

LANCASTER COUNTY
RULES OF CIVIL PROCEDURE

RULE 1. Title and Citation of Rules

These rules shall be known as the Lancaster County Rules of Civil Procedure and may be cited as “L.C.R.C.P. No. _____”.

RULE 10. Business Judge

A. The District Court Administrator shall designate the daily Business Judge. Motions and petitions, not already assigned to a judge or dealing with matters otherwise covered by these Rules for presentation to the Court, shall be forwarded to the Business Judge by the Prothonotary or may be presented by counsel directly to the Business Judge by appointment.

Revised 1-18-17 Effective 3-20-17

ADMINISTRATIVE APPEALS

RULE 27. Land Use Appeals

A. Appeal Notice

A land use appeal shall contain:

1. A caption in substantially the following form:

Name of Appellant

v.

NO. CI-_____

Name of municipality and name of body (i.e. zoning hearing board, governing body or or planning commission) which rendered decision

LAND USE APPEAL

2. When applicable, in separately numbered paragraphs and in the following order:

a. Name and address of the appellant.

b. Name and address of the zoning hearing board, governing body or planning commission (“local agency”) which rendered the decision.

c. Name and address of the applicant to the local agency, if the applicant is not the appellant.

d. Name and address of the owners, both real and equitable, of any real estate which was the subject of the decision and identification of the real estate.

e. The chronology of the matter, including the following as applicable:

i. Date of filing application or appeal with zoning officer or other official.

ii. Date of action of the zoning officer or other official.

iii. Date of appeal from action of zoning officer or other official to local agency or date of filing application with local agency.

iv. Dates of all hearings or meetings of the local agency.

v. Date of written decision or, if applicable, date of deemed decision from which the appeal has been taken.

vi. Date written decision served.

f. The purpose for which the application was made.

g. The basis for appellant's standing to file the appeal.

h. All specific legal and factual grounds for the appeal.

i. Specific request for relief.

3. If a court reporter was present and if a transcript is not already in existence, appellant's certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the local agency filing the return of the record. If appellant does not include a certification that appellant has ordered the transcript, any other party may file a petition requesting the Court dismiss the appeal.

B. Intervention

1. A notice of intervention under Section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §11004-A, shall contain:

a. The caption and number of the appeal.

b. Name and address of intervenor.

c. Nature of the interest of intervenor in the appeal.

- d. Legal and factual circumstances under which intervenor claims a right to intervene.
- e. Summary of intervenor's position and grounds therefor.

2. Pa. R.C.P. Nos. 2326-2350 shall govern all other intervention.

C. Certiorari

1. The local agency shall submit its entire record within twenty days after receipt of the writ of certiorari or receipt of the transcript(s), whichever is later, including but not limited to:

- a. All original papers filed in chronological order, commencing with the application.
- b. Minutes of meetings of the local agency at which the application was considered.
- c. The transcript of all hearings. The local agency shall not submit its record to the Prothonotary until appellant has provided the transcript of all hearings if the transcript is not in existence and available to the local agency prior to appellant's filing the appeal.
- d. The complete ordinance under which the local agency rendered its decision, including maps.
- e. The findings of fact and conclusions of law of the local agency, if any, and its written decision.
- f. Names and addresses of all persons the local agency recognized as parties to the proceedings.

2. The chairperson or presiding officer shall certify the submission of the record.

3. The Prothonotary shall give notice of the return of the local agency's record to appellant who shall, within four days after receipt of the notice, notify the local agency, the applicant before the local agency (if appellant was not the applicant), the legal and equitable owner of the land which was the subject of the application and all other persons recognized as parties to the local agency's proceedings. Appellant shall file proof of service.

D. Disposition

1. Within ten days after the Prothonotary gives notice of the filing of the complete return of the record, any party who believes the appeal is not ready for disposition may file a motion for a conference and a praecipe requesting that the appeal be forwarded to the assigned judge. The motion for a conference shall state why the party believes that the appeal is not ready for disposition and shall identify all actions that the party requests. At the conference, the Court may, inter alia:

- a. Require or approve supplementation of the record.

- b. Fix a time for a de novo hearing before the Court.
 - c. Employ expert(s) to aid the Court to frame an appropriate order.
 - d. Refer the appeal to a referee to receive additional evidence, with directions as to time deadlines and other matters the Court deems appropriate.
 - e. If allowed by law, remand the appeal to the local agency with directions as to time deadlines and other matters, including mediation.
2. After the conference, the Court shall issue an appropriate order addressing the filing of briefs.
 3. If no party has filed a request for a conference, the appellant shall file a brief within forty days after the date the Prothonotary gives notice of the filing of the local agency's complete record. The appellant shall limit the brief to the issues appellant raised in the land use appeal. Each other party shall file a responsive brief within thirty days after service of appellant's brief. The appellant may file a reply brief within ten days after service of the responsive brief. Any party may thereafter file and serve a praecipe stating that the appeal is ready for disposition and requesting the Prothonotary to forward it to the assigned judge.
 4. If appellant fails to file a brief within the time period established by Paragraph D.3 above or by the Court after a conference, any party may file and serve a praecipe stating that the appeal is ready for disposition together with a brief or may petition the Court for dismissal of the appeal. If a party files a praecipe requesting disposition due to the failure of the appellant to file a brief, the Court shall render a decision, without oral argument, on the record before it.
 5. Any party may request oral argument when filing its brief. The Court shall hear oral argument at its discretion.
 6. An appeal from a decision the local agency renders after a remand shall be filed and docketed to the original caption and number. The party filing such appeal shall be limited to issues arising from the remand. All other requirements of this Rule shall apply to an appeal from a decision after remand.

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RULE 28. Tax Assessment Appeals

A. Petition

Appeals from orders of the Lancaster County Board of Assessment Appeals (Board) shall be by petition and shall contain:

1. A caption in substantially the following form:

In Re: Appeal of)
 (NAME OF APPELLANT)
 from the Lancaster County Board of)
 Assessment Appeals)
 Tax Account No. _____) No. _____
 Municipality)
 Assessment for the year _____)
 Property of _____)

2. Name and address of appellant.

3. Date of filing appeal to Board and amount of assessment originally fixed by the Board.

4. Date of final decision of Board amount of assessment finally fixed by the Board.

5. Reason for appeal.

B. Service

Within ten days after filing the petition, the appellant shall, by certified mail, serve copies of the petition on the Board, the County solicitor, the municipality in which the tax parcel is located, the school district in which the tax parcel is located and the property owner. Within twenty days thereafter, the appellant shall file a proof of service.

C. Intervention

Any person or political subdivision required to be served under paragraph B may intervene as a matter of right by filing within forty days after receipt of the petition, a notice of intervention either as an appellant or appellee. After the forty day period, intervention shall be governed by Pa. R.C.P. Nos. 2326 through 2350.

D. Further Proceedings

Thereafter, the appeal shall proceed pursuant to Local Rule Nos. 208.3(a) and (b) or 212.2A.

RULE 29. Local Agency and Administrative Agency Appeals other than Land Use Appeals

A. Appeals Governed by Rule

This Rule shall apply to all appeals allowed from adjudications under the Local Agency Law, 2 Pa.C.S.A. §501 et. seq., or the Administrative Agency Law, 2 Pa.C.S.A. §101 et. seq., and appeals which may be taken to the Court under the Judicial Code, 42 Pa.C.S.A. §933, other than appeals filed under Article X-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §11001-A.

B. Notice of Appeal

The notice of appeal shall contain all information required by the statute which authorizes filing of the appeal. The notice of appeal shall also contain:

1. A caption in substantially the following form:

Name of Appellant

v.

NO. CI-_____

Name of local or administrative
agency which rendered decision

STATUTORY APPEAL

2. All relevant information required in Local Rule 27A.2.

3. If a court reporter was present and if a transcript is not already in existence, appellant's certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment if a transcript is not already in existence. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the agency filing the return of the record.

C. Intervention

Pa. R.C.P. Nos. 2326-2350 shall govern all intervention.

D. Certiorari

The agency shall submit its entire record within twenty days after receipt of the writ of certiorari in accordance with the procedure in Local Rule 27C. The Prothonotary shall give notice of the return of the agency's record to appellant who shall, within four days after receipt of the notice, notify the agency, the applicant before the agency (if appellant was not the applicant) and all other parties to the local agency's proceedings. Appellant shall file of proof of service.

E. Disposition

Disposition of the appeal shall be in accordance with the procedure in Local Rule 27D.

RULE 36. Assigned Judge

The assigned judge is the judge who has been assigned by the Prothonotary when the action is filed, or who has been assigned by the President Judge for cases filed after April 30, 2016.

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RULE 205.2(a). Physical Characteristics of Legal Papers

Legal papers submitted to the Prothonotary shall comply with the following requirements:

- A. The first page shall set forth:
 1. The case caption.
 2. The case number.
 3. The name of the assigned judge, if applicable.
 4. The name, identification number, address and telephone number of the attorney and law firm or pro se party submitting the legal papers.
 5. In medical malpractice actions, "MedMal" shall appear beneath the case number.
- B. No manuscript cover or manuscript backing such as a blue back or firm identification strip shall be attached to any legal papers.
- C. Legal papers shall be stapled once in the upper left hand corner. No tape or other material shall cover the staple.
- D. All originals shall be marked "ORIGINAL". Copies shall be marked "COPY".
- E. Each page shall be numbered at the bottom center of the page. The case number shall appear, in twelve point font or larger, in the upper right hand corner of each page.
- F. Tabs shall be placed at the bottom of all exhibits and appendices.
- G. The name of each person signing a legal paper shall be typed beneath the person's signature.
- H. Briefs and memoranda shall be filed separately and not appended to other

documents.

- I. Verifications shall be dated.
- J. Unless required by an applicable law or rule of court or unless so directed by the Court, parties or their attorneys may include only:
 1. The last four digits of the social security number of the taxpayer identification number;
 2. The year of the individual's birth;
 3. The last four digits of the financial account information in documents filed with the Prothonotary. The responsibility for redacting these personal identifiers rests solely with the parties.

Documents will not be reviewed by the Prothonotary for compliance with the rule.

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RULE 205.2(b). Cover Sheet

- A. The initial legal paper filed shall be accompanied by a civil cover sheet in the form provided by the Prothonotary.
- B. A request for argument, hearing or arbitration shall be accompanied by a scheduling cover sheet in the form provided by the District Court Administrator.
- C. Civil cover sheets and scheduling cover sheets may also be obtained at www.co.lancaster.pa.us/courts.

RULE 205.4. Electronic Filing and Service of Legal Papers

- A. "Legal paper" includes a writ of summons or a complaint that is original process naming an original defendant or an additional defendant. It excludes any pleading or other paper filed in any action subject to Pa.R.C.P. Nos. 1910.1 through 1910.50, governing support actions.
- B. A party may file a legal paper with the Prothonotary by means of electronic filing at the following Internet address:

www.lexisnexis.com/fileandserve
- C. A filing party shall pay the costs of the electronic filing of a legal paper to the agent designated by the Prothonotary.

D. Any document filed electronically by 11:59 p.m. ET shall be deemed filed with the Court once the transmission is successfully completed (authorized date and time) as recorded on the LexisNexis File & Serve System.

E. The Prothonotary or the Prothonotary's designated agent shall promptly provide a filing status message to the filing party setting forth the date and time of acceptance of the filing. If the filing party does not receive a filing status message within one hour, the legal paper is not considered filed, and the filing party shall contact the Prothonotary.

F. If an electronic filing is not filed with the Prothonotary or is not served because of (1) an error in the transmission of the document to LexisNexis, which error was unknown to the sending party, or (2) a failure to process the electronic filing when received by LexisNexis, or (3) rejection by the Prothonotary or (4) other technical problems experienced by the filer, the Court shall, upon cause shown, enter an order permitting the document to be filed nunc pro tunc to the date and time it was attempted to be filed electronically. In the case of service, the party shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within which any right, duty or other act must be performed.

RULE 206.1(a). Petition. Definition. Stipulation

A. Petition Defined.

A petition is a request which seeks relief ancillary to a given cause of action and which avers facts not of record. Petitions include, but are not limited to:

1. Petitions to open or strike judgment.
2. Petitions to transfer venue.
3. Preliminary objections filed pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6).
4. Petitions which seek the issuance of a rule to serve the interests of justice.

B. Stipulated Matters.

If the parties agree to the relief sought, the petition shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties and a proposed order.

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

A. The procedure of Pa.R.C.P. No. 206.6 is adopted, and a rule shall issue as a matter of course pursuant to that Rule.

B. The petitioner shall attach to the petition a proposed order substantially in the following form:

ORDER

Upon consideration of the attached 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.

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

4. Discovery shall be completed within forty-five days of service of the answer.

5. The petitioner shall file a brief in support of the petition within twenty days after the discovery deadline. Any party opposing the petition shall file a responsive brief within ten days of service of the petitioner's brief. The petitioner may file a reply brief within five business days of service of a responsive brief. After all briefs have been filed, the Prothonotary shall notify the assigned Judge and forward the file to chambers for disposition. Any party may request oral argument by filing a praecipe requesting it when filing their brief.

6. The petitioner shall provide notice of the entry of this Order to all parties.

BY THE COURT:

J.

DATE

C. When the petitioner requests a hearing or argument date, the form of the order may be modified accordingly.

D. When the petitioner requests a stay, the form of the order may be modified accordingly.

E. All petitions, except as provided in F, shall be filed with the Prothonotary. The Prothonotary shall forward such petitions to the assigned judge for entry of the Order.

F. A petition which requests a stay, the filing of an answer in fewer than twenty days or other substantive relief shall be presented in person to the assigned judge. For such petitions, the Court shall not issue the rule to show cause unless:

1. It appears from the petition that reasonable notice has been given to all affected parties of the date, time and place of the presentation; or

2. It appears from the petition that there is an agreement of all affected parties; or

3. The Court in its discretion shall determine that there are extraordinary circumstances justifying immediate relief.

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RULE 206.7. Procedure after Issuance of Rule to Show Cause

If an answer is not filed, the petitioner may submit a proposed order and file a praecipe to forward the petition to the assigned judge for disposition.

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RULE 208.1. Motion. Definition. Scope

A. Motion means any application to Court for an order made in any action or proceeding that is not excluded by Pa. R.C.P. No. 208.1.

B. If the parties agree to the relief sought a motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a prepared order and a praecipe to assign the stipulated matter for disposition.

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RULE 208.2(c). Motion. Form. Content

A motion shall be in the form required by Pa. R.C.P. No. 208.2.

Revised 1-18-17

Effective 3-20-17

RULE 208.2(e). Motion. Form. Content

Every motion relating to discovery shall contain a certification that the parties, after reasonable effort, are unable to resolve the dispute.

RULE 208.3(a). Alternative Procedures

A. Praecipe for Disposition. Motions will be sent to the assigned judge for disposition upon completion of the briefing schedule pursuant to L.C.R.C.P. No. 208.3(b) below or by praecipe of any party.

B. Oral Argument. Any party may request oral argument by filing a praecipe at the time a brief is filed pursuant to Local Rule 208.3(b)A., B., or C.

C. Emergency Motions. Emergency motions must be presented to the assigned judge, or in the assigned judge's absence the business judge who will advise the parties how to proceed.

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RULE 208.3(b). Briefing Schedule

A. Motion and Brief. The moving party shall file a motion, proposed order and supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

B. Responsive Brief. Within twenty 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.

C. Reply Brief. The moving party may file a brief in reply to the responsive brief within five days after service of a responsive brief.

Revised 2-10-16

Effective 4-4-16

RULE 208.3(c). Discovery Motions Court

A. Purpose of Rule. It is the intention of this Rule that discovery motion practice be expedited and that discovery motions and responses be concise.

B. Discovery Motions Judge. Every discovery motion shall be presented to the Discovery Motions Judge. Discovery Motions Court shall be held at 1:30 p.m. on Friday afternoons as scheduled by the Discovery Motions Judge. The District Court Administrator shall publish notice of the location, dates and times of Discovery Motions Court in the weekly courtroom schedule.

C. Contents of Motion. Every discovery motion shall contain the following:

1. A concise statement describing the nature of the case.
2. A concise statement of the status of any discovery procedure involved.
3. A copy of the discovery request and response, if any, in dispute.
4. A statement of the relief requested and a citation to the statute, procedural rule or other authority for the relief requested.
5. A statement identifying all other parties and their counsel, with mailing addresses, telephone numbers and fax numbers.
6. If necessary, a request for the suspension of discovery until the dispute is resolved.
7. A certification that the parties, after reasonable effort, are unable to resolve the dispute.
8. A proposed rule or order.

D. Notice and Service.

1. A copy of the discovery motion, along with notice of when it will be presented, shall be served upon all parties no later than 5:00 p.m. on the Tuesday preceding the scheduled court date. Discovery motions shall not be filed or presented to the Court in any fashion other than to the Discovery Motions Judge. The moving party shall present an original and one copy of the motion to the Court.

2. If service of the motion is made by first class mail, the mailing must be postmarked no later than Friday preceding the scheduled court date. In the event of a Monday holiday, service, if sent by mail, shall be postmarked by the preceding Thursday. Hand delivery of the motion may be made until 5:00 p.m. on

the Tuesday preceding the scheduled court date. The parties may serve discovery motions by facsimile, provided that receipt of the fax by all other parties is confirmed by the serving party. The serving party shall attach proof of service to the discovery motion. Failure to serve the motion and notice shall be grounds for dismissal.

E. Briefs. Briefs are not permitted unless directed by the Court.

F. Responses. Any party may submit a response to the discovery motion. The response shall not exceed five pages. The response shall be presented to the Court and served on all parties or their counsel on the scheduled court date. Affidavits, discovery responses, references to depositions, transcripts or other documents responsive to the discovery motion shall not be included in the response but may be referenced during oral argument.

G. Scheduling. Arguments on discovery motions shall be scheduled at ten minute intervals. Counsel seeking to list a motion for argument shall contact the Discovery Motions Judge no later than 5:00 p.m. on the Tuesday immediately preceding the requested court date. The assignment of all discovery motions to an argument date and time will be made by the Discovery Motions Judge. A list of cases scheduled for argument will be sent via facsimile by the Discovery Motions Judge by the close of business on the Wednesday preceding the scheduled argument date to all parties or their counsel.

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 of the opposition need contain only an argument and a conclusion. If a counter statement of the case or the questions involved is not filed, the statement of the moving party shall be deemed adopted.

D. Briefs shall be submitted on 8 ½ x 11 inch paper and shall be double-spaced.

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

F. A party shall file a brief with the Prothonotary and shall serve copies pursuant to Pa. R.C.P. No. 440 and Local Rule 440.1.

Rule 212.1. When an Action is at Issue.

A. When an action is at issue the Prothonotary shall notify the assigned judge and forward the file to chambers.

An action is at issue as follows:

1. Expedited track: All Magisterial Judges and Arbitration appeals. Any case in the expedited track will be deemed at issue 120 days after the close of the pleadings.

2. Standard track: All other cases that are not in the expedited track or complex track. Any case in the standard track will be deemed at issue 180 days after the close of the pleadings.

3. Complex track: Cases will be considered complex if all parties agree or by order of Court.

a. If all parties agree that the case is complex, they shall file with the Prothonotary a certification signed by all parties.

b. If the assigned judge deems that the case is complex an appropriate order shall be filed.

c. Any case in the complex track will be deemed at issue 365 days after the close of pleadings.

B. Absent compelling reasons, an action that is at issue must have all discovery completed, except for the exchange of expert reports.

C. When an action is at issue the trial judge shall give notice to the parties in conformance with Pa.R.C.P. No. 212.1 (a). Thereafter, the parties shall proceed in accordance with the time periods of Pa.R.C.P. No. 212.1 (b).

Revised 1-18-17 Effective 3-20-17

Rule 212.2. Pre-Trial Statement

The pre-trial statement shall be in the form prescribed by Pa.R.C.P. No. 212.2.

Revised 1-18-17 Effective 3-20-17

Rule 212.3. Pre-Trial Conference

A pre-trial conference may be scheduled at the discretion of the assigned judge.

Adopted 2-10-16 Effective 4-4-16

RULE 225.1. Opening and Closing Statements

Plaintiff shall open first and close last, and Defendant shall open second and close first.

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RULE 226. Points for Charge

Points for charge shall be submitted to the trial judge as directed by the certification order.

Revised 2-10-16 Effective 4-4-16

RULE 227.1. Post Trial Relief

The party filing a post-trial motion shall serve a copy of the motion on the trial judge on the same day the motion is filed. That party shall also deliver to the trial judge the original and necessary copies of a proposed order for the transcription of the record. The trial judge shall enter an order addressing the transcription of the record and a briefing schedule.

RULE 236. Notice by Prothonotary of Entry of Order, Decree or Judgment

The moving party shall provide sufficient copies of all orders, decrees or judgments, together with addressed, stamped envelopes, necessary for the Prothonotary to comply with Pa.R.C.P. No. 236.

RULE 257. Money Paid Into Court

Unless otherwise provided by the Pennsylvania Rules of Civil Procedure, a local rule or order of Court, a party seeking to pay money into Court shall file a petition which conforms to Pa. R.C.P. No. 2303(a)(1)-(4). Service shall be pursuant to Pa. R.C.P. No. 440, and proof of service shall be pursuant to Local Rule 440.1. A petition shall be governed by Pa. R.C.P. Nos. 206.6 and 206.7.

RULE 260. Trial List

When an action has been certified by the assigned judge as ready for trial the District Court Administrator shall place it on the trial list.

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RULE 280. Costs

A. Items of Allowable Costs

Costs may include: fees of Court appointed examiners, masters, auditors, accountants or other experts; statutorily permitted costs for the attendance of witnesses; and such other costs permitted by statute or allowed by the Court.

B. Security for Costs

The Court may require a party to post security for costs.

C. Interlocutory Orders for Costs

A party directed by an interlocutory order to pay costs may not take any further action until such costs are paid.

D. Liability for Costs

Costs shall follow the entry of judgment or decree unless the Court directs otherwise.

E. Time of Filing and Service

Bills of costs must be filed and served within ten days after the entry of a judgment or decree.

F. Exceptions

Exceptions may be filed within five business days of the date of service or shall be deemed waived.

RULE 285. Accounts and Inventories

A. Accounts

When an account is required in a civil action, the account shall proceed in accordance with the Lancaster County Rules of Orphans' Court, except that filings shall

be with the Prothonotary.

B. Inventories

Any fiduciary required to file an account shall file a signed and verified inventory within sixty days of appointment.

RULE 286. Sureties

A. General Requirements

Where security is required, a bond shall be filed and approved by the Prothonotary before any action is taken. One corporate surety or two individual securities shall be required.

B. Corporate Requirements

A corporate surety, except as identified in Pa.R.C.P. No. 105, shall file with the Prothonotary evidence that it is authorized to do business in Pennsylvania and its current financial statement, sworn to by an officer or authorized agent. A new financial statement must be filed at least annually by the third Monday of January. No corporation will be accepted as sole security for an amount greater than half its paid-in capital and surplus. The Prothonotary shall keep a list of qualified companies.

C. Individual Requirements

No bond shall be approved until each surety has filed an affidavit which states that the surety is the owner of real estate having a value in excess of the penalty of the bond and which lists the surety's debts, liabilities and all legal exemptions. The affidavit shall state whether the surety is also a surety on any other obligations, and, if so, what they are. Tenants by the entireties shall be considered a single surety. No person concerned in the execution of process shall become a surety.

D. Objections

Any party in interest may object to the security in accordance with Pa.R.C.P. No. 1535.

RULE 430. Service Pursuant to Special Order of Court. Publication

The Lancaster Law Review is designated as the legal publication for the publication of legal notices.

RULE 440.1. Proof of Service

A proof of service shall conform to Pa. R.A.P. No. 122.

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RULE 1018.1. Notice to Defend

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

Lancaster Bar Association
Lawyer Referral Service
Telephone: 717-393-0737

RULE 1028(c). Preliminary Objections

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

1. Proposed Order. All preliminary objections shall be accompanied by a proposed order.

2. Stipulated Matters. If the parties agree to the relief sought, the preliminary objections shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

3. Brief. The party filing preliminary objections shall file a supporting brief within ten days of the date of filing of the preliminary objections. If a supporting brief is not filed within ten days of the filing of the preliminary objections, the preliminary objections shall be deemed withdrawn upon praecipe of the respondent. In that event, the objecting party shall file an answer to the complaint within twenty days of the date the praecipe is filed.

4. Responsive Brief. If a supporting brief is filed, the respondent shall file a responsive brief within twenty days after service of the supporting brief.

5. Reply Brief. The moving party may file a reply brief within five days after service of the responsive brief.

6. Assignment. After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.

7. Oral Argument. Any party may request oral argument by filing a praecipe at the time of the filing of their brief. Oral argument shall be at the discretion of the judge.

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

Any party filing preliminary objections pursuant to Pa. R.C.P. No. 1028(a)(1), (5) or (6) shall attach a notice to plead. Such objections are governed by Local Rules 206.1(a), 206.4(c) and 206.7.

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RULE 1034(a). Motion for Judgment on the Pleadings

A. Proposed Order. All motions shall be accompanied by a proposed order.

B. Stipulated Matters. If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

C. Motion and Brief. The moving party shall file the motion, proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

D. Responsive Brief. Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief.

E. Reply Brief. The moving party may file a brief in reply to the responsive brief within five days after service of the responsive brief.

F. Disposition. After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.

G. Oral Argument. Any party may request oral argument by filing a praecipe, at the time of the filing of their brief. Oral argument shall be at the discretion of the judge.

Revised 1-18-17

Effective 3-20-17

RULE 1035.2(a). Motion for Summary Judgment

- A. Proposed Order. All motions shall be accompanied by a proposed order.
- B. Stipulated Matters. If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.
- C. Motion and Brief. The moving party shall file the motion, a proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.
- D. Responsive Brief. Within thirty 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.
- E. Reply Brief. The moving party may file a brief in reply to the responsive brief within five days after service of the responsive brief.
- F. Disposition. After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.
- G. Oral Argument. Any party may request oral argument by filing a praecipe, at the time of the filing of their brief. Oral argument shall be at the discretion of the judge.

Revised 1-18-17

Effective 3-20-17

RULE 1301. Compulsory Arbitration. Scope

- A. All civil suits or actions, where the amount in controversy is \$50,000.00 or less, when at issue, shall first be submitted to arbitration.
- B. This Rule shall not apply to cases involving title to real estate, cases which have been consolidated for trial with cases involving more than \$50,000.00 or cases requiring equitable or declaratory relief.
- C. A case is at issue 120 days after the filing of the answer.
- D. When the case is at issue the Prothonotary shall notify the District Court Administrator

Revised 2-10-16

Effective 4-4-16

RULE 1302. List of Arbitrators. Appointment to Board

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

RULE 1303. Hearing. Notice

The District Court Administrator shall fix the date, time and place of the hearing, assign the arbitrators and give notice to the parties not less than sixty days before the hearing.

RULE 1308. Arbitrators' Compensation

Arbitrators and chairpersons shall be compensated at rates established by the President Judge.

RULE 1507. Notice Pursuant to Pa. R.C.P. No. 1507

When notice is required pursuant to Pa. R.C.P. No. 1507:

A. The notice shall be given by publication pursuant to Pa. R.C.P. No. 430 and Local Rule 430.

B. The notice shall state:

1. That an action has been filed.
2. The caption of the case as defined in Pa. R.C.P. No. 1018.
3. The nature of the action and the relief sought.
4. The nature of the noticed party's interest in the property.

C. The notice shall also state that the noticed party may appear in the action and that, if the party fails to do so within thirty days of the publication, a decree which may bind the party's interests may be entered.

ACTIONS FOR SUPPORT

RULE 1910.11(a). Hearings before the Court. Scheduling. Responsibilities of Counsel

A. Upon motion of a party, the Court may approve a special listing. Upon approval, counsel shall contact the District Court Administrator to schedule a hearing. The scheduling shall not occur unless the District Court Administrator is notified of the Court's decision by counsel.

B. The scheduling of a special relief hearing must be approved by the assigned Judge.

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

RULE 1915.1. Scope. Definitions

Local Rules 1915.1 through 1915.19(a) govern all actions for custody, partial custody and visitation, including original actions, contempt proceedings and petitions to modify orders.

RULE 1915.3. Commencement of Action. Complaint. Order. Service

A. Except as provided in subdivisions F and G, all custody complaints shall be filed with the Prothonotary.

B. In addition to fees assessed for filing a complaint, an additional administrative fee shall be assessed by order of Court and shall be paid to the Prothonotary at the filing of the custody complaint.

C. When a custody claim is asserted in a divorce action, either party may request a date and time for a conference on the custody issue by filing an order with the complaint or with a motion. The administrative fee must be paid to the Prothonotary when the conference is requested.

D. After filing, all complaints or motions for conferences shall be forwarded to the District Court Administrator, who shall set the time, date and place for a custody conference.

E. The moving party shall serve the complaint and order or motion in accordance with the Pennsylvania Rules of Civil Procedure and shall file a proof of service.

F. Any complaint seeking custody of a child within the jurisdiction of the Juvenile Court pursuant to any proceeding under the Juvenile Act shall be presented to

the assigned Judge who will determine how the matter will proceed.

G. Any complaint seeking custody of a child within the jurisdiction of the Orphans' Court pursuant to a petition for voluntarily relinquishment of parental rights, confirmation of consent to adoption, involuntary termination of parental rights or adoption shall be presented to the Orphans' Court Judge who will determine how the matter will proceed.

H. All filings requesting custody of a child shall contain a Criminal Record/Abuse History Verification in accordance with Rule 1915.3-2 and, if applicable a claim of paternity in accordance with Rule 1915.3(d).

Revised 2-10-16

Effective 4-4-16

RULE 1915.3-2. Criminal Record/Abuse History Verification

A. All filings requesting custody of a child shall include a Criminal Record/Abuse History Verification

B. Initial evaluations may be conducted by custody conference officers for the following offenses:

1. A first offense DUI(s);
2. A first offense drug possession; and,
3. A first Indirect Criminal Contempt.

C. Those enumerated offenses on the Criminal Record/Abuse History Verification not contained in B. above, or those in B. above not resolved at the custody conference shall be scheduled before the assigned judge for a hearing pursuant to 23 Pa.C.S.A. §5329.

Adopted 2-10-16

Effective 4-4-16

RULE 1915.5 (a). Jurisdiction. Contempt. Continuances. Emergency Relief

A. A party objecting to jurisdiction or venue before the custody conference shall present the objection to the Court and present a request for a continuance to the District Court Administrator.

B. A contested request for a continuance of a scheduled custody conference shall be presented to the Court for decision. A request for continuance shall be filed with the District Court Administrator in accordance with local procedure. In all requests for a continuance, no continuances will be granted within 14 days of the conference without an

order of Court and payment of the conference fee.

C. Any complaint for custody, petition for modification, request for special relief or contempt petition containing a request for interim relief must be presented to the assigned Family Court Judge in Family Business Court.

D. Where the parties are in agreement for a continuance, they shall file an Uncontested Motion for Continuance and Waiver of Custody Case Time Requirements in the form provided in Local Rule 1915.19(a).

RULE 1915.5(b). Custody Conference Officer. Conferences. Procedure

A. The Court shall appoint members of the Lancaster County Bar or other appropriate persons as custody conference officers to conciliate custody cases filed with the Court and to recommend temporary custody orders.

B. All custody matters shall be scheduled for conference before a custody conference officer no sooner than ten days after the filing of a request for conference. All parties shall be present at such conference unless excused by the custody conference officer. Failure of a party to appear at the conference may result in the entry of a temporary or permanent order without information from that party.

B.1 The conference officer shall resolve any risk of harm issues in accordance with Rule 1915.3.H above.

C. A child shall not be brought to the conference except by order of Court. If a child, who is the subject of an action, attends a hearing or conference pursuant to Pa. R.C.P. No. 1915.11(c) or other rule, the party bringing the child shall be responsible for supplying a person to supervise the child while the parties are in the custody conference or in Court.

D. To facilitate conciliation and to encourage frank exchanges between the parties and their respective counsel, statements made by the parties at the custody conference shall be inadmissible as evidence at a later custody hearing. The custody conference officer shall not be a witness for or against any party at any subsequent custody hearing.

E. Post-conference Procedure

1. **Settled Case.** If an agreement is reached during the conference, the custody conference officer shall record the agreement on a memorandum of agreement form supplied by the Court. All parties shall sign the memorandum, and the custody conference officer shall prepare and present a proposed order to the assigned Family Court Judge. Any party who has not filed a certificate of completion for Focus on Children with the Prothonotary shall do so within sixty (60)

days of the Order. If an agreement is reached within twenty four hours before a scheduled conference, the parties shall submit a stipulation signed by all parties and a proposed order to the custody conference officer, who shall submit them to the assigned Family Court Judge.

2. Contested Case. If the parties fail to reach an agreement before the conclusion of the custody conference, within ten days of the conference the custody conference officer shall submit to the assigned Family Court Judge a conference summary report and recommended temporary order. The recommendation may propose a follow-up custody conference with or without consent of the parties. The order will schedule a follow-up custody conference or a hearing.

F. Pre-trial Conference

1. Scheduling. Upon recommendation of a conference officer, a motion of counsel, or sua sponte by the Court, the Court may schedule a custody pre-trial conference.

2. Attendance. The conference shall be attended by each party or if a party is represented by counsel, then by counsel. Counsel, shall have authority to bind the client.

3. Preparation. The parties shall comply with Pa.R.C.P. 1915.4-4 and the parties or parties' counsel shall disclose to the Court any use of general or child protective services or any allegations of child abuse by a party or member of their household in accordance with 23 Pa.C.S. § 5329.1. At least five business days before the conference, counsel or the unrepresented party shall file a pre-trial statement containing:

- a. A concise statement of the issues and proposed resolution;
- b. A list of any contempt issue;
- c. A list of fact and expert witnesses, their relationship to the party along with their addresses;
- d. A statement by the party of the party's counsel that he or she has communicated with each listed witness;
- e. A list of exhibits;
- f. A list of deposition transcripts to be used in lieu of testimony and a statement of all known objections;
- g. A statement of stipulations sought;

h. A statement of requests such as a special time for a witness, courtroom needs etc.; and,

i. A proposed order setting forth the custody schedule requested by the party.

4. Any reports of experts and other proposed exhibits shall be included as part of the pre-trial statement served upon the other party or opposing counsel, but not included with the pretrial statement served upon the court. No exhibit containing private medical or psychological information shall be filed with the Prothonotary.

Revised 2-10-16

Effective 4-4-16

RULE 1915.7. Consent Order

If an agreement is reached regarding custody, partial custody or visitation at least twenty four hours prior to the scheduled conference, the parties may submit a stipulation, with attached custody education seminar completion certificates, and proposed order to the Family Court Judge for disposition. An agreement reached within twenty four hours of the scheduled conference shall be governed by Local Rule 1915.5(b)(E)(1).

RULE 1915.15. Form of Order

The order to be attached on top of a complaint for custody or petition for visitation or to modify custody shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

_____, :
Plaintiff :
v. : No.
_____, :
Defendant :

ORDER

You, _____, (Plaintiff) (Defendant), have been sued in Court to (OBTAIN)(MODIFY) (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody)

(supervised physical custody) of the following child/children: (names)

1. **You are ordered** to appear in person at 50 North Duke Street, Lancaster County Courthouse, Lancaster, Pennsylvania, on the _____ day of _____, 20____, at ____ o'clock __.m. for a conciliation conference to be held in room number _____ before Custody Conference Officer _____.

2. **Pending the custody conference:**
(Court selects option)

- No temporary order is requested.
- The Court issues no temporary order.
- The custody Order _____ (date and reference No.)
remains in effect.

With the following revisions (if applicable)

The Court enters the following Temporary Order

3. **Required Education Seminar:**

a. All parties named in the caption of the case **MUST** participate in the custody education seminar approved by the Court at the time the custody action was filed.

b. Unless specifically directed by order of Court, no children shall be present at either the custody education seminar or the conciliation conference. For those cases in which the Court directs the party to bring a child or children to the conference, the supervision requirements of Local Rule 1915.5(b)C apply.

c. Attendance at the custody education seminar will be verified by a certificate which must be presented to the Conference Officer at the beginning of the conciliation conference.

d. A brochure and registration form identifying the seminar and giving the dates, times and location of the seminar is attached. The registration form and fee **MUST** be returned promptly to assure timely attendance. All parties must attend the required seminar even if the seminar information was omitted from the

attached complaint or petition.

e. If a brochure and registration form are not attached, call the District Court Administrator at 717-299-8041 or access the form on the County website which is www.co.lancaster.pa.us/Courts.

f. If you fail to attend the custody education seminar without being excused by order of Court, you **WILL** be subject to contempt proceedings.

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

5. **You must file** with the court a 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 (including, but not limited to, a conference with a conference officer or judge or conciliation) but no later than 30 days after service of the complaint or petition.

6. 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 applicable 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.

OFFICE OF THE DISTRICT COURT ADMINISTRATOR
LANCASTER COUNTY COURTHOUSE
50 NORTH DUKE STREET
LANCASTER, PA 1760
(717) 299-8041

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lancaster 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 District Court Administrator. All arrangements must be made

at least seventy two hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

JUDGE

DATE:

ATTEST:

Revised 2-10-16

Effective 4-4-16

1915.15.1. Form of Criminal Record/Abuse History Verification

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

vs. _____ No. CI-
: :
: :
: :
: :
: :

CRIMINAL RECORD/ABUSE HISTORY VERIFICATION

I _____, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. §6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

<u>Check all that apply</u>	<u>Crime</u>	<u>Self</u>	<u>Other Household Member</u>	<u>Date Conviction, guilty plea, no contest plea, or pending charges</u>	<u>Sentence</u>
-------------------------------------	--------------	-------------	---------------------------------------	--	-----------------

- | | | | | | |
|--------------------------|---|--------------------------|--------------------------|-------|-------|
| <input type="checkbox"/> | 18 Pa.C.S. Ch. 25
(relating to criminal homicide) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §2702
(relating to aggravated assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §2706
(relating to terroristic threats) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §2709.1
(relating to stalking) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §2901
(relating to kidnapping) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §2902
(relating to unlawful restraint) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

- | <u>Check
all that
apply</u> | <u>Crime</u> | <u>Self</u> | <u>Other
Household
Member</u> | <u>Date of
Conviction,
guilty plea, no
contest plea, or
pending charges</u> | <u>Sentence</u> |
|-------------------------------------|---|--------------------------|---------------------------------------|---|-----------------|
| <input type="checkbox"/> | 18 Pa.C.S. §2903
(relating to false imprisonment) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §2910
(relating to luring a child
into a motor vehicle or structure) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3121 (relating to rape) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3122.1
(relating to statutory sexual assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3123
(relating to involuntary
deviate sexual intercourse) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3124.1
(relating to sexual assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3125
(relating to aggravated
indecent assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3126
(relating to indecent assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

- | | | | | | |
|--------------------------|---|--------------------------|--------------------------|-------|-------|
| <input type="checkbox"/> | 18 Pa.C.S. §3127
(relating to indecent exposure) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3129
(relating to sexual intercourse with animal) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3130
(relating to conduct relating to sex offenders) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3301
(relating to arson and related offenses) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §4302
(relating to incest) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

- | <u>Check all that apply</u> | <u>Crime</u> | <u>Self</u> | <u>Other Household Member</u> | <u>Date of Conviction, guilty plea, no contest plea, or pending charges</u> | <u>Sentence</u> |
|-----------------------------|---|--------------------------|-------------------------------|---|-----------------|
| <input type="checkbox"/> | 18 Pa.C.S. §4303
(relating to concealing death of child) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §4304
(relating to endangering welfare of children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §4305
(relating to dealing in infant children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §5902(b)
(relating to prostitution and related offenses) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §5903(c) or (d)
(relating to obscene and other sexual materials and performances) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6301
(relating to corruption of minors) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6312
(relating to sexual abuse) | | | | |

- | | | | | | |
|--------------------------|--|--------------------------|--------------------------|-------|-------|
| | of children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6318
(relating to unlawful
contact with minor) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6320
(relating to sexual
exploitation of children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 23 Pa.C.S. § 6114
(relating to contempt for
violation of protection
order or agreement) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

- | <u>Check
all that
apply</u> | <u>Crime</u> | <u>Self</u> | <u>Other
Household
Member</u> | <u>Date of
Conviction,
guilty plea, no
contest plea, or
pending charges</u> | <u>Sentence</u> |
|-------------------------------------|--|--------------------------|---------------------------------------|---|-----------------|
| <input type="checkbox"/> | Driving under the
influence of drugs or alcohol | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | Manufacture, sale,
delivery, holding,
offering for sale or
possession of any
controlled substance or
other drug or device | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

- | <u>Check
all that
apply</u> | | <u>Self</u> | <u>Other
Household
Member</u> | <u>Date</u> |
|-------------------------------------|--|--------------------------|---------------------------------------|-------------|
| <input type="checkbox"/> | A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Jurisdiction

- Involvement with Children & Youth Agency or similar agency in Pennsylvania or another Jurisdiction Where? _____ _____ _____
- Other: _____ _____ _____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Signature

Dated: _____

Printed Name

RULE 1915.15(a). Form of Motion

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Plaintiff :
 :
 v. : Docket Number: CI- _____
 :
 Defendant :

**UNCONTESTED MOTION FOR CONTINUANCE AND WAIVER
OF CUSTODY CASE TIME REQUIREMENTS**

Motion is hereby made to continue the above captioned case scheduled on
_____ [date] _____, _____ [time] _____, _____ [place] _____, _____ [Officer/Judge] _____,
for a _____ conference _____ hearing, for reason(s) as follows:

Signature of Applying Counsel or Pro se Party Representing Date

Signature of Opposing Counsel or Pro se Party Representing Date

By signature of both parties, this is a waiver of the time requirements of Pa.R.C.P. No. 1915.4 for

- _____ Initial custody conference
- _____ Start of hearing
- _____ Completion of hearing

Order

AND NOW, this _____ day of _____, _____, the Motion is granted. The custody _____ conference _____ hearing, (date) _____ is rescheduled to time _____ Place: _____, Officer/Judge: _____.

BY THE COURT

Judge

ACTIONS FOR DIVORCE OR ANNULMENT OF MARRIAGE

RULE 1920.42(a). Praecepte to Transmit Record

Any party filing a praecepte to Transmit Record shall give notice to the opposing party and shall file proof of service of that notice within five days of filing. Failure to give such notice shall be grounds to strike the Praecepte to Transmit Record at the request of any party not given such notice.

RULE 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing

A. **Master's Authority.** A master shall hear claims in an action of divorce under Section 3301(a), (b) and (d)(1)(ii) of the Divorce Code, in an action for annulment and in claims for alimony, equitable distribution of marital property, counsel fees, costs and expenses.

B. **Filing Fees and Costs.** The party filing a Motion to Appoint Master pursuant to this rule shall pay the sum required by the Prothonotary's fee bill, in addition to any normal filing fees. This sum is not refundable. If a hearing requires more than one-half day, an additional fee will be due for each one-half day or part thereof and paid for as directed by the Divorce Master.

C. **Motion for the Appointment of a Master.** Once a party has complied with Pa.R.C.P. 1920.31(a)(1) and 1920.33(a), a party may file a motion and proposed Order to Appoint Master. The motion and proposed order shall be in conformity with Pa.R.C.P. No. 1920.74 and L.C.R.C.P. No. 1920.74.

D. **Actions Not Requiring a Hearing or a Master** In the following cases, neither a master nor a hearing will be required:

1. No hearing will be required in an action which is filed under Section 3301(c) or Section 3301(d) of the Domestic Relations Code and in which an agreement is to be incorporated into the divorce decree relative to claims for equitable distribution, alimony, counsel fees, costs and expenses. Instead, the master shall review the record and file a recommendation with the Court within twenty days after receipt of the record.

2. Pursuant to Pa.R.C.P. No. 1920.51(a)(2)(ii), no master will be appointed where a divorce action contains a claim for divorce under Section 3301(c) or Section 3301(d) of the Domestic Relations Code and there are no claims for equitable distribution, alimony, counsel fees, costs and expenses or there are no other factual disputes and there is no agreement to be incorporated into the divorce decree. Instead, after all pleadings and other documents have been filed, either party may file with the Prothonotary a praecepte in the form

prescribed by Pa.R.C.P. No. 1920.73, and the Prothonotary shall transmit the record to the Court, which shall review the record and enter an appropriate decree.

E. Hearing Pursuant to Local Rule. In all other actions for divorce in which there are no claims for alimony, counsel fees, costs, expenses, or equitable distribution or if all such claims have been resolved by an agreement which is to be made a part of the Court order, the master may conduct a hearing in the manner set forth in Paragraph M.

F. Hearing Pursuant to Pa.R.C.P. No. 1920.53. In all other cases, the master shall take testimony and file a report which complies with the requirements of Pa.R.C.P. No. 1920.53.

G. Special Relief Hearings. Any request for a special relief hearing is subject to approval by the assigned Family Court Judge.

H. Telephonic Conference before Pre-hearing Conference. There shall be a telephonic conference between the parties and the master before any pre-hearing conference to discuss the status of discovery, the need for appraisals, general issues and the scheduling of a pre-hearing conference by the master.

I. Pre-hearing Conferences and Pre-trial Statements. Pre-hearing conferences shall be held in a Court facility designated by the District Court Administrator. Each party shall attend the pre-trial conference prepared to stipulate to items not in dispute. The master shall have the discretion to require the attendance of the parties, if necessary. Clients shall be consulted by counsel in advance of the pre-hearing conference as to authority respecting stipulations as to items not in dispute and settlement, including definite maximum or minimum limits, as appropriate, and regarding such other questions as may reasonably be anticipated to be relevant. The parties shall also prepare and furnish to the master and other party, at least five business days prior to the date scheduled for conference, a pre-trial statement as described in Pa.R.C.P. No. 1920.33(b). At the hearing, the parties will be limited to those witnesses, exhibits and documents set forth in their pre-trial report unless:

1. All parties affected by any changes agree in a writing which shall be filed with the Court.

2. Prompt notice of changes in the list of witnesses, exhibits or documents is made by filing with the master and by serving the other party with a supplemental pre-trial statement. A proof of service shall be filed with the supplemental pre-trial report pursuant to Local Rule 440.

3. Supplemental pre-trial statements will be liberally received by the master, absent a showing of failure to give prompt notice, undue inconvenience, expense or prejudice. Any objections shall be ruled on by the master or the Court. If no pre-hearing conference is required by the master, a pre-trial statement, as set

forth herein, shall be furnished to the master and opposing party at least five business days before the hearing.

J. Scheduling and Notice of Hearing. The master shall give at least twenty days written notice of the time and place of the hearing to all parties unless waived in writing by all parties. All hearings shall be held in a facility designated by the District Court Administrator.

K. Evidence in Uncontested Cases. A plaintiff who believes the action will be uncontested shall submit to the master at the hearing the following:

1. Plaintiff's Record of Testimony in question and answer or narrative form, signed and verified by plaintiff;
2. The testimony of each of plaintiff's witnesses, in question and answer or narrative form, signed and verified by the witness; and
3. Any exhibits identified in the testimony.

L. Uncontested Hearings Using Plaintiff's Record of Testimony. The master shall conduct the hearing in an uncontested hearing as follows:

1. The plaintiff and all witnesses whose evidence has been prepared in advance shall attend the hearing, and shall swear to or affirm their prerecorded evidence.
2. The master may examine the plaintiff and the witnesses with respect to the evidence prepared in advance in order to evaluate the credibility of those offering pre-recorded evidence, and, to this end, may interrogate the plaintiff and the witnesses as to any relevant matters, including any post-nuptial agreement, whether or not included in the prepared Record of Testimony,
3. The master, upon being satisfied that the Plaintiffs Record of Testimony is credible evidence, shall accept it and include it in the report in lieu of findings on the merits, provided, however, that, in the report, the master certifies:
 - a. That, at the hearing, the plaintiff and the witnesses offering pre-recorded testimony were placed under oath or affirmation and were examined and that they, by credible evidence, substantiated the facts set forth in the Plaintiff's Record of Testimony; and
 - b. That no witness, who was sworn or affirmed, presented testimony or evidence to the contrary of the facts set forth in such Record of Testimony.

M. Master's Report in Uncontested Cases. After the hearing wherein the

Plaintiff's Record of Testimony has been accepted, the master shall prepare and file the report together with a recommendation in accordance with Pa.R.C.P. No. 1920.53.

N. Master's Status Report if Filing Not Timely. Masters shall submit a status report to the Court and the parties if the report is not timely filed.

Revised 2-10-16 Effective 4-4-16

RULE 1920.55-2. Exceptions to Master's Report

A party filing exceptions to a master's report shall also file a praecipe in the Prothonotary's office to list the exceptions for argument and shall serve all parties with a copy. The Prothonotary shall list said matter in the Argument Watch Book and assign it to the appropriate judge. The assigned judge shall notify the parties by way of court order of the briefing schedule and of the date and time when argument shall be presented.

Revised 12-10-10 Effective 12-5-11

RULE 1920.74. Form of Motion for Appointment of Master. Order

The motion and proposed order, in addition to confirming to the requirements of Pa.R.C.P. No. 1920.74 shall also contain the following:

[Caption]

ORDER

AND NOW, this _____ day of _____, 20__,

_____ is appointed Master with respect to the following claims:

Counsel and unrepresented parties are hereby directed to participate in a telephonic status conference with the divorce master on the _____ day of _____, 20__, at _____ o'clock __.m. The conference call shall be initiated by the counsel or unrepresented party who requested the master's appointment.

In the event that the status conference is required to be re-scheduled at the request of an unrepresented party or counsel, the unrepresented party or counsel requesting the change shall be responsible for promptly coordinating the new date and time with the

divorce master and initiating the conference call.

BY THE COURT:

J.

Copies To: Divorce Master
All Parties

Rule 1931. Family Court Rules

A. Family Court motions and petitions for special relief or other contested matters or Family Court rulings must be in writing and must be presented in the Family Business Court session of the judge assigned to the case, as indicated in the Court's calendar, or, for urgent matters, to the assigned judge by appointment. A copy of the motion or petition with proposed Order, as well as notice of when and where it will be presented, must be provided to all parties at least five days before presentation to the Court. A certificate of service of the proposed Order, notice of presentation, and the motion or petition must be attached.

B. The notice of presentation required by Local Rule 1931 shall be directed to the respondent(s) to the motion or petition and shall be in substantially the following form:

[Caption]

NOTICE OF FAMILY BUSINESS COURT PRESENTATION

To: [Name of Respondent]

You are hereby notified that the attached [Petition or motion] and the preceding proposed Order will be presented in Family Business Court before the Honorable Judge [Name of judge] on [Date] at [Time] in Courtroom Number [] of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania 17602.

You may appear in person or by a lawyer at the time and place set forth.

Your failure to appear in person or by a lawyer at the time and place set forth may result in the Court granting the relief requested in the attached [Petition or motion] in the form of the preceding proposed Order, or other relief, without further notice to you.

_____ [Name of Movant or Petitioner]

_____ [Attorney for Movant or Petitioner]

C. The document shall be assembled so that the proposed Order is on top,

followed by the notice of presentation, next by the petition or motion with any supporting exhibits, next by the verification, and finally by the certificate of service.

D. Prior to presentation to Court, any motion or petition must be filed with the Prothonotary.

Revised 2-10-16

Effective 4-4-16

RULE 2039. Compromise, Settlement, Discontinuance and Distribution

A. Contents of 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:

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

B. Hearing

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.

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 Local Rule 2039.

RULE 2206. Settlement, Compromise, Discontinuance and Judgment

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

RULE 3252. Writ of Execution

The following is designated to be named in the Writ of Execution Notice as the organization from which information can be obtained:

Lancaster Bar Association
Lawyer Referral Service
Telephone: 717-393-0737

RULE 4007.1. Procedure in Deposition by Oral Examination

A. A period of at least ten days is deemed reasonable notice as required by Pa.R.C.P. No. 4007.1(a).

B. Depositions shall be taken in Lancaster County unless the Court directs otherwise.