10. Each party shall attach a proposed Order:

11. Any Additional Issues Which Should be Considered to Facilitate Settlement:

By: _____
Plaintiff or Defendant

Address

Telephone number

See Rule 1915.4(d)

FORM D

TIME LINE FOR PROMPT DISPOSITION OF PRIMARY CUSTODY

By Day 1	Filing of complaint or petition seeking primary physical custody
By Day 38	Parenting Plan must be filed using Form A in the Appendix. (Lack. Co. L.R. 1915.4(a))
By Day 45	Conciliation Conference must be held. (Pa.R.C.P. 1915.4(a)) If the parties reach an agreement at the conciliation conference, then the case proceeds as set forth in Form I. If the parties do not reach an agreement at the conciliation conference, then the parties follow the next step.
By Day 180	Order for a Custody Trial and Motion for a Custody Trial must be filed. (Pa.R.C.P. 1915.4(b)) Party or counsel must present an Order and Motion for a Custody Trial in motion court using Form B in the Appendix. (Form B)
By Day 235	Pre-Hearing or Pre-Trial Statement must be filed using Form C in the Appendix (5 days before the Pre-Trial or Status conference). (Pa.R.C.P. 1915.4-4(b), and Lack. Co. L.R. 1915.4-4(b))
By Day 240	Pre-trial or status conference must be held. (Pa.R.C.P. 1915.4-4(a), and Lack. Co. L.R. 1915.4-4(b))
By Day 270	Custody trial must commence. (Pa.R.C.P. 1915.4(c))
By Day 315	Custody trial must be concluded. (Pa.R.C.P. 1915.4(c))
By Day 330	Custody decision must be made. (Pa.R.C.P. 1915.4(d))

See Rule 1915.4-2(b)(6)

FORM E

**TIME LINE FOR PROMPT DISPOSITION OF
PARTIAL CUSTODY AND VISITATION**

Day 1	Filing of complaint or petition seeking partial custody and visitation
By Day 38	Parenting Plan must be filed using Form A in the Appendix. (Lack. Co. L.R. 1915.4(a))
By Day 45	Conciliation Conference must be held. (Pa.R.C.P. 1915.4-2(a)(1)) If the parties reach an agreement at the conciliation conference, then the conference officer shall prepare a written order in conformity with the agreement. (Pa.R.C.P. 1915.4-2(a)(3))
By Day 55	Pre-Hearing or Pre-Trial Statement must be served using Form C in the Appendix. (Pa.R.C.P. 1915.4-4(b))
By Day 60	Pre-trial or status conference must be held. (Pa.R.C.P. 1915.4-4(a))
By Day 90	Hearing before conference officer must be held. (Pa.R.C.P. 1915.4-2(a)(4))
By Day 100	Hearing officer shall file a report and recommendation with respect to the entry of an order of partial custody or visitation. (Pa.R.C.P. 1915.4-2(b)(3))
By Day 120	Parties or counsel must file exceptions to hearing officer's report and recommendation. (Pa.R.C.P. 1915.4-2(b)(4))
By Day 165	Court must hear argument on exceptions. (Pa.R.C.P. 1915.4-2(b)(6))
By Day 180	Court must enter an appropriate final order. (Pa.R.C.P. 1915.4-2(b)(6))

See Rule 1920.51(a)(3)

Form F

(Caption)

WAIVER OF CONFLICT FORM

I, _____ Esq., hereby certify that I have fully informed my client _____, who is the undersigned Plaintiff/Defendant in this matter, of any and all pending cases in which (Attorney seeking to be appointed Master) was involved as a litigant. Furthermore I advised my client of any and all cases in which (Attorney seeking to be appointed Master) was involved as a litigant that ended three (3) months prior to the date of this certificate and my client waives any and all possible conflicts of interest which may exist in the appointment of (Attorney seeking to be appointed Master) as Master in this proceeding.

Date

Attorney for Plaintiff /Defendant

I, _____ Plaintiff/Defendant, have read the statement contained in this Certificate and it is true and correct and I consent to the appointment of (Attorney seeking to be appointed Master) as Master in this Divorce proceeding.

Date

Plaintiff /Defendant

See Rule 1920.51(a)(3)

Form G

(Caption)

DIVORCE MASTER STATUS REPORT

The Master has not concluded the case within six (6) months from the date the Master received notice of his/her appointment due to the following:

Date: _____
Master in Divorce

See Rule 1920.51(a)(3)

Form H

(Caption)

DIVORCE MASTER CLOSING FORM

1. Date of Appointment as Master by Court: _____
 2. List of Claims the Court has appointed the Master to Hear:

 3. Date Master received fee and copy of Motion Appointing Master from Moving Party: _____
 4. Counsel for Plaintiff: _____
Counsel for Defendant: _____
 5. Master's Pre-Hearing Conference with Counsel held on: _____
In-Person or by Telephone (circle one)
 6. Master's Pre-Hearing Conference with Parties held on: _____
 7. Date any outstanding discovery to be completed by: _____
 8. Inventories per Pa.R.C.P. 1920.33(a) filed on:
Plaintiff: _____
Defendant: _____
 - Pre-Trial Statements per Pa.R.C.P. 1920.33(b) filed on:
Plaintiff: _____
Defendant: _____
 9. Pre-Hearing Retainers, if any, paid by:
Plaintiff: _____
Defendant: _____
 10. Master's Hearing held on: _____
 11. Hearing Transcript filed with Court Clerk on: _____
 12. Master Report & Recommendation Prepared: Y _____ N _____
If yes, date filed with Court Clerk on: _____
 13. Written Agreement to be filed by Parties: Y _____ N _____
 14. Bill for Master's Fees Submitted to Parties on: _____
Plaintiff's Share: _____
Defendant's Share: _____
 15. Certification of Payment filed by Master on: _____
 16. Identify any Open Issues:

- Date: _____
_____ Master in Divorce

See Rule 1940.3(a)

FORM I

(Caption)

ORDER FOR MEDIATION

AND NOW, this _____ day of _____, 20__ , it is hereby ORDERED and DECREED that the parties shall resolve their disputed issues through mediation. The parties shall attend a mediation orientation session in order to provide them with a full understanding of their rights and responsibilities as participants in the process.

The mediation orientation session shall be conducted by _____, phone #_____.

The parties are assured that the mediation process shall remain confidential and that their discussions in mediation are for the purposes of reaching an agreement between them regarding the disputed issues.

Accordingly, the parties shall not subpoena the mediator and/or the mediation records.

The parties shall split the cost of mediation.

BY: _____

See Rule 1940.6(b)**FORM J****MEDIATION LETTER**

Dear _____:

Please be advised I have been notified by the Mediator that a signed and dated Memorandum of Understanding has been reached between the parties. I have attached the Memorandum of Understanding and Notice of Objection. If you do not object to the Memorandum of Understanding by _____ (insert 20 days), then it will become a Court Order. You can object to the Memorandum of Understanding by completing and filing the Notice of Objection with the Family Court Clerk of Judicial Records, 200 Adams Ave., 1st floor, Scranton, PA 18503. You must mail a copy of your Notice of Objection to opposing counsel, or the party if not represented, and the undersigned. Upon receipt of a Notice of Objection, I will schedule another conciliation conference to address all pending custody issues.

Family Court Administrator

See Rule 1940.6(b)**FORM K****(CAPTION)****NOTICE OF OBJECTION TO MEMORANDUM OF UNDERSTANDING**

The parties are hereby notified that they have until _____ to file this Notice with the Family Court Clerk of Judicial Records. The Family Court Clerk of Judicial Records is located at 200 Adams Ave., 1st floor, Scranton, PA 18503.

THIS NOTICE MUST BE FILED AND TIME STAMPED BY THE FAMILY CLERK OF JUDICIAL RECORDS BY THIS DATE TO PRESERVE YOUR OBJECTION.

If neither party files a Notice by the above date, then the Memorandum of Understanding shall operate as an Order of Court, and be enforceable as such, until further order of court.

BY THE COURT:

See Rule 1940.6(c)

FORM L

LETTER POST MEDIATION

Dear _____:

Please be advised I have been notified by the Mediator that Mediation was not successful. Therefore, you should schedule a Hearing to address all pending custody issues.

Family Court Administrator

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Family Court Index

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