

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 929 Session of  
2003

INTRODUCED BY BROWNE, BUNT, CAWLEY, CIVERA, CLYMER, CRAHALLA,  
CREIGHTON, CRUZ, CURRY, DeLUCA, FREEMAN, HARHAI, HENNESSEY,  
HERMAN, HORSEY, McCALL, REICHLEY, SEMMEL, SOLOBAY, STEIL,  
E. Z. TAYLOR, J. TAYLOR, THOMAS, WASHINGTON, WILT AND  
YOUNGBLOOD, MARCH 19, 2003

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 19, 2003

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for procedures in domestic  
4 relations litigation; conferring powers and duties on the  
5 unified judicial system, the Secretary of the Commonwealth  
6 and the Legislative Reference Bureau; establishing the Family  
7 Justice Account; and making editorial changes.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Sections 3303(a), 3308, 3321, 3322, 3323, 3502(a)  
11 and (e), 3505, 3506, 3507(a), 3508, 3701(a), (d) and (e), 3702,  
12 3703, 3705(a), 3901, 3902, 3903, 3904, 4324, 4341(a), 4342(a)  
13 and (b), 4344, 4345(a), 4347, 4349 and 4350 of Title 23 of the  
14 Pennsylvania Consolidated Statutes are amended to read:

15 § 3303. Annulment of void and voidable marriages.

16 (a) General rule.--In all cases where a supposed or alleged  
17 marriage has been contracted which is void or voidable under  
18 this title or under applicable law, either party to the supposed  
19 or alleged marriage may bring an action in annulment to have it

1 declared void in accordance with the procedures provided by  
2 [this part and prescribed by general rules.] 42 Pa.C.S. Ch. 72  
3 (relating to family law and justice).

4 \* \* \*

5 § 3308. Action where defendant suffering from mental disorder.

6 If a spouse is insane or suffering from serious mental  
7 disorder, an action may be commenced [under this part] in  
8 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
9 justice) against that spouse upon any ground for divorce or  
10 annulment.

11 [§ 3321. Hearing by master.

12 The court may appoint a master to hear testimony on all or  
13 some issues, except issues of custody and paternity, and return  
14 the record and a transcript of the testimony together with a  
15 report and recommendation as prescribed by general rules, or a  
16 judge of the court in chambers may appoint a master to hold a  
17 nonrecord hearing and to make recommendations and return the  
18 same to the court, in which case either party may demand a  
19 hearing de novo before the court.

20 § 3322. Jury trial.

21 (a) Application for jury trial.--After service of the  
22 complaint in divorce or annulment on the defendant in the manner  
23 prescribed by general rules or entry of a general appearance for  
24 the defendant, if either of the parties desires any matter of  
25 fact that is affirmed by one and denied by the other to be tried  
26 by a jury, that party may take a rule upon the opposite party,  
27 to be allowed by a judge of the court, to show cause why the  
28 issues of fact set forth in the rule should not be tried by a  
29 jury, which rule shall be served upon the opposite party or  
30 counsel for the opposite party.

(b) Disposition of application.--Upon the return of the rule, after hearing, the court may discharge it, make it absolute or frame issues itself. Only the issues ordered by the court shall be tried. The rule shall not be made absolute when, in the opinion of the court, a trial by jury cannot be had without prejudice to the public morals.]

§ 3323. Decree of court.

(a) General rule.--In accordance with 42 Pa.C.S. Ch. 72 (relating to family law and justice), in all matrimonial causes, the court may either dismiss the complaint or enter a decree of divorce or annulment of the marriage.

(b) Contents of decree.--[A] In accordance with 42 Pa.C.S. Ch. 72, a decree granting a divorce or an annulment shall include, [after a full hearing,] where these matters are raised in any pleadings, an order determining and disposing of existing property rights and interests between the parties, custody, partial custody and visitation rights, child support, alimony, reasonable attorney fees, costs and expenses and any other related matters, including the enforcement of agreements voluntarily entered into between the parties. In the enforcement of the rights of any party to any of these matters, the court shall have all necessary powers, including, but not limited to, the power of contempt and the power to attach wages.

[(c) Bifurcation.--In the event that the court is unable for any reason to determine and dispose of the matters provided for in subsection (b) within 30 days after the report of the master has been filed, it may enter a decree of divorce or annulment. Upon the request of either party and after a hearing, the court may order alimony pendente lite, reasonable counsel fees, costs and expenses and may make a temporary order necessary to protect

1 the interests of the parties pending final disposition of the  
2 matters in subsection (b).]

3 (d) Substitution for deceased party.--[If] In accordance  
4 with 42 Pa.C.S. Ch. 72, if one of the parties dies after the  
5 decree of divorce has been entered, but prior to the final  
6 determination in such proceeding of the property rights and  
7 interests of the parties [under this part], the personal  
8 representative of the deceased party shall be substituted as a  
9 party as provided by law and the action shall proceed.

10 (e) Costs.--[The] Subject to 42 Pa.C.S. Ch. 72, the court  
11 may award costs to the party in whose favor the order or decree  
12 shall be entered or may order that each party shall pay their  
13 own costs or may order that costs be divided equitably as it  
14 shall appear just and reasonable.

15 (f) Equity power and jurisdiction of the court.--In  
16 accordance with 42 Pa.C.S. Ch. 72, in all matrimonial causes,  
17 the court shall have full equity power and jurisdiction and may  
18 issue injunctions or other orders which are necessary to protect  
19 the interests of the parties or to effectuate the purposes of  
20 this part and may grant such other relief or remedy as equity  
21 and justice require against either party or against any third  
22 person over whom the court has jurisdiction and who is involved  
23 in or concerned with the disposition of the cause.

24 § 3502. Equitable division of marital property.

25 (a) General rule.--In accordance with 42 Pa.C.S. Ch. 72  
26 (relating to family law and justice), in an action for divorce  
27 or annulment, the court shall, upon request of either party,  
28 equitably divide, distribute or assign, in kind or otherwise,  
29 the marital property between the parties without regard to  
30 marital misconduct in such proportions and in such manner as the

1 court deems just after considering all relevant factors,  
2 including:

3 (1) The length of the marriage.

4 (2) Any prior marriage of either party.

5 (3) The age, health, station, amount and sources of  
6 income, vocational skills, employability, estate, liabilities  
7 and needs of each of the parties.

8 (4) The contribution by one party to the education,  
9 training or increased earning power of the other party.

10 (5) The opportunity of each party for future  
11 acquisitions of capital assets and income.

12 (6) The sources of income of both parties, including,  
13 but not limited to, medical, retirement, insurance or other  
14 benefits.

15 (7) The contribution or dissipation of each party in the  
16 acquisition, preservation, depreciation or appreciation of  
17 the marital property, including the contribution of a party  
18 as homemaker.

19 (8) The value of the property set apart to each party.

20 (9) The standard of living of the parties established  
21 during the marriage.

22 (10) The economic circumstances of each party, including  
23 Federal, State and local tax ramifications, at the time the  
24 division of property is to become effective.

25 (11) Whether the party will be serving as the custodian  
26 of any dependent minor children.

27 \* \* \*

28 (e) Powers of the court.--If, at any time, a party has  
29 failed to comply with an order of equitable distribution, as  
30 provided for in this chapter or with the terms of an agreement

1 as entered into between the parties, after hearing, the court  
2 may, in addition to any other remedy [available under this part]  
3 provided by statute, in order to effect compliance with its  
4 order:

5 (1) enter judgment;

6 (2) authorize the taking and seizure of the goods and  
7 chattels and collection of the rents and profits of the real  
8 and personal, tangible and intangible property of the party;

9 (3) award interest on unpaid installments;

10 (4) order and direct the transfer or sale of any  
11 property required in order to comply with the court's order;

12 (5) require security to insure future payments in  
13 compliance with the court's order;

14 (6) issue attachment proceedings, directed to the  
15 sheriff or other proper officer of the county, directing that  
16 the person named as having failed to comply with the court  
17 order be brought before the court, at such time as the court  
18 may direct. If the court finds, after hearing, that the  
19 person willfully failed to comply with the court order, it  
20 may deem the person in civil contempt of court and, in its  
21 discretion, make an appropriate order, including, but not  
22 limited to, commitment of the person to the county jail for a  
23 period not to exceed six months;

24 (7) award counsel fees and costs;

25 (8) attach wages; or

26 (9) find the party in contempt.

27 § 3505. Disposition of property to defeat obligations.

28 (a) Preliminary relief.--Where it appears to the court that  
29 a party is about to leave the jurisdiction of the court or is  
30 about to remove property of that party from the jurisdiction of

1 the court or is about to dispose of, alienate or encumber  
2 property in order to defeat equitable distribution, alimony  
3 pendente lite, alimony, child and spousal support or a similar  
4 award, an injunction may issue to prevent the removal or  
5 disposition and the property may be attached as prescribed by  
6 general rules. The court may also issue a writ of ne exeat to  
7 preclude the removal.

8 [(b) Inventory of property.--Both parties shall submit to  
9 the court an inventory and appraisalment, which shall contain all  
10 of the following:

11 (1) A list of the property owned or possessed by either  
12 or both of them as of:

13 (i) the date of separation; and

14 (ii) thirty days prior to the date of hearing on  
15 equitable distribution.

16 (2) A list of the value of the property owned or  
17 possessed by either or both of them as of:

18 (i) the date of acquisition;

19 (ii) the date of separation; and

20 (iii) thirty days prior to the date of hearing on  
21 equitable distribution.

22 (3) A list of the liabilities of either or both of them  
23 as of 30 days prior to the date of hearing on equitable  
24 distribution, whether or not the liabilities are related to  
25 the property set forth in the inventory and appraisalment.]

26 (c) Discovery.--Discovery [under this part] shall be as  
27 provided for [all other civil actions under] in 42 Pa.C.S. Ch.  
28 72 (relating to family law and justice) and the Pennsylvania  
29 Rules of Civil Procedure.

30 (d) Constructive trust for undisclosed assets.--If a party

1 fails to disclose information required by [subsection (b)] the  
2 family information statement as provided in 42 Pa.C.S. Ch. 72  
3 and in consequence thereof an asset or assets with a fair market  
4 value of \$500 or more is omitted from the final distribution of  
5 property, the party aggrieved by the nondisclosure may at any  
6 time petition the court granting the award to declare the  
7 creation of a constructive trust as to all undisclosed assets  
8 for the benefit of the parties and their minor or dependent  
9 children, if any. The party in whose name the assets are held  
10 shall be declared the constructive trustee, and the trust may  
11 include any terms and conditions the court may determine. The  
12 court shall grant the petition upon a finding of a failure to  
13 disclose the assets as required [under subsection (b)] by the  
14 family information statement.

15 (e) Encumbrance or disposition to third parties.--An  
16 encumbrance or disposition of marital property to third persons  
17 who paid wholly inadequate consideration for the property may be  
18 deemed fraudulent and declared void.

19 § 3506. Statement of reasons for distribution.

20 In an order made [under this chapter] in accordance with 42  
21 Pa.C.S. Ch. 72 (relating to family law and justice) for the  
22 distribution of property, the court shall set forth the reason  
23 for the distribution ordered.

24 § 3507. Division of entireties property between divorced  
25 persons.

26 (a) General rule.--Whenever married persons holding property  
27 as tenants by entireties are divorced, they shall, except as  
28 otherwise provided by an order [made under this chapter] issued  
29 in accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
30 justice), thereafter hold the property as tenants in common of



1 equal one-half shares in value, and either of them may bring an  
2 action against the other to have the property sold and the  
3 proceeds divided between them.

4 \* \* \*

5 § 3508. Conveyance of entireties property to divorced spouse.

6 Whenever married persons have acquired real estate as tenants  
7 by entireties and thereafter are divorced, either former spouse,  
8 except as otherwise provided by an order [made under this  
9 chapter] issued in accordance with 42 Pa.C.S. Ch. 72 (relating  
10 to family law and justice), may convey to the other, without the  
11 joinder of the other, the grantor's interest in the real estate  
12 so that the grantee holds the real estate in fee simple, freed  
13 from all right, title and interest which the grantor had in the  
14 real estate as a tenant by the entireties.

15 § 3701. Alimony.

16 (a) General rule.--Where a divorce decree has been entered  
17 in accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
18 justice), the court may allow alimony, as it deems reasonable,  
19 to either party only if it finds that alimony is necessary.

20 \* \* \*

21 (d) Statement of reasons.--In an order made [under this  
22 section] in accordance with 42 Pa.C.S. Ch. 72, the court shall  
23 set forth the reason for its denial or award of alimony and the  
24 amount thereof.

25 (e) Modification and termination.--An order entered pursuant  
26 to this section is subject to further order of the court upon  
27 changed circumstances of either party of a substantial and  
28 continuing nature whereupon the order may be modified,  
29 suspended, terminated or reinstituted or a new order made in  
30 accordance with 42 Pa.C.S. Ch. 72. Any further order shall apply

1 only to payments accruing subsequent to the petition for the  
2 requested relief. Remarriage of the party receiving alimony  
3 shall terminate the award of alimony.

4 § 3702. Alimony pendente lite, counsel fees and expenses.

5 In proper cases in accordance with 42 Pa.C.S. Ch. 72  
6 (relating to family law and justice), upon petition, the court  
7 may allow a spouse reasonable alimony pendente lite, spousal  
8 support and reasonable counsel fees and expenses. Reasonable  
9 counsel fees and expenses may be allowed pendente lite, and the  
10 court shall also have authority to direct that adequate health  
11 and hospitalization insurance coverage be maintained for the  
12 dependent spouse pendente lite.

13 § 3703. Enforcement of arrearages.

14 If at any time a party is in arrears in the payment of  
15 alimony or alimony pendente lite as provided for in sections  
16 3701 (relating to alimony) and 3702 (relating to alimony  
17 pendente lite, counsel fees and expenses), the court may, in  
18 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
19 justice), after hearing, in order to effect payment of the  
20 arrearages:

21 (1) Enter judgment.

22 (2) Authorize the taking and seizure of the goods and  
23 chattels and the collection of the rents and profits of the  
24 real estate of the party.

25 (3) Attach no more than 50% of the wages of the party.

26 (4) Award interest on unpaid installments.

27 (5) Require security to insure future payments.

28 (6) Issue attachment proceedings, directed to the  
29 sheriff or other proper officer of the county, directing that  
30 the person named as having failed to comply with the court

1 order be brought before the court at such time as the court  
2 may direct. If the court finds, after hearing, that the named  
3 person willfully failed to comply with the court order, it  
4 may declare the person in civil contempt of court and in its  
5 discretion make an appropriate order, including, but not  
6 limited to, commitment of the person to prison for a period  
7 not to exceed six months.

8 (7) Award counsel fees and costs.

9 § 3705. Enforcement of foreign decrees.

10 (a) General rule.--Whenever a person subject to a valid  
11 decree of a sister state or territory for the distribution of  
12 marital property or for the payment of alimony, temporary  
13 alimony or alimony pendente lite, or the property of that person  
14 is found within this Commonwealth, the obligee of the decree  
15 may, in accordance with 42 Pa.C.S. Ch. 72 (relating to family  
16 law and justice), petition the court where the obligor or the  
17 property of the obligor is found to register, adopt as its own  
18 and enforce the decree as a properly issued and authenticated  
19 decree of a sister state or territory. Upon registration and  
20 adoption, such relief and process for enforcement as is provided  
21 or prescribed by law in similar cases originally commenced in  
22 this Commonwealth shall be available. A copy of the decree and  
23 order shall be forwarded to the court of the state or territory  
24 which issued the original decree. The obligor shall have  
25 whatever defenses and relief are available to the obligor in the  
26 state or territory which issued the original decree and may  
27 question the jurisdiction of that court if not otherwise barred.  
28 Interest may be awarded on unpaid installments and security may  
29 be required to insure future payments as in cases originally  
30 commenced in this Commonwealth. Where property of the obligor,

1 but not the person of the obligor, is found within this  
2 Commonwealth, there shall be jurisdiction quasi in rem, and,  
3 upon registration and adoption of the decree of the sister state  
4 or territory, relief and enforcement of the decree shall be  
5 available as in other proceedings which are quasi in rem.

6 \* \* \*

7 [§ 3901. Mediation programs.

8 (a) Establishment.--A court may establish a mediation  
9 program for actions brought under this part or Chapter 53  
10 (relating to custody).

11 (b) Issues subject to mediation.--When a program has been  
12 established pursuant to subsection (a), the court may order the  
13 parties to attend an orientation session to explain the  
14 mediation process. Thereafter, should the parties consent to  
15 mediation, the court may order them to mediate such issues as it  
16 may specify.

17 (c) Local rules.--

18 (1) The court shall adopt local rules for the  
19 administration of the mediation program to include rules  
20 regarding qualifications of mediators, confidentiality and  
21 any other matter deemed appropriate by the court.

22 (2) The court shall not order an orientation session or  
23 mediation in a case where either party or child of either  
24 party is or has been a subject of domestic violence or child  
25 abuse at any time during the pendency of an action under this  
26 part or within 24 months preceding the filing of any action  
27 under this part.

28 (d) Model guidelines.--The Supreme Court shall develop model  
29 guidelines for implementation of this section and shall consult  
30 with experts on mediation and domestic violence in this

1 Commonwealth in the development thereof. The effective date of  
2 this chapter shall not be delayed by virtue of this subsection.  
3 § 3902. Fees and costs.

4 (a) Imposition of fee.--A county in which the court has  
5 established a mediation program may impose an additional filing  
6 fee of up to \$20 on divorce and custody complaints to be used to  
7 fund the mediation program.

8 (b) Assessment of additional costs.--The court may assess  
9 additional costs of mediation on either party.

10 § 3903. Review of programs.

11 The Supreme Court shall monitor mediation programs  
12 established by courts of common pleas. The Supreme Court shall  
13 establish procedures for the evaluation of the effectiveness of  
14 the program.

15 § 3904. Existing programs.

16 This chapter shall not affect any existing mediation program  
17 established in any judicial district pursuant to local rule.]

18 § 4324. Inclusion of spousal medical support.

19 In addition to periodic support payments, the court may, in  
20 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
21 justice), require that an obligor pay a designated percentage of  
22 a spouse's reasonable and necessary health care expenses. If  
23 health care coverage is available through an obligor or obligee  
24 at no cost as a benefit of employment or at a reasonable cost,  
25 the court shall order an obligor or obligee to provide or extend  
26 health care coverage to a spouse. Upon failure of the obligor to  
27 make this payment or reimburse the spouse and after compliance  
28 with procedural due process requirement, the court shall treat  
29 the amount as arrearages.

30 § 4341. Commencement of support actions or proceedings.

1 (a) Procedure.--A support action or proceeding under this  
2 chapter shall be commenced in accordance with 42 Pa.C.S. Ch. 72  
3 (relating to family law and justice) in the manner prescribed by  
4 the Rules of Civil Procedure governing actions of support.

5 \* \* \*

6 § 4342. Expedited procedure.

7 (a) General rule.--The Supreme Court shall by general rule  
8 provide for expedited procedures for the determination of  
9 paternity and the [determination and] enforcement of support.

10 [The procedures shall include an office conference; a conference  
11 summary to the court by the hearing officer; an opportunity for  
12 the court to enter an order without hearing the parties; and an  
13 opportunity for the parties to demand a full hearing by the  
14 court.]

15 (b) Alternate procedure.--The Supreme Court shall also  
16 provide an alternate expedited procedure which may be adopted by  
17 local rule of the courts of common pleas. The procedure shall  
18 include an office conference; an evidentiary hearing before a  
19 hearing officer who shall be an attorney; a transcript of the  
20 testimony; a report and recommendation to the court by the  
21 hearing officer; and an opportunity for the filing of exceptions  
22 with and argument before the court.]

23 \* \* \*

24 § 4344. Contempt for failure of obligor to appear.

25 A person who willfully fails or refuses to appear in response  
26 to a duly served order or other process [under this chapter]  
27 relating to support may, as prescribed by general rule, be  
28 adjudged in contempt. Contempt shall be punishable by any one or  
29 more of the following:

30 (1) Imprisonment for a period not to exceed six months.

1           (2) A fine not to exceed \$500.

2           (3) Probation for a period not to exceed six months.

3   § 4345. Contempt for noncompliance with support order.

4       (a) General rule.--A person who willfully fails to comply  
5 with any order [under this chapter] of support, except an order  
6 subject to section 4344 (relating to contempt for failure of  
7 obligor to appear), may, as prescribed by general rule, be  
8 adjudged in contempt. Contempt shall be punishable by any one or  
9 more of the following:

10           (1) Imprisonment for a period not to exceed six months.

11           (2) A fine not to exceed \$1,000.

12           (3) Probation for a period not to exceed one year.

13       \* \* \*

14   § 4347. Security for attendance or performance.

15       At any stage of the proceedings [under this chapter] relating  
16 to support, upon affidavit filed that the obligor is about to  
17 leave this Commonwealth or the judicial district or, where in  
18 the judgment of the court, the obligor has habitually failed to  
19 comply with court orders [under this chapter] relating to  
20 support, the court may, as prescribed by general rule, issue  
21 appropriate process directing that the obligor be brought before  
22 the court and may direct that the obligor give security to  
23 appear when directed by the court or to comply with any order of  
24 the court.

25   [§ 4349. Consolidation of proceedings.

26       In order to facilitate frequent and unimpeded contact between  
27 children and parents, a judge may consolidate with a support  
28 action or proceeding any proceeding commenced for visitation  
29 rights, sole or shared custody, temporary or permanent custody  
30 or any other matters pertaining to support authorized by law

1 which fairly and expeditiously may be determined and disposed of  
2 in the support action or proceeding.]

3 § 4350. Effect of appeal.

4 An appeal from an order of support [entered pursuant to this  
5 chapter] shall not operate as a supersedeas unless so ordered by  
6 the court.

7 Section 2. Title 42 is amended by adding a chapter to read:

8 CHAPTER 72

9 FAMILY LAW AND JUSTICE

10 Sec.

11 7201. Short title of chapter.

12 7202. Declaration of policy.

13 7203. Legislative intent.

14 7204. Definitions.

15 7205. Scope.

16 7206. Judicial districts.

17 7207. Annual report.

18 7208. Weighted caseload study.

19 7209. Intake and screening.

20 7210. Hearings may be private.

21 7211. Testimony of minor child.

22 7212. Commencement of family action.

23 7213. Differentiated case management.

24 7214. Case management conference.

25 7215. Consolidation.

26 7216. Bifurcation.

27 7217. Continuous trials.

28 7218. Tentative decisions for motions.

29 7219. Motions day.

30 7220. Case management teams.



1 7221. Family law masters.  
2 7222. Alternate dispute resolution.  
3 7223. Appeals.  
4 7224. Separating parents seminar.  
5 7225. Seminar for children of separating parents.  
6 7226. Family Justice Account.  
7 7227. Appointment of representation for child.  
8 7228. Family resource center.  
9 7229. Family law manual.  
10 7230. Volunteer lawyers.  
11 7231. Judicial education seminar.  
12 7232. Continuing judicial education.  
13 § 7201. Short title of chapter.

14 This chapter shall be known and may be cited as the Family  
15 Law and Justice Act.

16 § 7202. Declaration of policy.

17 The General Assembly finds and declares as follows:

18 (1) The current procedure in this Commonwealth for  
19 litigating family law cases involving divorce, annulment,  
20 child support, spousal support, custody, alimony and  
21 equitable division of marital property has created undue  
22 hardship for children and families.

23 (2) Pennsylvania's current procedure is largely based on  
24 the traditional adversarial process; is multilayered,  
25 segmented, overly lengthy and costly; and only serves to  
26 deepen the wounds caused by family break-up.

27 (3) The 60 judicial districts deciding family litigation  
28 have been denied the necessary oversight from the  
29 Administrative Office of Pennsylvania Courts. As a result of  
30 this lack of oversight and varying level of available

resources, there is no uniform system for the resolution of family law cases. This has resulted in unnecessary delay in the disposition of cases, increased cost to litigants and unnecessary stress on the part of litigants and their families.

(4) Family break-up invariably hurts every member but is especially harmful to children. Divorce and family separation have been shown to contribute to increased levels of teen violence, suicide and depression and to impede learning and emotional growth.

(5) The best interests of children and the safety of all family members must be a matter of paramount concern in the court processes which resolve family conflict.

§ 7203. Legislative intent.

It is declared to be the intention of the General Assembly to create a procedure for family litigation which complies with all of the following:

(1) Protects and assures the present and long-term safety of children and victims of domestic violence.

(2) Eliminates barriers to meaningful dispute resolution by enabling family members to deal with the same court officers and staff each time family members need the court's dispute resolution services and by reducing duplication and fragmentation of court events.

(3) Is accountable to all family members in need of protection and promotes public trust and confidence.

(4) Treats each member of a family with courtesy, civility and respect.

(5) Speedily, efficiently, fairly and cost-effectively decides family litigation cases, with the goal of resolving

1 all aspects of a case within six months of filing.

2 (6) Recognizes the realities of family break-up,  
3 including the emotional trauma experienced by the parties and  
4 their children.

5 (7) Assures adequate access to all those who need the  
6 court's help, including parties unable to afford lawyers.

7 (8) Sufficiently trains judges and family law masters in  
8 applicable substantive law and subjects needed to make the  
9 best decisions for children and families, such as mental and  
10 behavioral health, mediation, child abuse and neglect, child  
11 sexual abuse and exploitation, domestic violence and child  
12 development.

13 § 7204. Definitions.

14 The following words and phrases when used in this chapter  
15 shall have the meanings given to them in this section unless the  
16 context clearly indicates otherwise:

17 "Account." The Family Justice Account established in section  
18 7226 (relating to Family Justice Account).

19 "Alternate dispute resolution." Includes mediation and  
20 conciliation.

21 "Case management team." The employees within the domestic  
22 relations section of a court of common pleas who are supervised  
23 by a judge in accordance with section 7220 (relating to case  
24 management teams) and whose responsibility is to manage and  
25 process family actions in a manner consistent with this chapter.

26 "Case management team leader." The designated manager of a  
27 case management team.

28 "Court." A judge of a court of common pleas or a family law  
29 master appointed by a judge to hear family litigation.

30 "Differentiated case management system." The multitrack

1 system for the management and timely disposition of family  
2 litigation established in section 7214 (relating to case  
3 management conference).

4 "Family action." An action filed with the court of common  
5 pleas which is comprised of one or more matters of family  
6 litigation.

7 "Family information statement." A printed form which  
8 includes information about family history, employment, assets,  
9 income, debts and liabilities, and insurance provided to the  
10 court by each party required under section 7212(a) (relating to  
11 commencement of family action).

12 "Family law adjudication system." The system within the  
13 court of common pleas established to receive family actions, to  
14 hear and decide family litigation and to help families negotiate  
15 the court processes involved with family litigation. The term  
16 includes court resources dedicated to providing information to  
17 families regarding substantive and procedural aspects of family  
18 litigation, court resources dedicated to helping self litigants  
19 and court resources necessary to effectuate judicial education  
20 and all other requirements of this chapter.

21 "Family law master." An attorney appointed by a judge to  
22 hear family litigation. The term does not include a mediator or  
23 conciliator.

24 "Family litigation." All matters involving divorce,  
25 annulment, custody, child support, spousal support, alimony,  
26 alimony pendente lite, counsel fees and costs, equitable  
27 division of marital property and related matters. The term does  
28 not include matters regarding:

29 (1) adoption, delinquency, dependency or protection from  
30 abuse;

(2) establishment of paternity or child support enforcement or collection under 23 Pa.C.S. Ch. 43 (relating to support matters generally);

(3) 23 Pa.C.S. Ch. 56 (relating to standby guardianship);

(4) 23 Pa.C.S. Ch. 53 Subch. B (relating to child custody jurisdiction);

(5) 23 Pa.C.S. Pt. VIII (relating to uniform interstate family support); or

(6) 23 Pa.C.S. Pt. VIII-A (relating to intrastate family support).

"Family resource center." The facility required under section 7228 (relating to family resource center).

"Judge." A judge of a court of common pleas. The term includes a senior judge.

§ 7205. Scope.

(a) General rule.--Except as set forth in subsection (b), this chapter applies exclusively to and governs the procedure for hearing and deciding all matters involving family litigation.

(b) Limitation.--This chapter does not apply to matters excluded from the definition of "family litigation" in section 7204 (relating to definitions). This chapter is not intended to affect the child support collection or enforcement operations of the Department of Public Welfare.

(c) Purpose.--This chapter shall be construed liberally to promote justice, to ensure the safety of children and to provide families with a fair, timely and cost-efficient method for hearing and deciding family litigation.

§ 7206. Judicial districts.

(a) Requirements.--Each judicial district in this Commonwealth shall do all of the following:

(1) provide courtrooms, chambers, facilities, equipment, legal and educational materials and supplies in accordance with this chapter;

(2) provide employees necessary for the operation, management and recordkeeping necessary to implement the family law adjudication system in accordance with this chapter; and

(3) establish the procedure for receiving family actions and for hearing and deciding family litigation in accordance with this chapter.

(b) Penalty.--If a judicial district fails to comply with this chapter, the county or counties which comprise that judicial district shall be responsible for all administrative costs related to the receiving of family actions and for the hearing and deciding of family litigation until the judicial district complies with this chapter.

§ 7207. Annual report.

(a) Preparation.--Each judicial district shall prepare and submit to the Court Administrator of Pennsylvania information and statistics for the previous fiscal year concerning the operation of the family law adjudication system which include:

(1) The number of family actions filed and disposed of.

(2) The types of family actions filed and disposed of.

(3) The length of time necessary to dispose of family actions.

(4) The number of family actions pending for more than six months from the date of commencement and the reason for the pendency.

1           (5) The length of time necessary to hear and decide  
2 family litigation.

3           (6) The number of family actions pending in the family  
4 law adjudication system.

5           (7) The number of family actions not tried continuously  
6 and the reason for this treatment.

7           (8) The compliance by judges and family law masters with  
8 judicial educational requirements.

9           (9) The number of self-litigants and the services  
10 provided to self-litigants.

11       (b) Submission.--The Court Administrator of Pennsylvania  
12 shall compile and prepare information under subsection (a) and  
13 submit it in an annual report to the Governor, the Chief Justice  
14 of the Supreme Court of Pennsylvania, the President of the  
15 Pennsylvania Senate, the Speaker of the House of Representatives  
16 and the members of the Judiciary Committee of the Senate and the  
17 Judiciary Committee of the House of Representatives.

18       (c) Public access.--The Court Administrator of Pennsylvania  
19 shall make the annual report available to the public. This  
20 subsection includes access over the Internet or other electronic  
21 format readily accessible to the public.

22 § 7208. Weighted caseload study.

23       Within two years of the effective date of this section, the  
24 Court Administrator of Pennsylvania shall undertake a weighted  
25 caseload study to determine efficient allocation of judicial and  
26 case management team resources.

27 § 7209. Intake and screening.

28       Each judicial district shall establish a family action intake  
29 service within the domestic relations section of the court of  
30 common pleas. The service shall be located within the family

1 resource center and shall have among its responsibilities the  
2 screening of family actions for allegations or evidence of  
3 substance abuse, child abuse, child neglect, child sexual abuse  
4 and exploitation and domestic violence. This service shall  
5 assist litigants by making referrals and providing information  
6 regarding community-based and government services designed to  
7 provide treatment for substance abuse and to help victims of  
8 child abuse and neglect, child sexual abuse and exploitation and  
9 domestic violence.

10 § 7210. Hearings may be private.

11 In a family action, upon demand of a party, or the court's  
12 own motion, the court shall direct that:

13 (1) the trial or proceedings regarding family litigation  
14 be private; and

15 (2) all persons except officers of the court, parties,  
16 witnesses and counsel be excluded from the place where the  
17 matter is being heard.

18 § 7211. Testimony of minor child.

19 Except upon prior approval of the judge on a case-by-case  
20 basis:

21 (1) testimony of a minor child shall not be permitted;  
22 and

23 (2) no minor child shall be subpoenaed to appear at a  
24 hearing.

25 § 7212. Commencement of family action.

26 (a) Family information statement.--

27 (1) At the time of filing a complaint or cross-complaint  
28 regarding family litigation, each party shall complete and  
29 file a family information statement on a form prescribed by  
30 the Administrative Office of Pennsylvania Courts. The family



1 information statement shall provide information including:

2 (i) Name, address and telephone number of the  
3 party's employer.

4 (ii) Residential and mailing addresses of the party  
5 and the party's children.

6 (iii) Party's social security number.

7 (iv) Party's driver's license number.

8 (v) Itemization and identification of party's  
9 assets, whether held jointly or individually.

10 (vi) Party's income, debts and liabilities.

11 (vii) Party's medical, homeowners, life and  
12 automobile insurance coverage.

13 (viii) Family history. This subparagraph includes  
14 all of the following:

15 (A) Physical, emotional or sexual abuse of a  
16 family member.

17 (B) Physical, emotional or educational neglect  
18 of a family member.

19 (C) Alcohol or drug abuse on the part of a  
20 family member.

21 (D) Contact with the juvenile justice system by  
22 a minor in the family.

23 (2) The information provided by a party pursuant to  
24 subparagraph (viii) shall be confidential. Disclosure shall  
25 not be permitted to any other individual other than the  
26 judge, the family law master, the mediator or conciliator,  
27 the members of the case management team, members of the  
28 intake and screening service or other court employees.

29 (3) Information required by the family information  
30 statement shall, to the extent known to the party, be fully

1 completed and be current to within 60 days. Parties have a  
2 continuing duty to inform the court of any changes in the  
3 information required in the family information statement and  
4 to file a statement with the most current information  
5 available at the time of filing a petition to modify a  
6 support order. The statement shall provide that furnishing  
7 information which the party does not believe to be true shall  
8 subject the party to possible prosecution for a violation of  
9 18 Pa.C.S. § 4904 (relating to unsworn falsification to  
10 authorities).

11 (4) A party shall comply with the requirements of 23  
12 Pa.C.S. § 4353 (relating to duty to report).

13 (5) If a party fails to provide a family information  
14 statement, the other party shall supply the information in  
15 the statement to the best of the party's knowledge.

16 (b) Sanctions.--If a party intentionally fails to file a  
17 family information statement, the judge may impose sanctions or  
18 dismiss a party's pleadings subject to reinstatement upon  
19 conditions imposed by the judge.

20 (c) Custody.--If the complaint includes the issue of  
21 custody, the complaint and cross-complaint shall be accompanied  
22 by a written statement regarding the proposed custody  
23 arrangement or supervision of children. Nothing in this  
24 subsection shall be construed to limit the court's ability to  
25 require the parties to develop a parenting plan.

26 § 7213. Differentiated case management.

27 (a) Establishment.--Each judicial district shall establish a  
28 differentiated case management system for the handling of family  
29 actions in accordance with this section.

30 (b) Assignment.--A family action shall be assigned to one of

1 the following tracks as follows:

2 (1) If the family action includes a child custody  
3 dispute, it shall be assigned to the priority track.

4 (2) A family action shall be assigned to the complex  
5 track if it appears likely that this action will require a  
6 disproportionate expenditure of a court's and a party's  
7 resources in preparation for trial and at trial due to any of  
8 the following:

9 (i) Number of claims and defenses raised.

10 (ii) Legal difficulty of the issues presented.

11 (iii) Factual difficulty of the subject matter.

12 (iv) Length and complexity of discovery.

13 (v) A combination of these and other factors.

14 (3) If the family action appears to be capable of being  
15 tried promptly with minimal pretrial proceedings, it shall be  
16 assigned to the expedited track.

17 (4) If the family action is not qualified to be placed  
18 on the priority track, the complex track or the expedited  
19 track, it shall be assigned to the standard track.

20 (c) Expedited track assignment.--Subject to subsection (e),  
21 a family action shall be assigned to the expedited track if any  
22 of the following apply:

23 (1) There is no dispute as to the income or assets of  
24 the parties and custody of minor children is not at issue.

25 (2) The parties have been married less than five years  
26 and have no children.

27 (3) The parties have entered into a property settlement  
28 agreement and custody of minor children is not an issue.

29 (4) The divorce is uncontested and custody of minor  
30 children is not an issue.

(5) The petition alleges facts supporting a conclusion that there is an emergency.

(d) Procedure.--The judge shall make the track assignment as soon as practicable after the case management conference required by section 7214 (relating to case management conference). In making the track assignment, the judge shall consider a party's request for track assignment. If all the parties agree on a track assignment, the case shall not be assigned a different track except for good cause shown, after giving all parties the opportunity to be heard either orally or in writing. If it is not clear from an examination of the information provided by the parties which track assignment is appropriate, the family action shall be assigned to the track which affords the greatest degree of management. The parties shall be promptly advised of the track assignment.

(e) Reassignment.--A judge may reassign a family action to a track other than that specified in the original notice to the parties either on the judge's own motion or upon a party's application. Unless the court otherwise directs, a party's application shall be made in the form of an affidavit to the judge and shall state with specificity the reasons for reassignment. Upon reassignment, the parties are not required to refile court documents. The case management team shall continue to use the original docket or file number.

§ 7214. Case management conference.

(a) General rule.--After the filing of the family information statement, in any family action, the judge shall direct the parties to participate in a case management conference, which may be conducted in person or by telephone, to consider the following matters before the family action is

1 assigned to a differentiated case management track:

2 (1) Identification and simplification of the issues.

3 (2) Necessity or desirability of amending the pleadings.

4 (3) Possibility of obtaining admissions of fact and  
5 documents which will avoid unnecessary proof or discovery.

6 (4) Participation in the program of alternate dispute  
7 resolution and the separating parents seminar.

8 (5) Limitation of expert witnesses.

9 (6) Appointment of a court-appointed special advocate, a  
10 guardian ad litem or an attorney for a minor child.

11 (7) Establishment of a discovery schedule and  
12 determination of its scope.

13 (8) Such other matters as the judge deems appropriate.

14 (b) Order.--

15 (1) The judge shall issue an order which recites the  
16 action taken at the case management conference. This  
17 paragraph includes:

18 (i) Amendments allowed to the pleadings.

19 (ii) Agreements made by the parties as to any of the  
20 matters considered.

21 (iii) Discovery schedule.

22 (iv) A court-appointed special advocate, a guardian  
23 ad litem or an attorney for a minor.

24 (v) Participation in the program of alternate  
25 dispute resolution and the separating parents seminar.

26 (vi) Dates for any additional case management  
27 conferences.

28 (vii) Firm trial date.

29 (viii) Any other matter the judge deems appropriate.

30 (2) The order shall control the subsequent course of the

1 family action up to the time of trial before the judge. If  
2 the parties proceed to trial, the order may be modified by  
3 the judge at his discretion.

4 § 7215. Consolidation.

5 (a) Family law master.--In the absence of a judge's order to  
6 the contrary, if a family action is placed on the expedited  
7 track or the standard track and if custody is not an issue which  
8 the family law master will hear, a family law master may  
9 consolidate as much of the family litigation as practicable and  
10 dispose of it at one proceeding.

11 (b) Judge.--With the exception of custody, at the case  
12 management conference, a judge may order consolidation of family  
13 litigation.

14 § 7216. Bifurcation.

15 (a) General rule.--Except as set forth in subsection (b), in  
16 a family action where a complaint for divorce is filed, a decree  
17 of divorce shall not be granted prior to entry of an order  
18 resolving all pending claims for equitable division of marital  
19 property, alimony, counsel fees, costs and expenses.

20 (b) Exception.--In a family action in which a complaint for  
21 divorce is filed, if a party can show exceptional circumstances,  
22 a decree of divorce may be granted prior to entry of an order  
23 resolving all pending claims for equitable division of marital  
24 property, alimony, counsel fees, costs and expenses upon the  
25 approval of the:

26 (1) president judge of the court of common pleas in a  
27 judicial district in which there is no family division; or

28 (2) administrative judge of the family division of the  
29 court of common pleas in a judicial district in which there  
30 is a family division.

1 § 7217. Continuous trials.

2 Insofar as is practicable, court calendars shall be designed  
3 to allow family actions to be tried continuously to conclusion.  
4 If a family action is not tried continuously, the record at each  
5 day's proceedings shall document the reason for the  
6 fragmentation.

7 § 7218. Tentative decisions for motions.

8 The judge may, prior to the scheduled date of oral argument  
9 on a motion involving family litigation, decide the motion on  
10 the basis of the papers filed of record or such briefs as may be  
11 filed by the parties, subsequently posting the tentative  
12 decision and making it available to the parties. Unless a party  
13 objects, with notice to the opposing party, the request for oral  
14 argument on the motion shall be deemed withdrawn; and the  
15 tentative decision shall become final and shall be set forth in  
16 an appropriate order. If a party renews the request for oral  
17 argument on the motion, with notice to the opposing party, the  
18 motion shall be argued as scheduled.

19 § 7219. Motions day.

20 (a) Establishment.--Each judicial district shall designate  
21 one or more days each week for the hearing and disposing of  
22 motions.

23 (b) Procedure.--Motions not disposed of in accordance with  
24 section 7218 (relating to tentative decisions for motions) shall  
25 be scheduled for oral argument, which shall be staggered  
26 throughout the day. The court may conduct an oral argument by  
27 telephone.

28 § 7220. Case management teams.

29 (a) Establishment.--Each judicial district shall establish  
30 one or more case management teams within the domestic relations

1 section of the court of common pleas, to be headed by a case  
2 management team leader, to effectively manage and process family  
3 litigation from filing to final disposition. The team shall be  
4 supervised by a judge. Insofar as practicable, each time a party  
5 seeks modification of an order involving family litigation, the  
6 family action shall be assigned to the same case management  
7 team.

8 (b) Duties.--The case management team shall be responsible  
9 for the timely management and processing of family actions and  
10 shall, subject to supervision and orders of the judge, do all of  
11 the following:

12 (1) Coordinate the timely filing of reports,  
13 recommendations, evaluations and other writings necessary to  
14 the disposition of family litigation.

15 (2) Participate, as necessary, in case management  
16 conferences.

17 (3) Implement the judge's decision regarding assignment  
18 of a family action to a differentiated case management track.

19 (4) Notify parents of the separating parents seminar.

20 (5) Assign that portion of family litigation involving  
21 custody to alternate dispute resolution.

22 (6) Cooperate with other employees of the domestic  
23 relations section or the Department of Public Welfare, as  
24 needed, pursuant to 23 Pa.C.S. Ch. 43 (relating to support  
25 matters generally).

26 (7) Perform other duties as the judge may direct in  
27 order to effectuate the timely, fair and cost-efficient  
28 disposition of family actions.

29 § 7221. Family law masters.

30 (a) Appointment.--Subject to section 7222(h) (relating to



1 alternate dispute resolution), a judge may appoint a family law  
2 master to hear any aspect of family litigation except custody.  
3 The family law master shall hold a record proceeding which shall  
4 be recorded by stenographer, tape recorder or other electronic  
5 means.

6 (b) Qualifications.--A family law master must be an attorney  
7 at law and must comply with judicial education requirements as  
8 provided in section 7231 (relating to judicial education  
9 seminar).

10 (c) Requirements.--The family law master shall comply with  
11 orders issued by the judge and decisions made by the judge,  
12 including differentiated case management systems track  
13 assignment, and shall cooperate with the case management team  
14 with regard to the timely filing of reports, recommendations and  
15 other writings.

16 (d) Powers and duties.--The family law master has the  
17 following powers and duties:

18 (1) Receive evidence, take testimony and establish a  
19 record.

20 (2) Make findings of fact, conclusions of law and  
21 recommendations to the judge for the issuance and enforcement  
22 of a final order disposing of family litigation.

23 (3) Other powers and duties as provided by the judge's  
24 order.

25 (e) Prohibition.--Notwithstanding any statutory provision of  
26 law to the contrary, a person who is not a judge or family law  
27 master may not hear or decide matters which establish or modify  
28 the amount of child or spousal support.

29 § 7222. Alternate dispute resolution.

30 (a) Program established.--Each judicial district shall

1 establish a program of alternate dispute resolution which:

2 (1) Facilitates and encourages the parties to resolve  
3 custody disputes with the help of a neutral third party.

4 (2) Contains an orientation program for the parties.

5 (3) Is closed to the public and is confidential.

6 (b) Requirement.--Subject to subsection (c), the parties  
7 shall be referred to the program of alternate dispute resolution  
8 for the resolution of a custody dispute in accordance with the  
9 child's best interests. Upon referral, the parties shall be  
10 required to attend an orientation program.

11 (c) Exception.--A party may be excused from the program of  
12 alternate dispute resolution or the orientation program for good  
13 cause shown which includes:

14 (1) A history of child abuse or neglect, child sexual  
15 abuse or exploitation or domestic violence by a party.

16 (2) Evidence that parties are currently participating in  
17 private mediation or some other form of alternate dispute  
18 resolution.

19 (d) Standards.--The Supreme Court shall, by general rule,  
20 provide standards for the hiring and training of mediators and  
21 conciliators. This subsection includes:

22 (1) Minimum qualifications, which shall not be  
23 restricted to any particular professional or educational  
24 training.

25 (2) Minimum requirements for training in the procedural  
26 aspects of mediation and conciliation and the interpersonal  
27 skills necessary to act as an effective mediator or  
28 conciliator.

29 (3) A minimum period of apprenticeship for individuals  
30 who have not previously acted as mediators or conciliators.

1           (4) Procedures to ensure that potential mediators and  
2 conciliators understand the high standard of ethics and  
3 confidentiality related to their participation in the program  
4 of alternate dispute resolution.

5       (e) Mandatory education.--

6           (1) Except as provided in paragraph (2), a mediator and  
7 a conciliator must successfully complete a program of  
8 education appropriate for mediators or conciliators in  
9 custody disputes approved by the Academy of Family Mediators  
10 within six months of the later of:

11               (i) the date of appointment; or

12               (ii) the effective date of this section.

13           (2) Paragraph (1) does not apply to a mediator or  
14 conciliator who has already attended and successfully  
15 completed such a program prior to the appropriate date.

16           (3) Failure to fulfill this educational requirement  
17 shall cause the mediator or conciliator to forfeit the  
18 position.

19       (f) Cooperation with case management team.--A mediator or  
20 conciliator shall cooperate with the case management team with  
21 regard to the timely filing of reports, recommendations and  
22 other writings and shall comply with any orders issued or  
23 decisions made by a judge.

24       (g) Fees.--Each judicial district shall establish a sliding  
25 schedule of fees for participation in the alternate dispute  
26 resolution program, based on a party's ability to pay. Unless  
27 the judge issues an order to the contrary, the fee for alternate  
28 dispute resolution services shall be borne equally by the  
29 parties.

30       (h) Excuse.--If a party is excused from the program of

1 alternate dispute resolution pursuant to subsection (b), a  
2 family law master shall hear that part of a family action  
3 involving custody.

4 (i) Custody evaluation.--A mediator or conciliator or family  
5 law master may refer the parties to custody evaluation. A  
6 mediator or conciliator may not act as a custody evaluator for  
7 the parties who appear before the mediator or conciliator  
8 without the express written consent of the parties and approval  
9 by the judge. No individual who has provided therapy or  
10 counseling services to a party or a member of a party's family  
11 shall serve as an evaluator.

12 § 7223. Appeals.

13 (a) General rule.--A party may appeal a ruling or decision  
14 other than those incorporated in a final order disposing of  
15 family litigation made by a family law master to a judge.

16 (b) Appeal.--All final orders disposing of family litigation  
17 not resolved to a party's satisfaction issued by a family law  
18 master shall be heard by a judge at one proceeding in accordance  
19 with section 7217 (relating to continuous trials). The standard  
20 of review shall be de novo.

21 (c) Custody.--If the parties do not resolve a custody  
22 dispute during participation in the program of alternate dispute  
23 resolution, that part of the family action involving custody  
24 shall be consolidated with any appeals brought under subsection  
25 (b).

26 § 7224. Separating parents seminar.

27 Each judicial district shall establish a seminar for  
28 separating parents. The seminar shall include the following  
29 topics and others as the Administrative Office of Pennsylvania  
30 Courts may designate:

1 (1) The procedural aspects of family litigation.

2 (2) The availability of court services to aid self  
3 litigants and represented parties.

4 (3) The availability of community and government  
5 services to treat drug or alcohol abuse and to help victims  
6 of domestic violence, child sexual abuse and exploitation and  
7 child abuse and neglect.

8 (4) Basic child psychology and strategies to minimize  
9 the adverse effects of separation or divorce on children.

10 (5) The potential benefits of alternate dispute  
11 resolution services.

12 § 7225. Seminar for children of separating parents.

13 (a) Option.--A judicial district may establish a program for  
14 children of separating parents for children eight years of age  
15 and older.

16 (b) Establishment.--If a judicial district establishes the  
17 program under subsection (a), the judicial district shall do so  
18 in cooperation with and at the direction of the Administrative  
19 Office of Pennsylvania Courts. In designing a seminar, the  
20 Administrative Office of Pennsylvania Courts shall consult with  
21 experts in the fields of child psychology, child abuse and  
22 neglect, family pathology and similar fields to ensure that the  
23 content of the seminar is suited to children and will not serve  
24 to further traumatize children of separating parents.

25 § 7226. Family Justice Account.

26 (a) Establishment.--There is established within the General  
27 Fund a restricted account, called the Family Justice Account.

28 (b) Purpose.--The purpose of the account is to fund the cost  
29 of court-ordered participation in the program of alternate  
30 dispute resolution, custody evaluation, proceedings before

1 family law masters, and other costs or fees associated with  
2 family litigation when a party is unable to pay such costs or  
3 fees by reason of poverty or financial hardship.

4 (c) Procedure.--

5 (1) Each judicial district may, through the  
6 Administrative Office of Pennsylvania Courts, make  
7 application for payment by the account. Money received from  
8 the account shall only be used to reimburse expenses  
9 enumerated in subsection (b).

10 (2) A party may seek relief from costs and fees  
11 enumerated in subsection (b) upon application to the judge by  
12 submitting a sworn or affirmed statement regarding poverty or  
13 financial hardship. The statement should be filed along with  
14 the family information statement, but it may be filed at any  
15 time prior to final disposition of the family action.

16 § 7227. Appointment of representation for child.

17 (a) General rule.--In a family action where custody of a  
18 child is an issue, the judge may appoint a guardian ad litem,  
19 who must be an attorney at law, an attorney or a court-appointed  
20 special advocate for the child. If an attorney is appointed, the  
21 attorney may not represent a party to the same family action.

22 (b) Exception.--In any family action in which custody of a  
23 child is an issue and there is history of or an allegation of  
24 child abuse or neglect, child sexual abuse or exploitation by a  
25 party or a member of a party's household or history of or an  
26 allegation of domestic violence against one party by the other,  
27 the judge shall appoint a guardian ad litem or court-appointed  
28 special advocate for the child. The duties of the guardian ad  
29 litem shall be as set forth in section 6311(b) (relating to  
30 guardian ad litem for child in court proceedings). The duties of

1 the court-appointed special advocate shall be as set forth in  
2 section 6342(d) (relating to court-appointed special advocates).

3 (c) Fees and costs.--Subject to section 7226 (relating to  
4 Family Justice Account), the judge may impose attorney fees and  
5 other fees and costs under this section upon either party.

6 § 7228. Family resource center.

7 (a) Establishment.--Each judicial district shall establish a  
8 family resource center to be located in the courthouse or  
9 another centralized location where family litigation is heard  
10 and decided.

11 (b) Purpose.--The purpose of the family resource center is  
12 to provide parties and other interested persons a central  
13 location where they may do all of the following:

14 (1) Gain access to easily understandable information  
15 regarding the substantive and procedural aspects of family  
16 litigation.

17 (2) Gain access to easily understandable information  
18 regarding protection from abuse orders, shelters and other  
19 government and community services designed to help victims of  
20 domestic violence and child abuse and neglect.

21 (3) Direct inquiries regarding the family law  
22 adjudication system.

23 (4) Find a suitable place to leave children during court  
24 proceedings, mediation or other court-ordered activities.

25 (5) Find a suitable place to meet with volunteer  
26 lawyers.

27 (c) Services.--A family resource center shall provide all of  
28 the following:

29 (1) An appropriate, supervised place for children to  
30 wait while a party is taking part in court proceedings, the

1 program of alternate dispute resolution or other court-  
2 ordered activity.

3 (2) Easily understandable information and other  
4 materials and legal books regarding the substantive law of  
5 family litigation. This paragraph includes forms.

6 (3) The family law manual under section 7229 (relating  
7 to family law manual).

8 (4) At least one employee who is responsible for  
9 answering, during the entire court day, general questions  
10 from parties and other interested persons regarding the  
11 family law adjudication system, the procedural aspects of  
12 family litigation and the substantive law of family  
13 litigation. The employee shall also make referrals to  
14 appropriate government and community resources. The  
15 information provided by the employee shall not be construed  
16 as legal advice. The employee shall be absolutely immune from  
17 suit when performing duties under this paragraph.

18 § 7229. Family law manual.

19 (a) Development.--Each judicial district, in cooperation  
20 with the Administrative Office of Pennsylvania Courts, shall  
21 develop a family law manual, which does all of the following:

22 (1) Explains in basic terms Pennsylvania substantive law  
23 regarding family litigation.

24 (2) Explains in basic terms the procedural aspects of  
25 family litigation.

26 (3) Explains in basic terms the substantive and  
27 procedural law regarding protection from abuse.

28 (4) Provides a basic guide to family litigation motions  
29 practice.

30 (5) Provides telephone numbers and addresses within that



1 judicial district for government and community services  
2 designed to:

3 (i) provide treatment and prevention services for  
4 drug or alcohol abuse;

5 (ii) protect children from sexual abuse and  
6 exploitation, child abuse and neglect;

7 (iii) assist victims of domestic violence;

8 (iv) provide free or low-cost legal assistance; and

9 (v) provide free or low-cost psychological services.

10 (b) Availability.--

11 (1) A party must receive the manual at no cost after  
12 initiating or responding to a family action and no later than  
13 the date of attending the separating parents seminar.

14 (2) The manual shall be available without cost to any  
15 person upon request. The manual shall be available over the  
16 Internet or through other electronic means readily accessible  
17 to the general public.

18 § 7230. Volunteer lawyers.

19 It is the intent of the General Assembly to encourage  
20 attorneys at law to volunteer their time to help self-  
21 represented litigants by providing a suitable place within the  
22 family resource center for volunteer lawyers to meet with  
23 parties who cannot afford lawyers. The Administrative Office of  
24 Pennsylvania Courts shall work with State and county bar  
25 associations to develop policies and procedures to encourage  
26 attorneys to join the volunteer lawyers program.

27 § 7231. Judicial education seminar.

28 (a) General rule.--

29 (1) Except as provided in paragraph (2), each judge and  
30 family law master who hears family litigation must

1 successfully complete courses of instruction at the National  
2 Council of Juvenile and Family Court Judges within six months  
3 of the later of:

4 (i) the date of first assignment to family  
5 litigation; or

6 (ii) the effective date of this section.

7 (2) Paragraph (1) does not apply to a judge or family  
8 law master who has already successfully completed such a  
9 program prior to the appropriate date.

10 (3) Every two years, the judge or family law master must  
11 successfully complete courses at the National Council of  
12 Juvenile and Family Court Judges.

13 (b) Continuing education in family law.--Every two years,  
14 each judge and family law master must successfully complete the  
15 program established in section 7232 (relating to continuing  
16 judicial education).

17 (c) Penalty.--Failure to comply with this section shall  
18 result in the judge or family law master being subject to  
19 disciplinary action pursuant to section 18 of Article V of the  
20 Constitution of Pennsylvania.

21 (d) Monitoring.--The Administrative Office of Pennsylvania  
22 Courts shall monitor compliance with this section by judges and  
23 family law masters and shall notify the Judicial Conduct Board  
24 of noncompliance by any judge or family law master.

25 § 7232. Continuing judicial education.

26 (a) Establishment.--There is established a continuing  
27 judicial education program. The program shall be designed and  
28 administered by the Administrative Office of Pennsylvania  
29 Courts.

30 (b) Functions.--The Administrative Office of Pennsylvania

1 Courts has the following powers and duties:

2 (1) Design and administer a course of study and training  
3 for judges and family law masters who hear family litigation  
4 to be at least 20 hours in length on the following topics:

5 (i) The substantive law of family litigation.

6 (ii) The procedural aspects of family litigation.

7 (iii) Child development and child psychology.

8 (iv) Child sexual abuse and exploitation, child  
9 abuse and neglect, domestic violence and other family  
10 pathologies, and Pennsylvania law relating to these  
11 topics.

12 (v) Mental and behavioral health and alcohol and  
13 drug abuse.

14 (vi) Alternate dispute resolution.

15 (vii) Financial aspects of family litigation,  
16 including the law of taxation, trusts and estates,  
17 employee benefits, workers' compensation and business  
18 valuation.

19 (2) Establish minimum qualifications for instructors.

20 (3) Consult, cooperate and contract with universities,  
21 colleges, law schools and mental health and health care  
22 professionals regarding the development of courses in the  
23 program and the teaching of those courses.

24 Section 3. This act shall apply to all family actions filed  
25 on or after the effective date of this section.

26 Section 4. The Secretary of the Commonwealth shall transmit  
27 to the Legislative Reference Bureau, for publication in the  
28 Pennsylvania Bulletin, notice of adoption of an amendment to the  
29 Constitution of Pennsylvania which deals with all of the  
30 following:

1           (1) The procedure in each judicial district for family  
2 litigation.

3           (2) The establishment in each judicial district of a  
4 family resource center.

5           (3) The Judicial Conduct Board having jurisdiction over  
6 family law masters with respect to ethics.

7           (4) The establishment of judicial education  
8 requirements.

9 Section 5. This act shall take effect as follows:

10           (1) Section 4 of this act and this section shall take  
11 effect immediately.

12           (2) The addition of 42 Pa.C.S. §§ 7201, 7202, 7203,  
13 7204, 7205, 7207, 7208 and 7226 shall take effect upon  
14 publication in the Pennsylvania Bulletin of the notice under  
15 section 4 of this act.

16           (3) The remainder of this act shall take effect 180 days  
17 after publication of the notice under section 4 of this act.