

## 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 his process are set forth in Local Rules [L-1915.1](#), [L-1915.2](#)

The first step in an initial conference, which general occurs within 30-45 days following the filing of a Complaint for Custody, Partial Custody or Visitation of a minor child. (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). Initial conferences are scheduled by the Court Administrator and occur on Floor 4M in Jury Room 1 or Jury Room 2 of the Indiana County Courthouse. (See downloadable "[Initial Conference Order](#)") The parties and their legal counsel attend the initial conference and attempt to arrive at an agreement. If an agreement is reached, counsel for the parties prepare an Order to be submitted to the Court for approval.

If a settlement is not achieved, either party may file a Motion for Mediation (See downloadable "[Motion for Mediation Part I and Part II.](#)" Mediation Conferences are presently scheduled Tuesdays at 9:30 am and 1:15 pm and Thursdays 9:30 am and 1:15 pm.

Prior to the Mediation Conference, the parties are required to attend a parent education course, "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 \(Indigent\) Part 1 and Part II](#) 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 confirming letter to a party's attorney or, if the party is proceeding without an attorney, to the party directly. Included with this cover letter are 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, and following conference with the Court and child custody professionals. The Waiver of this privilege is optional and the Mediation Conference will proceed even if one or both of the parties asserts the confidentiality privilege.

Seven (7) days prior to the Mediation Conference, the parties are required to deposit \$150.00 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 \(Indigent\) Part 1 and Part II](#). 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 can advance this fee or the other party may file a Petition for Rule to Show Cause [Part I](#) and [Part II](#) to compel payment of the fee.

Mediation Conferences are scheduled to be 90 minutes in duration. On occasion, the conferences exceed this length. All minor children seven (7) 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.