

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.

2. 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.

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