

LOCAL RULES OF CIVIL PROCEDURE
ACTIONS IN DOMESTIC RELATIONS
COURT OF COMMON PLEAS
43RD JUDICIAL DISTRICT
MONROE COUNTY

Actions for Support/Alimony Pendente Lite

Rule 1910.4. Commencement of Action

The Domestic Relations Section (DRS) of the Court of Common Pleas of the 43rd Judicial District, Monroe County, Pennsylvania shall be the filing office for all original complaints for support and alimony pendente lite and all subsequent filings pertaining to those actions.

The Monroe County Prothonotary shall serve as the keeper of the original records of all filings made through DRS.

Rule 1910.12. Exceptions.

Any party filing exceptions to the report of the hearing officer shall, at the time of filing of the exceptions, file a motion for transcript of the proceedings before the hearing officer in conformity with Pa.R.J.A. 4000 et. seq. and Monroe County R.J.A. 4007 et. seq.

Actions in Custody

1915.1. Definitions

“Conference Officer” shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the Court.

“Custody Conference” shall be a prehearing negotiation meeting conducted under the auspices of the Court by the Conference Officer and in accordance with Pa.R.Civ.P. 1915.4-2.

“Evidentiary Hearing” shall be a record hearing before a hearing officer or judge of the Court of Common Pleas, the 43rd Judicial District, Monroe County.

“Family Social Study” shall be an evaluation and/or report which shall include, but not be limited to, a custody questionnaire, custody evaluation, psychological evaluation, mental health evaluation, drug and alcohol evaluation, drug and alcohol testing, and/or homestudy.

“Program” shall be the approved Co-Parent Education Program.

“Provider” shall be the provider of the Monroe County Co-Parent Education Program.

1915.3-3. Co-Parent Education Program

All parties to initial custody actions and to divorce actions in which the divorce complaint contains a count for custody shall attend and complete the Program. The Court, in its discretion, may require repeat attendance.

1915.4. Prompt Disposition of Custody Cases

All Custody actions will proceed in accordance with Pa.R.Civ.P. No. 1915.4-2.

All filings in Custody matters shall be filed with the Monroe County Prothonotary's Office and in accordance with Monroe Co. R.Civ.P. 205.2(a) and Monroe Co. R.Civ.P.1930.1.

1915.4-4. Pre-Trial Procedures

(a) Pre-trial conferences shall be held in accordance with Pa.R.Civ.P. 1915.4-4. Unless otherwise ordered by the Court, counsel of record and the parties shall be present for pre-trial conferences.

No later than five days prior to the pre-trial conference, all parties shall provide to the Court and all other parties a pre-trial statement,

completed parenting plan, in substantially the form set forth below, and an updated Criminal Record/Abuse History Verification concerning any criminal and/or abusive history, in accordance with Pa.R.Civ.P. 1915.3-2.

The completed parenting plan and Criminal Record/Abuse History Verification shall be attached and submitted to the Court as part of the party's pre-trial statement.

(b) Form. Parenting Plan.

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

	:	NO. ____ CV 20__
Plaintiff	:	NO. ____ DR 20__
	:	
vs.	:	
	:	
	:	IN CUSTODY
Defendant	:	

PARENTING PLAN

This parenting plan involves the following child/children:

Child's Name	Age	Where does this child live?
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

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

Child's Name	Age	Where does this child live?
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

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(s)):

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:

Sunday Monday Tuesday Wednesday Thursday Friday Saturday

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 will the other 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:

Will both of you attend?

Child's Name	Activity	If not, which 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 (specify 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

1915.8. Disclosure of Evaluations and Reports

A party to a custody action shall not disclose the contents of an evaluation or report prepared pursuant to Pa.R.Civ.P. 1915.8, including but not limited to, Family Social Studies and test results, to anyone except the attorneys of record for the parties, any unrepresented party, the guardian ad litem and/or counsel for the child(ren), if any, and the court in accordance with Pa.R.Civ.P. 1915.8. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in a finding of contempt and sanctions.

1915.12. Civil Contempt for Disobedience of a Custody Order

Petitions for contempt shall be filed in the Office of the Prothonotary in accordance with Pa.R.Civ.P. 1915.12. Petitions for contempt may be scheduled for a conference before the Conciliator. If the contempt matter is not resolved at Conciliation Conference, then the Conciliator shall refer the matter to the judge for appropriate action.

Actions in Divorce

1920.51. Proceedings Before the Divorce Hearing Officer

(a) Monroe County shall follow the hearing officer's hearing procedure set out at Pa.R.Civ.P. 1920.55-2.

(b) Either party may file a motion for the appointment of a divorce hearing officer provided that:

- (1) The moving party has complied with the requirements of Pa.R.Civ.P. 1920.33 (pertaining to inventory and pretrial statement); and
 - (2) The required filing fee plus a transcript deposit amount pursuant to subsection (i) below has been paid to the Prothonotary; and
 - (3) The moving party has filed of record and served a time stamped copy of the party's written notice of intention to file a motion for the appointment of a divorce hearing officer together with a certificate of service, using the forms set forth below, to all counsel of record and unrepresented parties a minimum of 20 days prior to the filing of the motion for the appointment of a divorce hearing officer.
-

(c) If opposing counsel or any unrepresented party objects to the filing of the motion for the appointment of a divorce hearing officer, the objector shall, within 20 days of the service of the notice of intention to file motion for the appointment of a divorce hearing officer, file with the court a statement of objections which shall include the basis for objection and a statement of when the case will be ready for hearing officer's hearing, along with a request for argument. All of the foregoing shall be served on all counsel of record and unrepresented parties.

(d) Failure of a party to timely file objections to the appointment of a divorce hearing officer shall be deemed a waiver of the party's right to receive additional discovery.

(e) Upon the filing of the motion for appointment of a divorce hearing officer, the Court Administrator shall assign the hearing officer and the court shall issue an order that includes the following:

- (1) dates and times for a hearing and a pretrial conference;
- (2) a deadline for the filing and service of the non-moving party's pretrial statements in conformity with Pa.R.C.P. 1920.33.

(f) Counsel of record and unrepresented parties shall attend the pretrial conference; represented parties shall be available to consult with their counsel by telephone during the pretrial conference. In the event that

counsel for either party or an unrepresented party fails to attend the pretrial conference, or fails to file a pretrial statement as ordered, the hearing officer may recommend that the court impose sanctions.

(g) If a pretrial conference or any portion of a hearing day is held, the hearing officer shall receive a fee in an amount determined by the President Judge.

(h) If additional hearing days are needed, the hearing officer shall petition the court with a recommendation regarding the number of additional full or partial hearing days requested and the amount of the additional court costs to be paid by one or both of the parties. The court shall issue an order for the payment of additional costs and following payment of the costs as ordered shall set the additional hearing dates. No additional hearing dates shall be scheduled prior to the payment of the full amount of the additional court costs ordered. The hearing officer shall be compensated for any additional full or partial days of hearing in an amount to be determined by the President Judge.

(i) The deposit amount to be paid pursuant to subsection (b)(2) above, shall be paid by the moving party for the transcription of any part of the scheduled hearing officer's hearing.

(1) Such deposit amount shall be set by the President Judge

and upon payment, shall be placed into escrow for the case by the Monroe County Prothonotary's Office.

- (2) The Prothonotary shall pay any amounts from that deposit in accordance with Monroe County R.J.A. 4007–4011.
- (3) If the deposit amount is insufficient to cover the cost of the transcript of the hearing, the moving party shall pay any balance within 14 days of the date the Court Reporter, Recorder, or Transcriptionist files a Form A in accordance with Monroe County R.J.A. 4007(C).
- (4) The hearing officer may allocate the total cost of the hearing transcript among the parties as part of the recommendation.

(j) Forms.

[CASE CAPTION]

NOTICE OF INTENTION TO FILE PETITION REQUESTING
THE APPOINTMENT OF A DIVORCE HEARING OFFICER

Notice is hereby given that 20 days following the date set out below,
[Plaintiff/Defendant] intends to file a Motion Requesting the Appointment of
a Divorce Hearing Officer.

Date: _____

[Signature of Counsel or Pro Se Party
with full address and telephone.]

CERTIFICATE OF SERVICE

I certify that I have provided or will immediately provide a copy of this Notice of Intention to File a Motion Requesting the Appointment of a Divorce Hearing Officer on all counsel of record and all self-represented parties at the following address:

Name _____

Address _____

Date: _____

[Signature of Counsel or Pro Se Party with full address and telephone.]

1920.51-1. Continuance of Hearing Officer's Hearing in Divorce

(a) Scheduled hearing officer's hearings may be continued by motion only, filed in accordance with Monroe Co.R.C.P. 208.2(c), 208.2(d) and 208.3(a).

(b) Prior to filing a motion to continue a hearing officer's hearing, the moving party or, if represented, their counsel shall contact the office of the Court Administrator to secure several prospective dates for the rescheduled hearing, and shall list those dates on the concurrence/non-concurrence required to be attached to the motion and which shall be substantially in the form set forth below.

(c) Upon receipt of prospective continuance dates from the office of the Court Administrator, the moving party shall forward to all responding parties, or if represented, to their counsel, the concurrence/non-concurrence form setting forth the prospective continuance dates.

(d) Within three (3) business days of receiving the concurrence/non-concurrence form from the moving party, all responding parties, or if represented, their counsel, shall complete the form stating their concurrence or non-concurrence in the motion, and notwithstanding their non-concurrence, shall indicate their availability for hearing on the

prospective continuance dates.

(e) The moving party or counsel shall complete a proposed order rescheduling the hearing officer's hearing by filling in a specific date for the rescheduled hearing from the list of prospective dates provided by the Court Administrator and approved by all responding parties and counsel, and shall attach the proposed order to the motion.

(f) The completed motion, concurrence/non-concurrence form and proposed order shall be filed in the office of the Prothonotary and copies served on the hearing officer, the office of Court Administration and all parties, with a certificate of service.

(g) Motions for continuance of hearing officer's hearings shall be filed no later than one week before the scheduled pretrial conference with the master, except for good cause shown.

(h) Form

**CERTIFICATION OF CONCURRENCE, NON-CONCURRENCE OR NO
REPLY**

I hereby certify that I am counsel for the movant OR I am the pro se
movant and that concurrence in the prayer of the within motion for
continuance of divorce hearing officer's hearing has been sought from
_____, counsel to respondent, OR _____, pro
se respondent, by mailing the motion for continuance of divorce hearing
officer's hearing, with a copy of this certification of concurrence, non-
concurrence or no reply to the following, addressed as follows on [date of
mailing]:

**

I further certify that:

_____ Responses are set out below with signatures of counsel or pro
se respondent.

_____ No responses were provided.

I further certify that the office of the Court Administrator has provided
the following prospective dates for the rescheduled hearing officer's hearing

in divorce, all of which are dates on which I am available and movant is available:

_____.

Dated: _____

_____, Esquire

Counsel to Movant

[OR]

Dated: _____

Pro Se Movant

I hereby certify that I am counsel to the respondent and that:

_____ I concur in the Motion for Continuance.

_____ I do not concur in the Motion for Continuance.

I further certify that I am available and the respondent is available on the following prospective dates identified above provided by the office of the Court Administrator. I understand that whether I concur or do not concur I am required to identify dates of availability:

_____.

Dated: _____
_____, Esquire
Attorney for Respondent

I hereby certify that I am the responding pro se party and that:

_____ I concur in the Motion for Continuance.

_____ I do not concur in the Motion for Continuance.

I further certify that I am available on the following prospective dates identified above provided by the office of the Court Administrator. I understand that whether I concur or do not concur I am required to identify dates of availability:

Dated: _____

Pro Se Respondent

1920.54. Settlement Before Scheduled Hearing

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the hearing officer and state the terms of their settlement on the record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the hearing officer an executed divorce settlement agreement and affidavits of consent. Where parties settle on the record or by the filing of a written divorce settlement agreement, the hearing officer shall file a report and recommendation within thirty days of the scheduled hearing date.

Rules Relating to Domestic Relations Matters Generally

Rule 1930.1. Pleadings. Form of Caption.

(a) The form of the caption in all domestic relations matters shall be substantially as follows:

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

Litigant A,	:	NO. _____ DR 20 _____
Plaintiff	:	
	:	NO. _____ CV 20 _____
	:	(*type of action)
	:	
vs.	:	
	:	PACSES Case
	:	No. _____ (*for support
	:	actions)
	:	
Litigant B,	:	
Defendant	:	

(b) Each new domestic relations action shall have a caption that identifies the litigant who commences the action as the Plaintiff and the

other litigant(s) as the defendant(s). Every domestic relations action shall be filed to the same domestic relations (DR) docket number as all other pending domestic relations actions involving the same parties. In the event no domestic relations action has been previously filed naming the same parties, the prothonotary shall assign a DR docket number to the initial domestic relations action filed between the parties, and that DR docket number shall thereafter be utilized for all future domestic relations actions between the parties.

(c) In addition to the domestic relations (DR) docket number, a separate civil action (CV) docket number shall be assigned to each type of domestic relations action (e.g., divorce, custody, support, or protection from abuse). The filing party shall designate parenthetically after the civil case (CV) docket number the type of action.

(d) All pleadings filed in support actions shall include the PACSES Case Number in the caption.

(e) There shall be one custody action, filed to the same DR and CV docket numbers, for all custody matters involving the same child or children. Any custody action or pleading filed by a litigant with respect to a particular child or children shall be filed to the DR and CV docket numbers

assigned to any previously filed custody action concerning that particular child or children.

Rule 1930.3. Testimony by Electronic Means

All requests by a party or witness to participate by electronic means in a proceeding in an action in child support, spousal support or alimony pendente lite shall be made by written petition filed in the DRS.

All requests by a party or witness to participate by electronic means in a proceeding in an action in divorce, custody or paternity shall be made by written petition filed with the Monroe County Prothonotary.

Rule 1930.4-1 Service of Legal Papers Other Than Original Process

(a) Manner of Service. Copies of all legal papers other than original process filed in an action or served upon any party shall be served upon every other party to the action in conformity with Pa.R.C.P. 440.

(b) Time for Service. Service shall be made upon every other party to the action on or before the date the legal paper is filed with the court.

(c) Certificate of Service. A certificate of service shall be filed together with any legal papers other than original process filed in an action

or served upon any party. The certificate of service shall identify the document served, the individual(s) served, the address(es) where service is made, and the manner of service, and shall be signed by the person responsible for service.
