

RULE 1915.4 – PROMPT DISPOSITION OF CUSTODY CASES. DISPOSITION BY HEARING OFFICER

- 1 Upon the filing of any claim or modification petition for custody the moving party shall deposit with the Prothonotary in addition to the filing fee the sum of \$150.00 unless excused by the Court. If the Hearing Officer determines at the pre-hearing conference that the custody issues are complex and that additional sums should be deposited to cover the payment of the Hearing Officer's fees, the Hearing Officer shall prepare an order for the Court directing the deposit of additional sums of money and allocating who shall be responsible for deposit of additional funds.
- 2 A pre-hearing conference shall be scheduled before a hearing officer no sooner than thirty (30) days but no longer than forty-five (45) days after the filing of the complaint or petition to modify. This conference will focus on issues for resolution by the Court, any agreements of the parties and negotiated settlement of the case.
- 3 If the parties agree on a custodial arrangement, a consent order shall be entered pursuant to CARB.R.C.P.1915.7.
- 4 If the parties are unable to agree, the Hearing Officer shall prepare and forward to the Court within 10 days a recommended Interim Custody Order established in the best interest of the child(ren). This order shall list the date and time of the custody trial before the Court and, if requested by one of the parties or ordered sua sponte by the Court, the date and time of the pretrial conference before a Judge. If a pretrial conference is scheduled before a Judge, the pretrial procedures and requirements of the pretrial statement shall comply with Pa.R.C.P. 1915.4-4. If a custody trial is scheduled before a Judge, the Interim Custody Order shall direct the parties to file a Pretrial statement at least seven (7) days prior to the trial, which shall contain:
 - a. A clear concise statement of the issues to be resolved by the Court;
 - b. Unresolved discovery matters;
 - c. Name and address of each expert whom the party intends to call at trial as a witness;
 - d. Name and address of each witness the party intends to call at trial, the relationship of that witness to the party and a statement by the party or the party's counsel that he or she has communicated with each listed witness;
 - e. Issues relating to expert witnesses;
 - f. List of evidentiary disputes;
 - g. List of exhibits;
 - h. Any agreements of the parties;

- i. Proposed Findings of Fact; and
 - j. Proposed Custody Order setting forth the custody schedule requested by the party.
- 5. If the hearing is to be held before the Hearing Officer, the moving party shall be responsible to secure the services and attendance of an outside court reporter for said hearing and shall be responsible for payment of same unless the Court places the payment responsibility on the other party.