

IN THE COURT OF COMMON PLEAS OF VENANGO COUNTY, PENNSYLVANIA

In re:

AMENDMENT OF LOCAL  
DOMESTIC RELATIONS RULE:

Rule 1915.4A. – PROCEDURE IN ALL  
CUSTODY CASES.

Civ. No. 694-2024

FILED  
COMMON PLEAS COURT  
VENANGO COUNTY  
2024 JUL 16 PM 2:58  
PROTHONOTARY AND  
CLERK OF COURTS

**ORDER**

AND NOW, this 16<sup>th</sup> day of July 2024, it is hereby ORDERED that the Venango County Court of Common Pleas Local Domestic Relations Rule 1915.4A. Procedure in all Custody Cases. is AMENDED as set forth hereinafter, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

In conformity with Pa.R.J.A. 103, one (1) copy of this Order shall be distributed to the Administrative Office of Pennsylvania Courts. Two (2) paper copies and one electronic copy shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules within thirty (30) days after the publication in the *Pennsylvania Bulletin*. This Order shall be continuously available for public inspection and copying in the office of the Prothonotary/Clerk of Courts.

BY THE COURT,



MATTHEW T. KIRTLAND, President Judge

SCANNED  
EWP

## **RULE 1915.4A. PROCEDURE IN ALL CUSTODY CASES.**

### **A. Alternative Hearing Procedures for Partial Custody Actions.**

- (1) Except as otherwise set forth below, the Court of Common Pleas of Venango County, Pennsylvania, hereby adopts the alternative hearing procedure authorized in Pa.R.Civ.P. No. 1915.4-2 pursuant to which an action for partial physical custody or supervised physical custody may be heard by a hearing officer, except as provided herein.
- (2) Promptly after the parties' initial contact with the court, a party may move the court for a hearing before a judge, rather than a hearing officer, in an action for partial physical custody or supervised physical custody where:
  - (a) There are complex questions of law, fact or both; or
  - (b) The parties certify to the court that there are serious allegations affecting the child's welfare.
- (3) The president judge shall appoint a family court hearing officer, who shall be a lawyer. The president judge shall appoint a conciliator who shall be a lawyer. The family court hearing officer who is a lawyer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, permanent or standing master, or judge of this judicial district.

### **B. Custody Conciliation Conference.**

- (1) Upon commencement of an action for any form of legal or physical custody, or an action seeking to initiate or reinstate any proceeding to modify, terminate or otherwise affect contact between children and parties, a custody conciliation conference shall be scheduled. If standing may be an issue in the case, a hearing shall be scheduled before the court prior to the scheduling of the custody conciliation conference.
- (2) The conciliator shall make every effort to conduct a custody conciliation conference within forty-five (45) days of the filing of the custody complaint or petition. All parties and their attorneys shall attend the custody conciliation conference. The conciliator shall review the court file before the custody conciliation conference in order to ensure that all pleadings and documents have been properly filed by all parties, including a verification regarding any criminal record or abuse history. If a party has not filed the verification, then the conciliator shall have that party complete the verification before commencing the custody conciliation conference, and the conciliator shall ensure that the verification is filed of record after the conference.

- (3) At the custody conciliation conference, the conciliator shall meet with the parties, their attorneys, or both to discuss the issues and use their best efforts to reach a settlement based on the best interests and welfare of the children. If any component of the case is settled, the conciliator shall file a written report with the court setting forth the agreement and the proposed court order to be entered in the case. If any component of the case is not settled, the conciliator shall file a written report with the court that recites the following:
- (a) the parties and attorneys that attended the custody conciliation conference;
  - (b) the results of the conference;
  - (c) recommendations for an interim court order, if any, with a proposed court order to be entered in the case;
  - (d) recommendations whether counsel for the child should be appointed; and
  - (e) any other information that may help the court as the court addresses the matter in further proceedings under this rule.

The proposed court order submitted by the custody conciliator shall include terms for the court to schedule a custody pre-trial conference.

**C. Custody Pre-Trial Conference.**

- (1) If the parties are unable to reach an agreement at the custody conciliation conference, then all of the parties shall thereafter attend a custody pre-trial conference before a judge. In those matters scheduled for a pre-trial conference before the court, the pre-trial procedures set forth in Pa.R.Civ.P. No. 1915.4-4 shall be applicable.
- (2) A pre-trial statement shall be filed with the court by each party at least five (5) days before the custody pre-trial conference in accordance with Pa.R.Civ.P. No. 1915.4-4(b). If a party fails to file a pre-trial statement or otherwise comply with the requirements of the aforesaid rule, the court may consider entry of an order under Pa.R.Civ.P. No. 4019(c)(2) and (4) governing sanctions.
- (3) At the custody pre-hearing conference, the judge shall initially meet with the parties, their attorneys, or both to discuss the issues and use their best efforts to reach a settlement based on the best interests and welfare of the children. If either party fails to appear as directed by the court, the conference may proceed without that party.

If an agreement is reached at the conference, the court may enter an order in accordance with the agreement. The court may direct one of the attorneys to draft the agreement for signature by the parties and submission to the court within a

designated time frame. In the event a written agreement signed by the parties is not submitted to the court within thirty (30) days of the date of the conference, then the court shall schedule a hearing before the court or the court hearing officer in accordance with this rule either sua sponte or upon motion filed by either party.

- (4) If an agreement cannot be achieved, the following matters shall be considered at the custody pre-trial conference:
  - (a) issues for resolution by the court;
  - (b) unresolved discovery matters;
  - (c) any agreement of the parties;
  - (d) issues relating to expert witnesses;
  - (e) settlement and/or mediation of the case; and
  - (f) such other matters as may aid in the disposition of the case, including, without limitation, number of days of the hearing, witness lists, an interim custody arrangement pending final hearing, and appointment of an attorney to represent the legal interest of a child.
- (5) At the conclusion of the conference, in those matters that are not settled:
  - (a) If the matter involves partial physical custody or supervised physical custody, the parties shall be given notice of the date, time and place of a hearing before the family court hearing officer, but the hearing shall be scheduled no more than sixty (60) days from the date of the conference, unless the parties agree otherwise. The hearing shall be conducted in accordance with subdivision (D).
  - (b) If the matter involves primary physical custody or shared physical custody, the court shall enter an order that details the agreements made by the parties as to any of the matters considered, limiting the issues for trial to those not disposed of by agreement, and scheduling a hearing. Such order shall control the subsequent course of action unless modified at trial to prevent manifest injustice.

**D. Hearings Before Family Court Hearing Officer.**

When a hearing for partial physical custody or supervised physical custody is scheduled before the family court hearing officer, the family court hearing officer shall conduct the hearing and file a report in accordance with Pa.R.Civ.P. No. 1915.4-2(b).