

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1099 Session of  
2005

INTRODUCED BY BROWNE, CALTAGIRONE, CAWLEY, CLYMER, CRAHALLA,  
CREIGHTON, DALLY, FRANKEL, FREEMAN, GEIST, HENNESSEY, HERMAN,  
W. KELLER, KIRKLAND, LEACH, O'NEILL, ROBERTS, RUBLEY, SEMMEL,  
STEIL, THOMAS, WALKO, WILT AND YOUNGBLOOD, MARCH 24, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 24, 2005

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 and 3322 of Title 23  
11 of the Pennsylvania Consolidated Statutes are amended to read:

12 § 3303. Annulment of void and voidable marriages.

13 (a) General rule.--In all cases where a supposed or alleged  
14 marriage has been contracted which is void or voidable under  
15 this title or under applicable law, either party to the supposed  
16 or alleged marriage may bring an action in annulment to have it  
17 declared void in accordance with the procedures provided by  
18 [this part and prescribed by general rules.] 42 Pa.C.S. Ch. 72  
19 (relating to family law and justice).

1       \* \* \*

2   § 3308. Action where defendant suffering from mental disorder.

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

8   [§ 3321. Hearing by master.

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

17 § 3322. Jury trial.

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

28       (b) Disposition of application.--Upon the return of the  
29 rule, after hearing, the court may discharge it, make it  
30 absolute or frame issues itself. Only the issues ordered by the

1 court shall be tried. The rule shall not be made absolute when,  
2 in the opinion of the court, a trial by jury cannot be had  
3 without prejudice to the public morals.]

4 Section 2. Sections 3323, 3502(a) and (e), 3505 and 3506 of  
5 Title 23, amended November 29, 2004 (P.L.1357, No.175), are  
6 amended to read:

7 § 3323. Decree of court.

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

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

24 (c.1) Bifurcation.--With the consent of both parties, the  
25 court may enter a decree of divorce or annulment prior to the  
26 final determination and disposition of the matters provided for  
27 in subsection (b). In the absence of the consent of both  
28 parties, the court may enter a decree of divorce or annulment  
29 prior to the final determination and disposition of the matters  
30 provided for in subsection (b) if:

(1) grounds have been established as provided in subsection (g); and

(2) the moving party has demonstrated that:

(i) compelling circumstances exist for the entry of the decree of divorce or annulment; and

(ii) sufficient economic protections have been provided for the other party during the pendency of the disposition of the matters provided for in subsection (b).

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

(d.1) Death of a party.--In the event one party dies during the course of divorce proceedings, no decree of divorce has been entered and grounds have been established as provided in subsection (g), the parties' economic rights and obligations arising under the marriage shall be determined under this part rather than under 20 Pa.C.S. (relating to decedents, estates and fiduciaries).

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

(f) Equity power and jurisdiction of the court.--In accordance with 42 Pa.C.S. Ch. 72, in all matrimonial causes,

1 the court shall have full equity power and jurisdiction and may  
2 issue injunctions or other orders which are necessary to protect  
3 the interests of the parties or to effectuate the purposes of  
4 this part and may grant such other relief or remedy as equity  
5 and justice require against either party or against any third  
6 person over whom the court has jurisdiction and who is involved  
7 in or concerned with the disposition of the cause.

8 (g) Grounds established.--For purposes of subsections (c.1)  
9 and (d.1), grounds are established as follows:

10 (1) In the case of an action for divorce under section  
11 3301(a) or (b) (relating to grounds for divorce), the court  
12 adopts a report of the master or makes its own findings that  
13 grounds for divorce exist.

14 (2) In the case of an action for divorce under section  
15 3301(c), both parties have filed affidavits of consent.

16 (3) In the case of an action for divorce under section  
17 3301(d), an affidavit has been filed and no counter-affidavit  
18 has been filed or, if a counter-affidavit has been filed  
19 denying the affidavit's averments, the court determines that  
20 the marriage is irretrievably broken and the parties have  
21 lived separate and apart for at least two years at the time  
22 of the filing of the affidavit.

23 § 3502. Equitable division of marital property.

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

1 factors. The court may consider each marital asset or group of  
2 assets independently and apply a different percentage to each  
3 marital asset or group of assets. Factors which are relevant to  
4 the equitable division of marital property include the  
5 following:

- 6 (1) The length of the marriage.
- 7 (2) Any prior marriage of either party.
- 8 (3) The age, health, station, amount and sources of  
9 income, vocational skills, employability, estate, liabilities  
10 and needs of each of the parties.
- 11 (4) The contribution by one party to the education,  
12 training or increased earning power of the other party.
- 13 (5) The opportunity of each party for future  
14 acquisitions of capital assets and income.
- 15 (6) The sources of income of both parties, including,  
16 but not limited to, medical, retirement, insurance or other  
17 benefits.
- 18 (7) The contribution or dissipation of each party in the  
19 acquisition, preservation, depreciation or appreciation of  
20 the marital property, including the contribution of a party  
21 as homemaker.
- 22 (8) The value of the property set apart to each party.
- 23 (9) The standard of living of the parties established  
24 during the marriage.
- 25 (10) The economic circumstances of each party at the  
26 time the division of property is to become effective.
- 27 (10.1) The Federal, State and local tax ramifications  
28 associated with each asset to be divided, distributed or  
29 assigned, which ramifications need not be immediate and  
30 certain.

1           (10.2) The expense of sale, transfer or liquidation  
2 associated with a particular asset, which expense need not be  
3 immediate and certain.

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

6           \* \* \*

7           (e) Powers of the court.--If, at any time, a party has  
8 failed to comply with an order of equitable distribution, as  
9 provided for in this chapter or with the terms of an agreement  
10 as entered into between the parties, after hearing, the court  
11 may, in addition to any other remedy [available under this part]  
12 provided by statute, in order to effect compliance with its  
13 order:

14           (1) enter judgment;

15           (2) authorize the taking and seizure of the goods and  
16 chattels and collection of the rents and profits of the real  
17 and personal, tangible and intangible property of the party;

18           (3) award interest on unpaid installments;

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

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

23           (6) issue attachment proceedings, directed to the  
24 sheriff or other proper officer of the county, directing that  
25 the person named as having failed to comply with the court  
26 order be brought before the court, at such time as the court  
27 may direct. If the court finds, after hearing, that the  
28 person willfully failed to comply with the court order, it  
29 may deem the person in civil contempt of court and, in its  
30 discretion, make an appropriate order, including, but not

1 limited to, commitment of the person to the county jail for a  
2 period not to exceed six months;

3 (7) award counsel fees and costs;

4 (8) attach wages; or

5 (9) find the party in contempt.

6 \* \* \*

7 § 3505. Disposition of property to defeat obligations.

8 (a) Preliminary relief.--Where it appears to the court that  
9 a party is about to leave the jurisdiction of the court or is  
10 about to remove property of that party from the jurisdiction of  
11 the court or is about to dispose of, alienate or encumber  
12 property in order to defeat equitable distribution, alimony  
13 pendente lite, alimony, child and spousal support or a similar  
14 award, an injunction may issue to prevent the removal or  
15 disposition and the property may be attached as prescribed by  
16 general rules. The court may also issue a writ of ne exeat to  
17 preclude the removal.

18 [(b) Inventory of property.--Both parties shall submit to  
19 the court an inventory and appraisal, which shall contain all  
20 of the following:

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

23 (i) the date of separation; and

24 (ii) thirty days prior to the date of hearing on  
25 equitable distribution.

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

28 (i) the date of acquisition;

29 (ii) the date of separation; and

30 (iii) thirty days prior to the date of hearing on



equitable distribution.

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

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

(d) Constructive trust for undisclosed assets.--If a party fails to disclose information required [by general rule of the Supreme Court] the family information statement as provided in 42 Pa.C.S. Ch. 72 and in consequence thereof an asset or assets with a fair market value of \$1,000 or more is omitted from the final distribution of property, the party aggrieved by the nondisclosure may at any time petition the court granting the award to declare the creation of a constructive trust as to all undisclosed assets for the benefit of the parties and their minor or dependent children, if any. The party in whose name the assets are held shall be declared the constructive trustee unless the court designates a different trustee, and the trust may include any terms and conditions the court may determine. The court shall grant the petition upon a finding of a failure to disclose the assets as required [by general rule of the Supreme Court] by the family information statement.

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

§ 3506. Statement of reasons for distribution.

1 In an order made [under this chapter] in accordance with 42  
2 Pa.C.S. Ch 72 (relating to family law and justice) for the  
3 distribution of property, the court shall set forth the  
4 percentage of distribution for each marital asset or group of  
5 assets and the reason for the distribution ordered.

6 Section 3. Sections 3507(a), 3508, 3701(a), (d) and (e),  
7 3702, 3703, 3705(a), 3901, 3902, 3903, 3904, 4324, 4341(a),  
8 4342(a) and (b), 4344, 4345(a), 4347, 4349 and 4350 of Title 23  
9 are amended to read:

10 § 3507. Division of entireties property between divorced  
11 persons.

12 (a) General rule.--Whenever married persons holding property  
13 as tenants by entireties are divorced, they shall, except as  
14 otherwise provided by an order [made under this chapter] issued  
15 in accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
16 justice), thereafter hold the property as tenants in common of  
17 equal one-half shares in value, and either of them may bring an  
18 action against the other to have the property sold and the  
19 proceeds divided between them.

20 \* \* \*

21 § 3508. Conveyance of entireties property to divorced spouse.

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

1 § 3701. Alimony.

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

6 \* \* \*

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

11 (e) Modification and termination.--An order entered pursuant  
12 to this section is subject to further order of the court upon  
13 changed circumstances of either party of a substantial and  
14 continuing nature whereupon the order may be modified,  
15 suspended, terminated or reinstituted or a new order made in  
16 accordance with 42 Pa.C.S. Ch. 72. Any further order shall apply  
17 only to payments accruing subsequent to the petition for the  
18 requested relief. Remarriage of the party receiving alimony  
19 shall terminate the award of alimony.

20 \* \* \*

21 § 3702. Alimony pendente lite, counsel fees and expenses.

22 In proper cases in accordance with 42 Pa.C.S. Ch. 72  
23 (relating to family law and justice), upon petition, the court  
24 may allow a spouse reasonable alimony pendente lite, spousal  
25 support and reasonable counsel fees and expenses. Reasonable  
26 counsel fees and expenses may be allowed pendente lite, and the  
27 court shall also have authority to direct that adequate health  
28 and hospitalization insurance coverage be maintained for the  
29 dependent spouse pendente lite.

30 § 3703. Enforcement of arrearages.

1 If at any time a party is in arrears in the payment of  
2 alimony or alimony pendente lite as provided for in sections  
3 3701 (relating to alimony) and 3702 (relating to alimony  
4 pendente lite, counsel fees and expenses), the court may, in  
5 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
6 justice), after hearing, in order to effect payment of the  
7 arrearages:

8 (1) Enter judgment.

9 (2) Authorize the taking and seizure of the goods and  
10 chattels and the collection of the rents and profits of the  
11 real estate of the party.

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

13 (4) Award interest on unpaid installments.

14 (5) Require security to insure future payments.

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

25 (7) Award counsel fees and costs.

26 § 3705. Enforcement of foreign decrees.

27 (a) General rule.--Whenever a person subject to a valid  
28 decree of a sister state or territory for the distribution of  
29 marital property or for the payment of alimony, temporary  
30 alimony or alimony pendente lite, or the property of that person

1 is found within this Commonwealth, the obligee of the decree  
2 may, in accordance with 42 Pa.C.S. Ch. 72 (relating to family  
3 law and justice), petition the court where the obligor or the  
4 property of the obligor is found to register, adopt as its own  
5 and enforce the decree as a properly issued and authenticated  
6 decree of a sister state or territory. Upon registration and  
7 adoption, such relief and process for enforcement as is provided  
8 or prescribed by law in similar cases originally commenced in  
9 this Commonwealth shall be available. A copy of the decree and  
10 order shall be forwarded to the court of the state or territory  
11 which issued the original decree. The obligor shall have  
12 whatever defenses and relief are available to the obligor in the  
13 state or territory which issued the original decree and may  
14 question the jurisdiction of that court if not otherwise barred.  
15 Interest may be awarded on unpaid installments and security may  
16 be required to insure future payments as in cases originally  
17 commenced in this Commonwealth. Where property of the obligor,  
18 but not the person of the obligor, is found within this  
19 Commonwealth, there shall be jurisdiction quasi in rem, and,  
20 upon registration and adoption of the decree of the sister state  
21 or territory, relief and enforcement of the decree shall be  
22 available as in other proceedings which are quasi in rem.

23 \* \* \*

24 [§ 3901. Mediation programs.

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

28 (b) Issues subject to mediation.--When a program has been  
29 established pursuant to subsection (a), the court may order the  
30 parties to attend an orientation session to explain the

1 mediation process. Thereafter, should the parties consent to  
2 mediation, the court may order them to mediate such issues as it  
3 may specify.

4 (c) Local rules.--

5 (1) The court shall adopt local rules for the  
6 administration of the mediation program to include rules  
7 regarding qualifications of mediators, confidentiality and  
8 any other matter deemed appropriate by the court.

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

15 (d) Model guidelines.--The Supreme Court shall develop model  
16 guidelines for implementation of this section and shall consult  
17 with experts on mediation and domestic violence in this  
18 Commonwealth in the development thereof. The effective date of  
19 this chapter shall not be delayed by virtue of this subsection.  
20 § 3902. Fees and costs.

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

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

27 § 3903. Review of programs.

28 The Supreme Court shall monitor mediation programs  
29 established by courts of common pleas. The Supreme Court shall  
30 establish procedures for the evaluation of the effectiveness of

1 the program.

2 § 3904. Existing programs.

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

5 § 4324. Inclusion of spousal medical support.

6 In addition to periodic support payments, the court may, in  
7 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
8 justice), require that an obligor pay a designated percentage of  
9 a spouse's reasonable and necessary health care expenses. If  
10 health care coverage is available through an obligor or obligee  
11 at no cost as a benefit of employment or at a reasonable cost,  
12 the court shall order an obligor or obligee to provide or extend  
13 health care coverage to a spouse. Upon failure of the obligor to  
14 make this payment or reimburse the spouse and after compliance  
15 with procedural due process requirement, the court shall treat  
16 the amount as arrearages.

17 § 4341. Commencement of support actions or proceedings.

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

22 \* \* \*

23 § 4342. Expedited procedure.

24 (a) General rule.--The Supreme Court shall by general rule  
25 provide for expedited procedures for the determination of  
26 paternity and the [determination and] enforcement of support.  
27 [The procedures shall include an office conference; a conference  
28 summary to the court by the hearing officer; an opportunity for  
29 the court to enter an order without hearing the parties; and an  
30 opportunity for the parties to demand a full hearing by the

1 court.

2 (b) Alternate procedure.--The Supreme Court shall also  
3 provide an alternate expedited procedure which may be adopted by  
4 local rule of the courts of common pleas. The procedure shall  
5 include an office conference; an evidentiary hearing before a  
6 hearing officer who shall be an attorney; a transcript of the  
7 testimony; a report and recommendation to the court by the  
8 hearing officer; and an opportunity for the filing of exceptions  
9 with and argument before the court.]

10 \* \* \*

11 § 4344. Contempt for failure of obligor to appear.

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

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

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

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

20 § 4345. Contempt for noncompliance with support order.

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

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

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

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

30 \* \* \*



1 § 4347. Security for attendance or performance.

2 At any stage of the proceedings [under this chapter] relating  
3 to support, upon affidavit filed that the obligor is about to  
4 leave this Commonwealth or the judicial district or, where in  
5 the judgment of the court, the obligor has habitually failed to  
6 comply with court orders [under this chapter] relating to  
7 support, the court may, as prescribed by general rule, issue  
8 appropriate process directing that the obligor be brought before  
9 the court and may direct that the obligor give security to  
10 appear when directed by the court or to comply with any order of  
11 the court.

12 [§ 4349. Consolidation of proceedings.

13 In order to facilitate frequent and unimpeded contact between  
14 children and parents, a judge may consolidate with a support  
15 action or proceeding any proceeding commenced for visitation  
16 rights, sole or shared custody, temporary or permanent custody  
17 or any other matters pertaining to support authorized by law  
18 which fairly and expeditiously may be determined and disposed of  
19 in the support action or proceeding.]

20 § 4350. Effect of appeal.

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

24 Section 4. Title 42 is amended by adding a chapter to read:

25 CHAPTER 72

26 FAMILY LAW AND JUSTICE

27 Sec.

28 7201. Short title of chapter.

29 7202. Declaration of policy.

30 7203. Legislative intent.

1 7204. Definitions.  
2 7205. Scope.  
3 7206. Judicial districts.  
4 7207. Annual report.  
5 7208. Weighted caseload study.  
6 7209. Intake and screening.  
7 7210. Hearings may be private.  
8 7211. Testimony of minor child.  
9 7212. Commencement of family action.  
10 7213. Differentiated case management.  
11 7214. Case management conference.  
12 7215. Consolidation.  
13 7216. Bifurcation.  
14 7217. Continuous trials.  
15 7218. Tentative decisions for motions.  
16 7219. Motions day.  
17 7220. Case management teams.  
18 7221. Family law masters.  
19 7222. Alternate dispute resolution.  
20 7223. Appeals.  
21 7224. Separating parents seminar.  
22 7225. Seminar for children of separating parents.  
23 7226. Family Justice Account.  
24 7227. Appointment of representation for child.  
25 7228. Family resource center.  
26 7229. Family law manual.  
27 7230. Volunteer lawyers.  
28 7231. Judicial education seminar.  
29 7232. Continuing judicial education.  
30 § 7201. Short title of chapter.

1 This chapter shall be known and may be cited as the Family  
2 Law and Justice Act.

3 § 7202. Declaration of policy.

4 The General Assembly finds and declares as follows:

5 (1) The current procedure in this Commonwealth for  
6 litigating family law cases involving divorce, annulment,  
7 child support, spousal support, custody, alimony and  
8 equitable division of marital property has created undue  
9 hardship for children and families.

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

14 (3) The 60 judicial districts deciding family litigation  
15 have been denied the necessary oversight from the  
16 Administrative Office of Pennsylvania Courts. As a result of  
17 this lack of oversight and varying level of available  
18 resources, there is no uniform system for the resolution of  
19 family law cases. This has resulted in unnecessary delay in  
20 the disposition of cases, increased cost to litigants and  
21 unnecessary stress on the part of litigants and their  
22 families.

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

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

1 § 7203. Legislative intent.

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

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

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

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

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

16 (5) Speedily, efficiently, fairly and cost-effectively  
17 decides family litigation cases, with the goal of resolving  
18 all aspects of a case within six months of filing.

19 (6) Recognizes the realities of family break-up,  
20 including the emotional trauma experienced by the parties and  
21 their children.

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

24 (8) Sufficiently trains judges and family law masters in  
25 applicable substantive law and subjects needed to make the  
26 best decisions for children and families, such as mental and  
27 behavioral health, mediation, child abuse and neglect, child  
28 sexual abuse and exploitation, domestic violence and child  
29 development.

30 § 7204. Definitions.

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

4       "Account." The Family Justice Account established in section  
5 7226 (relating to Family Justice Account).

6       "Alternate dispute resolution." Includes mediation and  
7 conciliation.

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

13       "Case management team leader." The designated manager of a  
14 case management team.

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

17       "Differentiated case management system." The multitrack  
18 system for the management and timely disposition of family  
19 litigation established in section 7214 (relating to case  
20 management conference).

21       "Family action." An action filed with the court of common  
22 pleas which is comprised of one or more matters of family  
23 litigation.

24       "Family information statement." A printed form which  
25 includes information about family history, employment, assets,  
26 income, debts and liabilities, and insurance provided to the  
27 court by each party required under section 7212(a) (relating to  
28 commencement of family action).

29       "Family law adjudication system." The system within the  
30 court of common pleas established to receive family actions, to

1 hear and decide family litigation and to help families negotiate  
2 the court processes involved with family litigation. The term  
3 includes court resources dedicated to providing information to  
4 families regarding substantive and procedural aspects of family  
5 litigation, court resources dedicated to helping self litigants  
6 and court resources necessary to effectuate judicial education  
7 and all other requirements of this chapter.

8 "Family law master." An attorney appointed by a judge to  
9 hear family litigation. The term does not include a mediator or  
10 conciliator.

11 "Family litigation." A matter involving divorce, annulment,  
12 custody, child support, spousal support, alimony, alimony  
13 pendente lite, counsel fees and costs, equitable division of  
14 marital property and related matter. The term does not include a  
15 matter regarding:

16 (1) adoption, delinquency, dependency or protection from  
17 abuse;

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

21 (3) 23 Pa.C.S. Ch. 56 (relating to standby  
22 guardianship);

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

25 (5) 23 Pa.C.S. Pt. VIII (relating to uniform interstate  
26 family support); or

27 (6) 23 Pa.C.S. Pt. VIII-A (relating to intrastate family  
28 support).

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

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

3 § 7205. Scope.

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

8 (b) Limitation.--This chapter does not apply to matters  
9 excluded from the definition of "family litigation" in section  
10 7204 (relating to definitions). This chapter is not intended to  
11 affect the child support collection or enforcement operations of  
12 the Department of Public Welfare.

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

17 § 7206. Judicial districts.

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

20 (1) Provide courtrooms, chambers, facilities, equipment,  
21 legal and educational materials and supplies in accordance  
22 with this chapter.

23 (2) Provide employees necessary for the operation,  
24 management and recordkeeping necessary to implement the  
25 family law adjudication system in accordance with this  
26 chapter.

27 (3) Establish the procedure for receiving family actions  
28 and for hearing and deciding family litigation in accordance  
29 with this chapter.

30 (b) Penalty.--If a judicial district fails to comply with

1 this chapter, the county or counties which comprise that  
2 judicial district shall pay for all administrative costs related  
3 to the receiving of family actions and for the hearing and  
4 deciding of family litigation until the judicial district  
5 complies with this chapter.

6 § 7207. Annual report.

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

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

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

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

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

18 (5) The length of time necessary to hear and decide  
19 family litigation.

20 (6) The number of family actions pending in the family  
21 law adjudication system.

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

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

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

28 (b) Submission.--The Court Administrator of Pennsylvania  
29 shall compile and prepare information under subsection (a) and  
30 submit it in an annual report to the Governor, the Chief Justice



1 of the Supreme Court of Pennsylvania, the President of the  
2 Pennsylvania Senate, the Speaker of the House of Representatives  
3 and the members of the Judiciary Committee of the Senate and the  
4 Judiciary Committee of the House of Representatives.

5 (c) Public access.--The Court Administrator of Pennsylvania  
6 shall make the annual report available to the public, including  
7 access over the Internet or other electronic format readily  
8 accessible to the public.

9 § 7208. Weighted caseload study.

10 Within two years of the effective date of this section, the  
11 Court Administrator of Pennsylvania shall undertake a weighted  
12 caseload study to determine efficient allocation of judicial and  
13 case management team resources.

14 § 7209. Intake and screening.

15 Each judicial district shall establish a family action intake  
16 service within the domestic relations section of the court of  
17 common pleas. The service shall be located within the family  
18 resource center and shall have family actions for allegations or  
19 evidence of substance abuse, child abuse, child neglect, child  
20 sexual abuse and exploitation and domestic violence. This  
21 service shall assist litigants by making referrals and providing  
22 information regarding community-based and government services  
23 designed to provide treatment for substance abuse and to help  
24 victims of child abuse and neglect, child sexual abuse and  
25 exploitation and domestic violence.

26 § 7210. Hearings may be private.

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

29 (1) The trial or proceedings regarding family litigation  
30 be private.

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

§ 7211. Testimony of minor child.

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

(1) Testimony of a minor child shall not be permitted.

(2) No minor child shall be subpoenaed to appear at a hearing.

§ 7212. Commencement of family action.

(a) Family information statement.--

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

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

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

(iii) Party's social security number.

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

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

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

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

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

(A) Physical, emotional or sexual abuse of a

1 family member.

2 (B) Physical, emotional or educational neglect  
3 of a family member.

4 (C) Alcohol or drug abuse on the part of a  
5 family member.

6 (D) Contact with the juvenile justice system by  
7 a minor in the family.

8 (2) The information provided by a party pursuant to  
9 subparagraph (viii) shall be confidential. Disclosure shall  
10 not be permitted to any other individual other than the  
11 judge, the family law master, the mediator or conciliator,  
12 the members of the case management team, members of the  
13 intake and screening service or other court employees.

14 (3) Information required by the family information  
15 statement shall, to the extent known to the party, be fully  
16 completed and be current to within 60 days. Parties shall  
17 continually inform the court of any changes in the  
18 information required in the family information statement and  
19 to file a statement with the most current information  
20 available at the time of filing a petition to modify a  
21 support order. The statement shall provide that furnishing  
22 information which the party does not believe to be true shall  
23 subject the party to possible prosecution for a violation of  
24 18 Pa.C.S. § 4904 (relating to unsworn falsification to  
25 authorities).

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

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

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

5 (c) Custody.--

6 (1) If the complaint includes the issue of custody, the  
7 complaint and cross-complaint shall be accompanied by a  
8 written statement regarding the proposed custody arrangement  
9 or supervision of children.

10 (2) Nothing in this subsection shall be construed to  
11 limit the court's ability to require the parties to develop a  
12 parenting plan.

13 § 7213. Differentiated case management.

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

17 (b) Assignment.--A family action shall be assigned to one of  
18 the following tracks as follows:

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

21 (2) A family action shall be assigned to the complex  
22 track if it appears likely that the family action will  
23 require a disproportionate expenditure of a court's and a  
24 party's resources in preparation for trial and at trial due  
25 to any of the following:

26 (i) Number of claims and defenses raised.

27 (ii) Legal difficulty of the issues presented.

28 (iii) Factual difficulty of the subject matter.

29 (iv) Length and complexity of discovery.

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

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

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

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

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

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

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

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

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

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

1 which affords the greatest degree of management. The parties  
2 shall be promptly advised of the track assignment.

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

12 § 7214. Case management conference.

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

- 19 (1) Identification and simplification of the issues.
- 20 (2) Necessity or desirability of amending the pleadings.
- 21 (3) Possibility of obtaining admissions of fact and  
22 documents which will avoid unnecessary proof or discovery.
- 23 (4) Participation in a program of alternate dispute  
24 resolution and a separating parents seminar.
- 25 (5) Limitation of expert witnesses.
- 26 (6) Appointment of a court-appointed special advocate, a  
27 guardian ad litem or an attorney for a minor child.
- 28 (7) Establishment of a discovery schedule and  
29 determination of its scope.
- 30 (8) Such other matters as the judge deems appropriate.

1 (b) Order.--

2 (1) The judge shall issue an order which recites the  
3 action taken at the case management conference. This  
4 paragraph includes:

5 (i) Amendments allowed to the pleadings.

6 (ii) Agreements made by the parties as to any of the  
7 matters considered.

8 (iii) Discovery schedule.

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

11 (v) Participation in a program of alternate dispute  
12 resolution and a separating parents seminar.

13 (vi) Dates for any additional case management  
14 conferences.

15 (vii) Firm trial date.

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

17 (2) The order shall control the subsequent course of the  
18 family action up to the time of trial before the judge. If  
19 the parties proceed to trial, the order may be modified by  
20 the judge at his discretion.

21 § 7215. Consolidation.

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

28 (b) Judge.--With the exception of custody, at the case  
29 management conference, a judge may order consolidation of family  
30 litigation.

1 § 7216. Bifurcation.

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

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

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

15 (2) administrative judge of the family division of the  
16 court of common pleas in a judicial district in which there  
17 is a family division.

18 § 7217. Continuous trials.

19 Insofar as is practicable, court calendars shall be designed  
20 to allow family actions to be tried continuously to conclusion.  
21 If a family action is not tried continuously, the record at each  
22 day's proceedings shall document the reason for the  
23 fragmentation.

24 § 7218. Tentative decisions for motions.

25 The judge may, prior to the scheduled date of oral argument  
26 on a motion involving family litigation, decide the motion on  
27 the basis of the papers filed of record or such briefs as may be  
28 filed by the parties, subsequently posting the tentative  
29 decision and making it available to the parties. Unless a party  
30 objects, with notice to the opposing party, the request for oral



1 argument on the motion shall be deemed withdrawn; and the  
2 tentative decision shall become final and shall be set forth in  
3 an appropriate order. If a party renews the request for oral  
4 argument on the motion, with notice to the opposing party, the  
5 motion shall be argued as scheduled.

6 § 7219. Motions day.

7 (a) Establishment.--Each judicial district shall designate  
8 at least one day each week for the hearing and disposing of  
9 motions.

10 (b) Procedure.--Motions not disposed of in accordance with  
11 section 7218 (relating to tentative decisions for motions) shall  
12 be scheduled for oral argument, which shall be staggered  
13 throughout the day. The court may conduct an oral argument by  
14 telephone.

15 § 7220. Case management teams.

16 (a) Establishment.--Each judicial district shall establish  
17 one or more case management teams within the domestic relations  
18 section of the court of common pleas, to be headed by a case  
19 management team leader, to effectively manage and process family  
20 litigation from filing to final disposition. The team shall be  
21 supervised by a judge. Insofar as practicable, each time a party  
22 seeks modification of an order involving family litigation, the  
23 family action shall be assigned to the same case management  
24 team.

25 (b) Duties.--The case management team shall, for the timely  
26 management and processing of family actions and subject to  
27 supervision and orders of the judge, do all of the following:

28 (1) Coordinate the timely filing of reports,  
29 recommendations, evaluations and other writings necessary to  
30 the disposition of family litigation.

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

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

5           (4) Notify parents of a separating parents seminar.

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

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

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

15 § 7221. Family law masters.

16          (a) Appointment.--Subject to section 7222(h) (relating to  
17 alternate dispute resolution), a judge may appoint a family law  
18 master to hear any aspect of family litigation except custody.  
19 The family law master shall hold a record proceeding which shall  
20 be recorded by stenographer, tape recorder or other electronic  
21 means.

22          (b) Qualifications.--A family law master must be an attorney  
23 at law and must comply with judicial education requirements as  
24 provided in section 7231 (relating to judicial education  
25 seminar).

26          (c) Requirements.--The family law master shall comply with  
27 orders issued by the judge and decisions made by the judge,  
28 including differentiated case management systems track  
29 assignment, and shall cooperate with the case management team  
30 with regard to the timely filing of reports, recommendations and

1 other writings.

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

4 (1) Receive evidence, take testimony and establish a  
5 record.

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

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

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

15 § 7222. Alternate dispute resolution.

16 (a) Program established.--Each judicial district shall  
17 establish a program of alternate dispute resolution which:

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

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

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

22 (b) Requirement.--Subject to subsection (c), the parties  
23 shall be referred to the program of alternate dispute resolution  
24 for the resolution of a custody dispute in accordance with the  
25 child's best interests. Upon referral, the parties shall be  
26 required to attend an orientation program.

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

30 (1) A history of child abuse or neglect, child sexual

1 abuse or exploitation or domestic violence by a party.

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

5 (d) Standards.--The Supreme Court shall, by general rule,  
6 provide standards for the hiring and training of mediators and  
7 conciliators, including:

8 (1) Minimum qualifications, which shall not be  
9 restricted to any particular professional or educational  
10 training.

11 (2) Minimum requirements for training in the procedural  
12 aspects of mediation and conciliation and the interpersonal  
13 skills necessary to act as an effective mediator or  
14 conciliator.

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

17 (4) Procedures to ensure that potential mediators and  
18 conciliators understand the high standard of ethics and  
19 confidentiality related to their participation in the program  
20 of alternate dispute resolution.

21 (e) Mandatory education.--

22 (1) Except as provided in paragraph (2), a mediator and  
23 a conciliator shall successfully complete a program of  
24 education appropriate for mediators or conciliators in  
25 custody disputes approved by the Academy of Family Mediators  
26 within six months of the later of:

27 (i) the date of appointment; or

28 (ii) the effective date of this section.

29 (2) Paragraph (1) does not apply to a mediator or  
30 conciliator who has already attended and successfully

1 completed such a program prior to the appropriate date.

2 (3) Failure to fulfill this educational requirement  
3 shall cause the mediator or conciliator to forfeit the  
4 position.

5 (f) Cooperation with case management team.--A mediator or  
6 conciliator shall cooperate with the case management team with  
7 regard to the timely filing of reports, recommendations and  
8 other writings and shall comply with any orders issued or  
9 decisions made by a judge.

10 (g) Fees.--Each judicial district shall establish a sliding  
11 schedule of fees for participation in the alternate dispute  
12 resolution program, based on a party's ability to pay. Unless  
13 the judge issues an order to the contrary, the fee for alternate  
14 dispute resolution services shall be borne equally by the  
15 parties.

16 (h) Excuse.--If a party is excused from the program of  
17 alternate dispute resolution pursuant to subsection (b), a  
18 family law master shall hear that part of a family action  
19 involving custody.

20 (i) Custody evaluation.--A mediator or conciliator or family  
21 law master may refer the parties to custody evaluation. A  
22 mediator or conciliator may not act as a custody evaluator for  
23 the parties who appear before the mediator or conciliator  
24 without the express written consent of the parties and approval  
25 by the judge. No individual who has provided therapy or  
26 counseling services to a party or a member of a party's family  
27 shall serve as an evaluator.

28 § 7223. Appeals.

29 (a) General rule.--A party may appeal a ruling or decision  
30 other than those incorporated in a final order disposing of

1 family litigation made by a family law master to a judge.

2 (b) Appeal.--A final order disposing of family litigation  
3 not resolved to a party's satisfaction issued by a family law  
4 master shall be heard by a judge at one proceeding in accordance  
5 with section 7217 (relating to continuous trials). The standard  
6 of review shall be de novo.

7 (c) Custody.--If the parties do not resolve a custody  
8 dispute during participation in the program of alternate dispute  
9 resolution, that part of the family action involving custody  
10 shall be consolidated with any appeals brought under subsection  
11 (b).

12 § 7224. Separating parents seminar.

13 Each judicial district shall establish a seminar for  
14 separating parents. The seminar shall include the following  
15 topics and others as the Administrative Office of Pennsylvania  
16 Courts may designate:

17 (1) The procedural aspects of family litigation.

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

20 (3) The availability of community and government  
21 services to treat drug or alcohol abuse and to help victims  
22 of domestic violence, child sexual abuse and exploitation and  
23 child abuse and neglect.

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

26 (5) The potential benefits of alternate dispute  
27 resolution services.

28 § 7225. Seminar for children of separating parents.

29 (a) Option.--A judicial district may establish a program for  
30 children of separating parents for children eight years of age

1 and older.

2 (b) Establishment.--If a judicial district establishes the  
3 program under subsection (a), the judicial district shall do so  
4 in cooperation with and at the direction of the Administrative  
5 Office of Pennsylvania Courts. In designing a seminar, the  
6 Administrative Office of Pennsylvania Courts shall consult with  
7 experts in the fields of child psychology, child abuse and  
8 neglect, family pathology and similar fields to ensure that the  
9 content of the seminar is suited to children and will not serve  
10 to further traumatize children of separating parents.

11 § 7226. Family Justice Account.

12 (a) Establishment.--There is established within the General  
13 Fund a restricted account, to be known as the Family Justice  
14 Account.

15 (b) Purpose.--The purpose of the account is to fund the cost  
16 of court-ordered participation in the program of alternate  
17 dispute resolution, custody evaluation, proceedings before  
18 family law masters, and other costs or fees associated with  
19 family litigation when a party is unable to pay such costs or  
20 fees by reason of poverty or financial hardship.

21 (c) Procedure.--

22 (1) Each judicial district may, through the  
23 Administrative Office of Pennsylvania Courts, make  
24 application for payment by the account. Money received from  
25 the account shall only be used to reimburse expenses  
26 enumerated in subsection (b).

27 (2) A party may seek relief from costs and fees  
28 enumerated in subsection (b) upon application to the judge by  
29 submitting a sworn or affirmed statement regarding poverty or  
30 financial hardship. The statement may be filed along with the

1 family information statement or at any time prior to final  
2 disposition of the family action.

3 § 7227. Appointment of representation for child.

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

9 (b) Exception.--In any family action in which custody of a  
10 child is an issue and there is history of or an allegation of  
11 child abuse or neglect, child sexual abuse or exploitation by a  
12 party or a member of a party's household or history of or an  
13 allegation of domestic violence against one party by the other,  
14 the judge shall appoint a guardian ad litem or court-appointed  
15 special advocate for the child. The duties of the guardian ad  
16 litem shall be as set forth in section 6311(b) (relating to  
17 guardian ad litem for child in court proceedings). The duties of  
18 the court-appointed special advocate shall be as set forth in  
19 section 6342(d) (relating to court-appointed special advocates).

20 (c) Fees and costs.--Subject to section 7226 (relating to  
21 Family Justice Account), a judge may impose attorney fees and  
22 other fees and costs under this section upon either party.

23 § 7228. Family resource center.

24 (a) Establishment.--Each judicial district shall establish a  
25 family resource center to be located in the courthouse or  
26 another centralized location where family litigation is heard  
27 and decided.

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



1           (1) Gain access to easily understandable information  
2 regarding the substantive and procedural aspects of family  
3 litigation.

4           (2) Gain access to easily understandable information  
5 regarding protection from abuse orders, shelters and other  
6 government and community services designed to help victims of  
7 domestic violence and child abuse and neglect.

8           (3) Direct inquiries regarding the family law  
9 adjudication system.

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

12          (5) Find a suitable place to meet with volunteer  
13 lawyers.

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

16           (1) An appropriate, supervised place for children to  
17 wait while a party is taking part in court proceedings, the  
18 program of alternate dispute resolution or other court-  
19 ordered activity.

20           (2) Easily understandable information and other  
21 materials and legal books regarding the substantive law of  
22 family litigation, including appropriate forms.

23           (3) The family law manual under section 7229 (relating  
24 to family law manual).

25           (4) (i) At least one employee who is responsible for  
26 answering, during the entire court day, general questions  
27 from parties and other interested persons regarding the  
28 family law adjudication system, the procedural aspects of  
29 family litigation and the substantive law of family  
30 litigation. The employee shall also make referrals to

1 appropriate government and community resources. The  
2 information provided by the employee shall not be  
3 construed as legal advice.

4 (ii) The employee shall be absolutely immune from  
5 suit when performing duties under this paragraph.

6 § 7229. Family law manual.

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

10 (1) Explains in basic terms Pennsylvania substantive law  
11 regarding family litigation.

12 (2) Explains in basic terms the procedural aspects of  
13 family litigation.

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

16 (4) Provides a basic guide to family litigation motions  
17 practice.

18 (5) Provides telephone numbers and addresses within that  
19 judicial district for government and community services  
20 designed to:

21 (i) Provide treatment and prevention services for  
22 drug or alcohol abuse.

23 (ii) Protect children from sexual abuse and  
24 exploitation, child abuse and neglect.

25 (iii) Assist victims of domestic violence.

26 (iv) Provide free or low-cost legal assistance.

27 (v) Provide free or low-cost psychological services.

28 (b) Availability.--

29 (1) A party must receive the manual at no cost after  
30 initiating or responding to a family action and no later than

1 the date of attending the separating parents seminar.

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

6 § 7230. Volunteer lawyers.

7 (a) Intent.--It is the intent of the General Assembly to  
8 encourage attorneys at law to volunteer their time to help self-  
9 represented litigants by providing a suitable place within the  
10 family resource center for volunteer lawyers to meet with  
11 parties who cannot afford lawyers.

12 (b) Policies and procedures to be developed.--The  
13 Administrative Office of Pennsylvania Courts shall work with  
14 State and county bar associations to develop policies and  
15 procedures to encourage attorneys to join the volunteer lawyers  
16 program.

17 § 7231. Judicial education seminar.

18 (a) General rule.--

19 (1) Except as provided in paragraph (2), each judge and  
20 family law master who hears family litigation must  
21 successfully complete courses of instruction at the National  
22 Council of Juvenile and Family Court Judges within six months  
23 of the later of:

24 (i) the date of first assignment to family  
25 litigation; or

26 (ii) the effective date of this section.

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

30 (3) Every two years, the judge or family law master must

1       successfully complete courses at the National Council of  
2       Juvenile and Family Court Judges.

3       (b) Continuing education in family law.--Every two years,  
4       each judge and family law master must successfully complete the  
5       program established in section 7232 (relating to continuing  
6       judicial education).

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

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

15      § 7232. Continuing judicial education.

16      (a) Establishment.--There is established a continuing  
17      judicial education program. The program shall be designed and  
18      administered by the Administrative Office of Pennsylvania  
19      Courts.

20      (b) Functions.--The Administrative Office of Pennsylvania  
21      Courts has the following powers and duties:

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

25                   (i) The substantive law of family litigation.

26                   (ii) The procedural aspects of family litigation.

27                   (iii) Child development and child psychology.

28                   (iv) Child sexual abuse and exploitation, child  
29           abuse and neglect, domestic violence and other family  
30           pathologies, and Pennsylvania law relating to these

1 topics.

2 (v) Mental and behavioral health and alcohol and  
3 drug abuse.

4 (vi) Alternate dispute resolution.

5 (vii) Financial aspects of family litigation,  
6 including the law of taxation, trusts and estates,  
7 employee benefits, workers' compensation and business  
8 valuation.

9 (2) Establish minimum qualifications for instructors.

10 (3) Consult, cooperate and contract with universities,  
11 colleges, law schools and mental health and health care  
12 professionals regarding the development of courses in the  
13 program and the teaching of those courses.

14 Section 5. This act shall apply to all family actions filed  
15 on or after the effective date of this section.

16 Section 6. The Secretary of the Commonwealth shall transmit  
17 to the Legislative Reference Bureau, for publication in the  
18 Pennsylvania Bulletin, notice of adoption of an amendment to the  
19 Constitution of Pennsylvania which deals with all of the  
20 following:

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

23 (2) The establishment in each judicial district of a  
24 family resource center.

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

27 (4) The establishment of judicial education  
28 requirements.

29 Section 7. This act shall take effect as follows:

30 (1) Section 6 of this act and this section shall take

1 effect immediately.

2 (2) The addition of 42 Pa.C.S. §§ 7201, 7202, 7203,  
3 7204, 7205, 7207, 7208 and 7226 shall take effect upon  
4 publication in the Pennsylvania Bulletin of the notice under  
5 section 6 of this act.

6 (3) The remainder of this act shall take effect 180 days  
7 after publication of the notice under section 6 of this act.