

CHILD CUSTODY CASE PROCEDURES

In January 1992, a three-step process for child custody cases was established in Indiana County. The procedures that apply to this process are set forth in Local Rules L-1915.1, L1915.2. Petitions to Modify existing Orders of Court also follow the three-step process. Petitions for Contempt and Motions for Special Relief are scheduled for hearing by the Court Administrator

The first step in the process is an Initial Custody Conference, which generally occurs within 30-45 days following the filing of a Complaint for Custody, Partial Custody, or Visitation of a minor child. Initial Custody Conferences are scheduled by the Court Administrator and occur at the Indiana County Courthouse on Floor 4M in either Jury Room 1 or Jury Room 2. The parties and their legal counsel attend the initial conference and attempt to arrive at an agreement. No Court authority is present. If an agreement is reached at the conference, counsel for the parties prepare an Order to be submitted to the Court for approval.

If an agreement is not reached, either party may file a Motion for Mediation Conference. Mediation Conferences are presently scheduled for Tuesdays at 9:30 AM and 1:15 PM, as well as Thursdays at 9:30 AM and 1:15 PM.

Prior to the Mediation Conference, the parties are required to attend the Children In Between Parent Education Course at the Indiana County Guidance Center (PHONE: 724-465-5576). All parties, who have not filed a Petition For In Forma Pauperis with the Court are required to pay a \$50.00 per person fee to the Confidential Counseling Services Department of the Indiana County Guidance Center. The parties will be scheduled to attend separate class sessions.

Following the scheduling of a Mediation Conference, the Court Administrators Office will send a letter to a party's attorney or, if the party is proceeding without an attorney, to the party directly. This correspondence includes a Child Custody Mediation Questionnaire and Waiver of Mediation Communication Privilege. It is requested that the parties complete and return the Child Custody Mediation Questionnaire to the Prothonotary's Office at least seven (7) days prior to the scheduled conference. The Waiver of Mediation Communication Privilege is requested to promote the full exchange of information during the Mediation Conference, as well as communications with the Court and child custody professionals following the conference. Waiver of this privilege is optional and the Mediation Conference will proceed even if one or both of the parties decide to assert the confidentiality privilege.

Seven (7) days prior to the Mediation Conference, the parties are required to deposit \$200.00 with the Prothonotary of Indiana County. If a party is unable to afford the fee, the party may file an Affidavit and a Petition for In Forma Pauperis. If the Court grants a party's Petition to Proceed In Forma Pauperis, the mediation fee is paid by Indiana County.

If a party fails to deposit the mediation fee, the other party may advance this fee or file a Petition for Rule to Show Cause to compel payment.

Mediation Conferences continue until a resolution is reached by the participating parties. All minor children ten (10) years of age and older are required to attend the conference.

The Mediator works, with the assistance of legal counsel, to facilitate an agreement between the parties. If an agreement is reached, the Mediator prepares an Order of Court for the Court's approval.

If an agreement is not reached, the Mediator refers the case to the Court for a full hearing on the merits. Under the Local Rules, the Mediator does have the discretion to make a recommended Temporary Order.