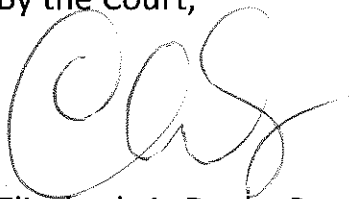


Title 255- Local Rules
Blair County

Now this 16th day of January, 2019, it appearing that this Court should establish procedures which will provide to parties involved in custody cases access to systems through which resolution of their controversies may be accomplished via mediation and agreement, and in the case of matters involving a request for less than full physical custody of children, hearing in front of a hearing officer, while providing full accessibility to the opportunity for litigation before the court, this Court concludes that the following order is appropriate:

It is hereby ordered, directed, and decreed that these local rules for custody cases (following hereto and made part hereof) are adopted and shall be applicable to all custody proceedings filed in this Court after the 30th day after the publication of said rules in the Pennsylvania Bulletin as required by the Supreme Court of Pennsylvania. All previous Blair County Local Rules for Custody are rescinded where inconsistent with these newly adopted rules.

By the Court,



Elizabeth A. Doyle, President Judge

Rule 1915.3 Commencement of action. Complaint. Order.

All actions for custody, partial custody and supervised physical custody of minor children, including divorce complaints, shall be commenced by the filing of a verified complaint and scheduling order as required by Pa. R.C.P. 1915.3 and Local Rule 1915.3 (Form 1).

Rule 1915.4 – 2. Procedures for Request for Full or Partial Custody. Office Conferences. Hearing record. Exception. Order

Preface:

Any custody case in Blair County shall proceed through office conference(s) and a prehearing or pretrial conference before being scheduled for a hearing before a hearing officer or a custody evidentiary trial before a judge.

Definitions:

1. Office Conference. (Intake Conference, Conciliation Conference, Prehearing Conference, Pretrial Conference.)

- a) **Intake Conference.** The parties and/or their counsel shall attend the Intake Conference which shall be conducted by the intake conference officer or designated individual within approximately 45 days after the filing of the complaint or modification petition so the parties will have had an opportunity to attend the Children First program in accordance with local rule 1915.3.

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

- b) All agreements reached at Intake Conference shall be reduced to a Consent Agreement (Form 2)
- c) If agreement on all issues is not reached, then a temporary agreement may be entered into by the parties and a Conciliation Conference scheduled to further address the unresolved issues.
- d) **Conciliation Conference.** The Conciliation Conference will be conducted by the Custody Conciliator, whose role is to actively engage the parties in reaching a custody agreement using mediation skills and techniques.

A Conciliation Conference is informal, with no record created or testimony elicited from parties and is scheduled for one hour or as needed. The parties are given the opportunity to present the issues or problems and explore all available options for resolution.

- e) All agreements reached at Conciliation Conference shall be reduced to a Consent Agreement (Form 2)
- f) If agreement on all issues is not reached, then a temporary agreement may be entered into by the parties and the unresolved issues will be addressed

by the court upon the filing of the **Request for Evidentiary Hearing/Trial** (Form 3) in the Prothonotary office.

- g) Participation will be limited to the parties and/or their counsel. All participants must act in a cooperative matter and comply with the directives of the person conducting the conference.
- h) If the respondent fails to appear at the conference before the conference officer as directed by the court, the conference may proceed without the respondent.
- i) **Pretrial/Prehearing Conference-** after the conciliation conference, the matter shall proceed to prehearing or pretrial conference upon the filing of a **Request for Evidentiary Hearing/Trial**. A pretrial/prehearing conference shall be conducted by a hearing officer.
- j) **Prehearing conference-** concerning partial or supervised custody. The parties shall have prehearing narratives filed ten days before the prehearing conference. The hearing officer may make a recommendation to the parties relating to partial or supervised physical custody of the child or children. If an agreement is reached at the conference, the hearing officer shall prepare a written order in conformity with the agreement for signature by the parties and submission to the court together with the officer's recommendation for approval or disapproval. The court may enter an order in accordance with the agreement without hearing the parties.
- k) At the conclusion of the prehearing conference, if an agreement relating to partial or supervised physical custody has not been reached, the party shall be given notice of the date, time and place of the hearing before a hearing officer, which may be the same day, but in no event shall be more than 45 days from the date of the conference.
- l) **Pretrial conference.** If the conference is a pretrial rather than prehearing conference, it shall be conducted by a pretrial hearing officer in preparation for a trial by the parties before a Blair County judge. The pretrial conference focuses on identification of issues to be resolved by the Court, unresolved discovery issues, any agreements of the parties, issues of and names of any expert witnesses to be called, proposed exhibits, request for an interview of a child, settlement or mediation of the case, and such other matters as may aid in the disposition of the case. The parties or attorneys are responsible for estimating to the pretrial hearing officer how much time

they believe their case will realistically take. A time and date for the evidentiary hearing will be set. Any requirement for the filing of briefs will be discussed. A summary of the conference will be forwarded by the pretrial hearing officer to a Judge in preparation for trial.

Procedure

Listing Trial or Hearing before the Court

- a) Within 10 days from the date of service of a custody order from a conciliation conference, a party may file a **Request for Evidentiary Hearing/Trial** (Form 3) in the Blair County Prothonotary office.
- 1) There is no filing fee required. The request form must be served on the other counsel/party with the specific issues identified for consideration in the evidentiary hearing/trial. The request form shall be forwarded by the prothonotary to the custody office for a date to be assigned for a prehearing or pretrial conference.
 - 2) The parties must specify whether they are asking for shared physical and legal custody, partial physical and legal custody, supervised physical custody, primary physical custody, or sole legal custody.
 - 3) The parties must specify whether their matter is so complex that it should not be heard by a hearing officer even though they are not asking for primary physical custody.

Hearing or Trial. If the parties have identified, or are identified by a prehearing conference officer or by the court, as asking for shared or partial custody, or asking for supervised physical custody, except as provided by Rule 1915.4-1 (b) (1) or (b) (2), after intake/conciliation they shall proceed to hearing with a hearing officer, as set out below. If the parties have identified, or are identified by a prehearing conference officer or by the court, as asking for sole legal or primary physical custody, they shall proceed to a custody evidentiary trial before the court as outlined below.

Prehearing/Pretrial narratives required.

- 4) 10 days prior to the prehearing/pretrial conference, the parties and/or counsel shall submit to the Prothonotary office a narrative, including but not limited to the following:
- (i) Names and addresses of all witnesses, including experts.
 - (ii) Copies of all exhibits
 - (iii) A detailed proposed custody arrangement for both parties that encompasses time with both parents. The arrangements should be prepared from the perspective that each party would consider the proposal reasonable if it applied to them.
 - (iv) requested stipulation of facts and anticipated length of trial
 - (v) Statement if needed regarding unique circumstances of the case which will require a time allotment of more than one half day of trial, as per Blair County Administrative Order.

If no narrative is filed, the offending party could be found in contempt by the Court after hearing, and fined or sanctioned by the Court.

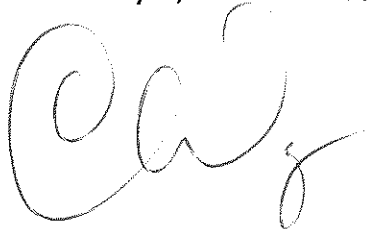
Trial

A matter in which the parties are seeking primary custody or sole legal custody shall proceed to custody intake and custody conciliation and pretrial conference, as defined above, before trial. The trial before the court shall be *de novo*. The court shall hear the case and render a decision within the time period set forth in Pa. R.C.P. No. 1915.4.

Comment: The purpose of this revised Local Rule, which adds a hearing officer to the court's options for litigants, is to add to the Court's ability to efficiently accommodate litigants who are seeking either partial periods of custody, including shared custody, of their children, or who are asking for supervised physical custody.

Certification: I hereby certify that Blair County generally conducts its custody proceedings in accordance with Pa. R.C.P. No. 1915.4 – 2.

Elizabeth A. Doyle, President Judge



Form (1)

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

_____ : NO.
Plaintiff :
vs. :
: CUSTODY
_____ :
Defendant :

COMPLAINT FOR CUSTODY

1. The Plaintiff is _____, residing at

(street) (city)

(state) (zip code) (county)

Phone: _____

2. The Defendant is _____, residing at

(street) (city)

(state) (zip code) (county)

Phone: _____

3. Plaintiff seeks:

LEGAL CUSTODY:

_____ shared legal custody *(The right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions are shared.)*

_____ sole legal custody *(The right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions is made by one individual.)*

PHYSICAL CUSTODY:

_____ partial physical custody *(The right to assume physical custody of the child for less than a majority of the time.)*

_____ primary physical custody *(The right to assume physical custody of the child for the majority of the time.)*

_____ shared physical custody *(The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.)*

_____ sole physical custody *(The right of one individual to exclusive physical custody of the child.)*

_____ supervised physical custody *(Custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.)*

of the of the child(ren) identified on the Confidential Information Form first column.
(204 Pa.Code § 213.81)

*****Do not list names and date of birth of children on this form, identify by numerals or initials corresponding to attached Confidential Information Form.**

Child _____ Child _____ Child _____ Child _____

List additional children as necessary.

The child(ren) (was/were) (was not/were not) born out of wedlock.

The child(ren) is/are presently in the custody of

_____ who resides at

_____ (street) (city)

_____ (state) (zip code) (county)

During the past five years, the child(ren) has/have resided with the following persons and at the following addresses:

List all persons	List all addresses	Dates
_____	_____	_____
_____	_____	_____
_____	_____	_____

The Mother of the child is _____, currently residing at

_____ (street) (city) (state) (zip code) (county)

The Father of the child is _____, currently residing at

_____ (street) (city) (state) (zip code) (county)

4. The relationship of the Plaintiff to the child(ren) is that of _____.

The Plaintiff currently resides with the following persons:

Name	Relationship
_____	_____
_____	_____

5. The relationship of the Defendant to the child(ren) is that of _____.

The Defendant currently resides with the following persons:

Name	Relationship
_____	_____
_____	_____

6. Plaintiff (has)(has not) participated as a party or witness, or in another capacity, in other litigation concerning the custody of the said child in this or another court. The court, term number, and its relationship to this action is:

_____.

Plaintiff (has) (has no) information of a custody proceeding concerning the child pending in a court of this Commonwealth or any other state. The court, term and number, and its relationship to this action is:

_____.

Plaintiff (knows)(does not know) of a person not a party to the proceedings who has physical custody of the child or claims to have custodial rights with respect to the child. The name and address of such person is:

_____.

7. The best interest and permanent welfare of the child(ren) will be served by granting the relief requested because (set forth facts showing that the granting of the relief requested will be in the best interest and permanent welfare of the child)_____

8. Each parent whose parental rights to the child(ren) have not been terminated and the person who has physical custody of the child(ren) have been named as parties to this action. All other persons, named below, who are known to have or claim a right to custody of the child(ren) will be given notice of the pendency of this action and the right to intervene:

Name	Address	Basis of Claim
_____	_____	_____
_____	_____	_____

9. a. If the plaintiff is a grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody pursuant to 23 Pa.C.S. §5323, you must plead facts establishing standing pursuant to 23 Pa.C.S. §5324(3).

b. If the plaintiff is a grandparent or great-grandparent to is seeking partial physical custody or supervised physical custody pursuant to 23 Pa.C.S. §5325. You must plead facts establishing standing pursuant to §5325.

c. If the plaintiff is a person seeking physical and/or legal custody pursuant to 23 Pa.C.S. §5324(2) as a person who stands in loco parentis to the child, you must plead facts establishing standing:

10. I have attached the Criminal Record/Abuse History Verification form required pursuant to Pa. R.C.P. No. 1915.3-2.

WHEREFORE, Plaintiff requests the Court to grant Plaintiff

LEGAL CUSTODY

_____ shared legal custody _____ sole legal custody

PHYSICAL CUSTODY

_____ partial physical custody _____ primary physical custody

_____ shared physical custody _____ sole physical custody

_____ supervised physical custody

Plaintiff

I verify that the statements made in this complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.

Date

Plaintiff

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

_____ :
Plaintiff :
: **No.** _____
: Vs. :
: Custody
_____ :
Defendant

CUSTODY SCHEDULING ORDER

You, _____ (Respondent) have been sued in Court to obtain custody, partial custody or supervised physical custody of the child(ren) identified on the Confidential Information Form first column. (204 Pa.Code § 213.81)

*****Do not list names and date of birth of children on this form, identify by numerals or initials corresponding to attached Confidential Information Form.**

Child ____ Child ____ Child ____ Child ____

List additional children as necessary.

All parties of this custody action are hereby **ORDERED** to attend the Mandatory Parent Education Children First Program within forty-five (45) days of this order.

All parties are required to contact the Children First Program at (814) 693-3292 within five (5) days of receipt of this order to register for said program.

Should the moving party fail to pay fees or fail to appear for the Education Program, the custody action shall be dismissed without prejudice and any fees paid by such party shall be forfeited.

Should the non-moving party fail to pay fees or fail to appear for the Education Program, an immediate Rule to Show Cause why such party should not be held in Contempt shall be issued from the court.

You are hereby **ORDERED** to appear in person on:

_____ 20____ at _____ a.m./p.m. for an Intake/Conciliation Conference with _____ at the Blair County Courthouse, 423 Allegheny Street, New Wing, Third Floor, Suite 327 Hollidaysburg, Pa. 16648.

NO CHILDREN SHALL ATTEND THE INTAKE/ CONCILIATION CONFERENCE

If you fail to appear for the Intake Conference, Conciliation Conference or any other scheduled proceeding as provided by this Order, an Order for Custody, Partial Custody or Supervised Physical Custody 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 OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IF YOU CANNOT AFFORD A LAWYER

IF YOU DO NOT HAVE A LAWYER

MIDPENN LEGAL SERVICES

205 Lakemont Park Blvd.
ALTOONA, Pa. 16602
(800) -326-9177

BLAIR COUNTY LAWYER REFERRAL

Third Floor, New Wing (3C)
Blair County Court House
Hollidaysburg, Pa. 16648
(814) 693- 3090

AMERICANS WITH DISIBILITIES ACT OF 1990

The court of Common Pleas of Blair 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 (814) 693-3050. All arrangements must be made seventy-two (72) hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT

Date _____

j.

Form (2)

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

Plaintiff(s)

VS.

NO: _____

Defendant(s)

Custody

CONSENT AGREEMENT/ AGREED ORDER

We have agreed to the following parenting plan for the custody of our child(ren):

- 1) The parents shall share the legal and physical custody of their child(ren).

The names of the child(ren) are as follows: (Names/DOB)

2) The child(ren) shall reside with his/her/their Mother and Father. The mother's address is:

The father's address is:

3) The parents agree that the time arrangements for the Father/ Mother with the child(ren) are as follows:

a) Weekends - _____

b) Weekdays - _____

d) Holidays –

Thanksgiving - _____

Christmas - _____

New Year's - _____

Easter - _____

Memorial Day, Fourth of July and Labor Day - _____

4) Transportation - _____

5) Other - _____

6) The child(ren) shall be with the Mother on Mother's Day and with the Father on Father's Day.

- 7) The child(ren)'s birthday will be spent with whatever parent they are scheduled to be with.
- 8) Each party shall keep the other informed of their current address and telephone number.
- 9) Each party shall keep the other informed of the child(ren)'s health, progress in school, school activities, general welfare, and shall consult with the other parent concerning major decisions affecting the child(ren), to include education, religious training and medical treatment. If an emergency or illness requiring a physician's attention should occur to the child(ren) while in their physical custody each party must notify the other party.
- 10) Each parent is entitled to receive directly from schools, health care providers, or other relevant sources, information concerning their child(ren).
- 11) The parties shall not argue or engage in heated discussion in the presence of the child(ren).
- 12) Neither party shall engage in any conduct which presents to the child(ren) a negative or hostile view of the other nor shall they allow any third party to do or say anything that would hamper the natural love and respect of the child(ren) for either party.
- 13) Each parent shall encourage the child(ren) to comply with this parenting agreement and foster in the child(ren) a positive view of the other.
- 14) The party who has physical custody of the child(ren) should encourage, prepare and have the child(ren) available at the designated times and places so visitations occur smoothly. Likewise, the party exercising partial custody or visitation rights should encourage, prepare and return the child(ren) promptly at the designated times and places.
- 15) THE PARTIES MAY DECIDE DIFFERENT TIME ARRANGEMENTS AND MAKE DECISIONS FOR THE CHILD(REN) WHENEVER THEY MUTUALLY AGREE TO DO SO.

NOTHING IN THIS AGREEMENT IS UNDERSTOOD TO LIMIT OR RESTRICT THE ABILITY OF THE PARTIES TO MUTUALLY AGREE ON ALTERNATIVE PARENTING ARRANGEMENTS. IF FOR ANY REASON THE PARTIES CANNOT AGREE, THE TERMS OF THE CONSENT AGREEMENT WILL BE FOLLOWED.

16) ALL HOLIDAY SCHEDULES SHALL SUPERSEDE ANY OTHER TIME ARRANGEMENT UNLESS THE PARTIES MUTUALLY AGREE TO DO OTHERWISE.

17) VIOLATION OF THIS ORDER BY ANY PERSON MAY RESULT IN CIVIL AND CRIMINAL PENALTIES, INCLUDING PROSECUTION PURSUANT TO SECTION 2904 OF THE PENNSYLVANIA CRIMES CODE, INTERFERENCE WITH CUSTODY OF CHILDREN.

18) Jurisdiction of the child(ren) shall remain with the court of common pleas of Blair County, Pennsylvania, unless jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

19.) NOTICE OF OBLIGATIONS BEFORE YOU RELOCATE: No party shall relocate with the child/ren unless every individual who has custody rights consents to the proposed relocation, or the court approves the relocation. Any party who desires to relocate with the child/ren shall first notify every other individual who has custody rights. The party who desires to relocate with the child/ren must also comply with 23 Pa.C.S.5337 ET SEQ. (A copy of this statute is available in the Blair County Custody Office.)

We agree to abide by the agreement developed this _____ day of _____, 20____ and submit it to the Court of Common pleas to be formalized into an order of Court.

Mother

Attorney

Father

Attorney

Hearing Officer

Form (3)

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

Plaintiff

NO. _____

Defendant

CIVIL ACTION - CUSTODY

REQUEST FOR CUSTODY EVIDENTIARY HEARING/TRIAL

At a recent Custody Conciliation Conference held on ____/____/____ an acceptable Custody Agreement could not be reached. I hereby request an Evidentiary Hearing/Trial.

The Petitioner is _____ Plaintiff/Defendant in the above captioned case.

The Petitioner is not represented/represented by _____, Esq.
(please circle one)

The Respondent is not represented/represented by _____, Esq.
(please circle one)

The Petitioner seeks:

LEGAL CUSTODY:

_____ shared legal custody *(The right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions are shared.)*

_____ sole legal custody *(The right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions is made by one individual.)*

PHYSICAL CUSTODY:

- _____partial physical custody *(The right to assume physical custody of the child for less than a majority of the time.)*
- _____primary physical custody *(The right to assume physical custody of the child for the majority of the time.)*
- _____shared physical custody *(The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.)*
- _____sole physical custody *(The right of one individual to exclusive physical custody of the child.)*
- _____supervised physical custody *(Custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.)*

_____.

I hereby certify that on ___/___/___ I served a copy of this request on the opposing counsel/party.

I verify that the statements made in this request for Court hearing are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to Unsworn Falsification to Authorities.

Date: ___/___/___

Petitioner or Petitioner's Attorney

Address of Plaintiff: Address of Defendant: Address of Additional Party:

Phone _____ Phone _____ Phone _____