

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2282 Session of 2012

INTRODUCED BY BAKER, HARPER, GINGRICH, PICKETT, DALEY, FARRY,
GEIST, HESS, F. KELLER AND MILLARD, MARCH 27, 2012

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MARCH 27, 2012

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 and litigation; repealing provisions relating to
5 hearing by master, jury trial, mediation programs, fees and
6 costs, review of programs, existing programs and
7 consolidation of proceedings; conferring powers and duties on
8 the unified judicial system, the Secretary of the
9 Commonwealth and the Legislative Reference Bureau;
10 establishing the Family Justice Account; and making editorial
11 changes.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Sections 3303(a) and 3308 of Title 23 of the
15 Pennsylvania Consolidated Statutes are amended to read:

16 § 3303. Annulment of void and voidable marriages.

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

1 (relating to family law and justice).

2 * * *

3 § 3308. Action where defendant suffering from mental disorder.

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

9 Section 2. Sections 3321 and 3322 of Title 23 are repealed:

10 [§ 3321. Hearing by master.

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

19 § 3322. Jury trial.

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

30 (b) Disposition of application.--Upon the return of the

1 rule, after hearing, the court may discharge it, make it
2 absolute or frame issues itself. Only the issues ordered by the
3 court shall be tried. The rule shall not be made absolute when,
4 in the opinion of the court, a trial by jury cannot be had
5 without prejudice to the public morals.]

6 Section 3. Sections 3323, 3502(a) and (e), 3505, 3506,
7 3507(a), 3508, 3701(a), (d) and (e), 3702, 3703 and 3705(a) of
8 Title 23 are amended to read:

9 § 3323. Decree of court.

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

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

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

1 prior to the final determination and disposition of the matters
2 provided for in subsection (b) if:

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

5 (2) the moving party has demonstrated that:

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

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

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

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

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

1 (f) Equity power and jurisdiction of the court.--In
2 accordance with 42 Pa.C.S. Ch. 72, in all matrimonial causes,
3 the court shall have full equity power and jurisdiction and may
4 issue injunctions or other orders which are necessary to protect
5 the interests of the parties or to effectuate the purposes of
6 this part and may grant such other relief or remedy as equity
7 and justice require against either party or against any third
8 person over whom the court has jurisdiction and who is involved
9 in or concerned with the disposition of the cause.

10 (g) Grounds established.--For purposes of [subsections (c.1)
11 and] subsection (d.1), grounds are established as follows:

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

16 (2) In the case of an action for divorce under section
17 3301(c), both parties have filed affidavits of consent.

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

25 § 3502. Equitable division of marital property.

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

1 regard to marital misconduct in such percentages and in such
2 manner as the court deems just after considering all relevant
3 factors. The court may consider each marital asset or group of
4 assets independently and apply a different percentage to each
5 marital asset or group of assets. Factors which are relevant to
6 the equitable division of marital property include the
7 following:

8 (1) The length of the marriage.

9 (2) Any prior marriage of either party.

10 (3) The age, health, station, amount and sources of
11 income, vocational skills, employability, estate, liabilities
12 and needs of each of the parties.

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

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

17 (6) The sources of income of both parties, including,
18 but not limited to, medical, retirement, insurance or other
19 benefits.

20 (7) The contribution or dissipation of each party in the
21 acquisition, preservation, depreciation or appreciation of
22 the marital property, including the contribution of a party
23 as homemaker.

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

25 (9) The standard of living of the parties established
26 during the marriage.

27 (10) The economic circumstances of each party at the
28 time the division of property is to become effective.

29 (10.1) The Federal, State and local tax ramifications
30 associated with each asset to be divided, distributed or

1 assigned, which ramifications need not be immediate and
2 certain.

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

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

8 * * *

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

16 (1) enter judgment;

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

20 (3) award interest on unpaid installments;

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

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

25 (6) issue attachment proceedings, directed to the
26 sheriff or other proper officer of the county, directing that
27 the person named as having failed to comply with the court
28 order be brought before the court, at such time as the court
29 may direct. If the court finds, after hearing, that the
30 person willfully failed to comply with the court order, it

1 may deem the person in civil contempt of court and, in its
2 discretion, make an appropriate order, including, but not
3 limited to, commitment of the person to the county jail for a
4 period not to exceed six months;

5 (7) award counsel fees and costs;

6 (8) attach wages; or

7 (9) find the party in contempt.

8 * * *

9 § 3505. Disposition of property to defeat obligations.

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

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

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

25 (i) the date of separation; and

26 (ii) thirty days prior to the date of hearing on
27 equitable distribution.

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

30 (i) the date of acquisition;

1 (ii) the date of separation; and

2 (iii) thirty days prior to the date of hearing on
3 equitable distribution.

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

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

12 (d) Constructive trust for undisclosed assets.--If a party
13 fails to disclose information required by [general rule of the
14 Supreme Court] the family information statement as provided in
15 42 Pa.C.S. Ch. 72 and in consequence thereof an asset or assets
16 with a fair market value of \$1,000 or more is omitted from the
17 final distribution of property, the party aggrieved by the
18 nondisclosure may at any time petition the court granting the
19 award to declare the creation of a constructive trust as to all
20 undisclosed assets for the benefit of the parties and their
21 minor or dependent children, if any. The party in whose name the
22 assets are held shall be declared the constructive trustee
23 unless the court designates a different trustee, and the trust
24 may include any terms and conditions the court may determine.
25 The court shall grant the petition upon a finding of a failure
26 to disclose the assets as required by [general rule of the
27 Supreme Court] the family information statement.

28 (e) Encumbrance or disposition to third parties.--An
29 encumbrance or disposition of marital property to third persons
30 who paid wholly inadequate consideration for the property may be

1 deemed fraudulent and declared void.

2 § 3506. Statement of reasons for distribution.

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

8 § 3507. Division of entireties property between divorced
9 persons.

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

18 * * *

19 § 3508. Conveyance of entireties property to divorced spouse.

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

29 § 3701. Alimony.

30 (a) General rule.--Where a divorce decree has been entered

1 in accordance with 42 Pa.C.S. Ch. 72 (relating to family law and
2 justice), the court may allow alimony, as it deems reasonable,
3 to either party only if it finds that alimony is necessary.

4 * * *

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

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

18 * * *

19 § 3702. Alimony pendente lite, counsel fees and expenses.

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

28 § 3703. Enforcement of arrearages.

29 If at any time a party is in arrears in the payment of
30 alimony or alimony pendente lite as provided for in sections

1 3701 (relating to alimony) and 3702 (relating to alimony
2 pendente lite, counsel fees and expenses), the court may in
3 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and
4 justice), after hearing, in order to effect payment of the
5 arrearages:

6 (1) Enter judgment.

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

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

11 (4) Award interest on unpaid installments.

12 (5) Require security to insure future payments.

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

23 (7) Award counsel fees and costs.

24 § 3705. Enforcement of foreign decrees.

25 (a) General rule.--Whenever a person subject to a valid
26 decree of a sister state or territory for the distribution of
27 marital property or for the payment of alimony, temporary
28 alimony or alimony pendente lite, or the property of that person
29 is found within this Commonwealth, the obligee of the decree
30 may, in accordance with 42 Pa.C.S. Ch. 72 (relating to family

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

21 * * *

22 Section 4. Sections 3901, 3902, 3903 and 3904 of Title 23
23 are repealed:

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

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

(c) Local rules.--

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

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

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

§ 3902. Fees and costs.

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

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

§ 3903. Review of programs.

The Supreme Court shall monitor mediation programs established by courts of common pleas. The Supreme Court shall 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 Section 5. Sections 4324, 4341(a), 4344, 4345(a) and 4347 of
6 Title 23 are amended to read:

7 § 4324. Inclusion of spousal medical support.

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

19 § 4341. Commencement of support actions or proceedings.

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

24 * * *

25 § 4344. Contempt for failure of obligor to appear.

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

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

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

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

4 § 4345. Contempt for noncompliance with support order.

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

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

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

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

14 * * *

15 § 4347. Security for attendance or performance.

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

26 Section 6. Section 4349 of Title 23 is repealed:

27 [§ 4349. Consolidation of proceedings.

28 In order to facilitate frequent and unimpeded contact between
29 children and parents, a judge may consolidate with a support
30 action or proceeding any proceeding commenced for visitation

1 rights, sole or shared custody, temporary or permanent custody
2 or any other matters pertaining to support authorized by law
3 which fairly and expeditiously may be determined and disposed of
4 in the support action or proceeding.]

5 Section 7. Sections 4350 and 5332(a) of Title 23 are amended
6 to read:

7 § 4350. Effect of appeal.

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

11 § 5332. Informational programs.

12 (a) Attendance.--The court may direct the parties to attend
13 informational programs concerning parental duties, including the
14 separating parents seminar established under 42 Pa.C.S. § 7224
15 (relating to separating parents seminar).

16 * * *

17 Section 8. Title 42 is amended by adding a chapter to read:

18 CHAPTER 72

19 FAMILY LAW AND JUSTICE

20 Sec.

21 7201. Short title of chapter.

22 7202. Declaration of policy.

23 7203. Legislative intent.

24 7204. Definitions.

25 7205. Scope of chapter.

26 7206. Judicial districts.

27 7207. Annual report.

28 7208. Weighted caseload study.

29 7209. Intake and screening.

30 7210. Hearings may be private.

1 7211. Testimony of minor child.
2 7212. Commencement of family action.
3 7213. Differentiated case management.
4 7214. Case management conference.
5 7215. Consolidation.
6 7216. Bifurcation.
7 7217. Continuous trials.
8 7218. Tentative decisions.
9 7219. Motions day.
10 7220. Case management teams.
11 7221. Family law masters.
12 7222. Mediation.
13 7223. Appeals.
14 7224. Separating parents seminar.
15 7225. Seminar for children of separating parents.
16 7226. Family Justice Account.
17 7227. Family resource center.
18 7228. Family law manual.
19 7229. Volunteer lawyers.
20 7230. Judicial education seminar.
21 7231. Continuing judicial education.
22 § 7201. Short title of chapter.

23 This chapter shall be known and may be cited as the Family
24 Law and Justice Act.

25 § 7202. Declaration of policy.

26 The General Assembly finds and declares as follows:

27 (1) The current procedure in this Commonwealth for
28 litigating family law cases involving divorce, annulment,
29 child support, spousal support, custody, alimony and
30 equitable division of marital property has created undue

1 hardship for children and families.

2 (2) Pennsylvania's current procedure is largely based on
3 the traditional adversarial process; is multilayered,
4 segmented, overly lengthy and costly; and only serves to
5 deepen the wounds caused by family breakup.

6 (3) Family breakup invariably hurts every member but is
7 especially harmful to children. Divorce and family separation
8 have been shown to contribute to increased levels of teen
9 violence, suicide and depression and to impede learning and
10 emotional growth.

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

14 § 7203. Legislative intent.

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

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

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

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

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

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

all aspects of a case within six months of filing.

(6) Recognizes the realities of family breakup,
including the emotional trauma experienced by the parties and
their children.

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

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

§ 7204. Definitions.

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

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

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

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

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

"Differentiated case management system." The multitrack
system for the management and timely disposition of family
litigation established in section 7214 (relating to case

1 management conference).

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

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

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

19 "Family law master." An attorney appointed by a judge to
20 hear family litigation. The term does not include a mediator.

21 "Family litigation." All matters involving divorce,
22 annulment, custody, except relocation in accordance with 23
23 Pa.C.S. § 5337 (relating to relocation), child support, spousal
24 support, alimony, alimony pendente lite, counsel fees and costs,
25 equitable division of marital property and related matters. The
26 term does not include matters regarding:

27 (1) adoption, delinquency, dependency or protection from
28 abuse;

29 (2) establishment of paternity or child support
30 enforcement or collection under 23 Pa.C.S. Ch. 43 (relating

1 to support matters generally);

2 (3) determination of support or paternity under 23
3 Pa.C.S. § 4342 (relating to expedited procedure);

4 (4) 23 Pa.C.S. Ch. 54 (relating to uniform child custody
5 jurisdiction and enforcement);

6 (5) 23 Pa.C.S. Pt. VIII (relating to uniform interstate
7 family support);

8 (6) 23 Pa.C.S. Pt. VIII-A (relating to intrastate family
9 support); or

10 (7) relocation under 23 Pa.C.S. § 5337.

11 "Family resource center." The facility required under
12 section 7227 (relating to family resource center).

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

15 § 7205. Scope of chapter.

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

20 (b) Limitation.--This chapter does not apply to matters
21 excluded from the definition of "family litigation" in section
22 7204 (relating to definitions). This chapter is not intended to
23 affect the child support collection or enforcement operations of
24 the Department of Public Welfare.

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

29 § 7206. Judicial districts.

30 (a) Requirements.--Each judicial district in this

1 Commonwealth shall do all of the following:

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

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

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

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

17 § 7207. Annual report.

18 (a) Preparation.--Each judicial district shall prepare and
19 submit to the Court Administrator of Pennsylvania information
20 and statistics for the previous fiscal year concerning the
21 operation of the family law adjudication system. This section
22 includes:

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

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

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

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

30 (5) The length of time necessary to hear and decide

1 family litigation.

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

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

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

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

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

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

21 § 7208. Weighted caseload study.

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

26 § 7209. Intake and screening.

27 Each judicial district shall establish a family action intake
28 service within the domestic relations section of the court of
29 common pleas. The service shall have among its responsibilities
30 the screening of family actions for allegations or evidence of

substance abuse, child abuse, child neglect, child sexual abuse
and exploitation and domestic violence. This service shall
assist litigants by making referrals and providing information
regarding community-based and government services designed to
provide treatment for substance abuse and to help victims of
child abuse and neglect, child sexual abuse and exploitation and
domestic violence. Where appropriate, the service shall notify
government agencies of the need for intervention.

§ 7210. Hearings may be private.

In a family action, upon demand of a party, the court shall
direct that:

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

(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, testimony of a minor child as to the merits of a party's
position regarding any part of a family action shall not be
permitted; and 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

1 party's employer.

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

4 (iii) Party's Social Security number.

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

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

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

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

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

13 (A) Physical, emotional or sexual abuse of a
14 family member.

15 (B) Physical, emotional or educational neglect
16 of a family member.

17 (C) Alcohol or drug abuse on the part of a
18 family member.

19 (D) Contact with the juvenile justice system by
20 a minor in the family.

21 (2) Information required by the family information
22 statement shall, to the extent known to the party, be fully
23 completed and be current to within 60 days. Parties have a
24 continuing duty to inform the court of any changes in the
25 information required in the family information statement and
26 to file a statement with the most current information
27 available at the time of filing a petition to modify a
28 support order. The statement shall provide that furnishing
29 information which the party does not believe to be true shall
30 subject the party to possible prosecution for a violation of

1 18 Pa.C.S. § 4904 (relating to unsworn falsification to
2 authorities).

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

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

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

12 (c) Custody.--If the complaint includes the issue of
13 custody, the complaint and cross-complaint shall be accompanied
14 by a written statement regarding the proposed custody
15 arrangement or supervision of children. Nothing in this
16 subsection shall be construed to limit the court's ability to
17 require the parties to develop a parenting plan as provided in
18 23 Pa.C.S. § 5331 (relating to parenting plan).

19 § 7213. Differentiated case management.

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

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

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

27 (2) A family action shall be assigned to the complex
28 track if it appears likely that this action will require a
29 disproportionate expenditure of a court's and a party's
30 resources in preparation for trial and at trial due to any of

1 the following:

2 (i) Number of claims and defenses raised.

3 (ii) Legal difficulty of the issues presented.

4 (iii) Factual difficulty of the subject matter.

5 (iv) Length and complexity of discovery.

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

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

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

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

16 (1) There is no dispute as to the income or assets of
17 the parties and custody of minor children is not an issue.

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

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

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

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

26 (d) Procedure.--The judge shall make the track assignment as
27 soon as practicable after each party has filed a family
28 information statement or after the case management conference
29 required by section 7214 (relating to case management
30 conference), whichever is earlier. 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 may be made informally to the judge and shall state with specificity the reasons for request 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 assigned to a differentiated case management track:

(1) Identification and simplification of the issues.

(2) Necessity or desirability of amending the pleadings.

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

1 (4) Participation in mediation and the separating
2 parents seminar.

3 (5) Limitation of expert witnesses.

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

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

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

9 (b) Order.--

10 (1) The judge shall issue an order which recites the
11 action taken at the case management conference. This
12 paragraph includes:

13 (i) Amendments allowed to the pleadings.

14 (ii) Agreements made by the parties as to any of the
15 matters considered.

16 (iii) Discovery schedule.

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

19 (v) Participation in mediation and the separating
20 parents seminar.

21 (vi) Dates for any additional case management
22 conferences.

23 (vii) Firm trial date.

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

25 (2) The order shall control the subsequent course of the
26 family action up to the time of trial before the judge. If
27 the parties proceed to trial, the order may be modified by
28 the judge at the judge's discretion.

29 § 7215. Consolidation.

30 (a) Family law master.--In the absence of a judge's order to

1 the contrary, if a family action is placed on the expedited
2 track or the standard track and if custody is not an issue which
3 the family law master will hear, a family law master may
4 consolidate as much of the family litigation as practicable and
5 dispose of it at one proceeding.

6 (b) Judge.--With the exception of custody, at the case
7 management conference, a judge may order consolidation of family
8 litigation.

9 § 7216. Bifurcation.

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

15 (b) Exception.--In a family action in which a complaint for
16 divorce is filed, if a party can show exceptional circumstances,
17 a decree of divorce may 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 upon the
20 approval of the:

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

23 (2) administrative judge of the family division of the
24 court of common pleas in a judicial district in which there
25 is a family division.

26 § 7217. Continuous trials.

27 Insofar as is practicable, court calendars shall be designed
28 to allow family actions to be tried continuously to conclusion.
29 If a family action is not tried continuously, the record at each
30 day's proceedings shall document the reason for the

1 fragmentation.

2 § 7218. Tentative decisions.

3 The judge may, prior to the scheduled date of hearing or oral
4 argument on a matter involving family litigation, decide the
5 matter on the basis of the papers filed of record or such briefs
6 as may be filed by the parties, subsequently posting the
7 tentative decision and making it available to the parties.

8 Unless a party objects, with notice to the opposing party, the
9 request for oral argument or hearing shall be deemed withdrawn;
10 and the tentative decision shall become final and shall be set
11 forth in an appropriate order. If a party renews the request for
12 oral argument or hearing, with notice to the opposing party, the
13 motion shall be argued or heard as scheduled.

14 § 7219. Motions day.

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

18 (b) Procedure.--Motions not disposed of in accordance with
19 section 7218 (relating to tentative decisions) shall be
20 scheduled for oral argument or hearing, which shall be staggered
21 throughout the day. The court may conduct an argument or hearing
22 by telephone.

23 § 7220. Case management teams.

24 (a) Establishment.--Each judicial district shall establish
25 one or more case management teams within the domestic relations
26 section of the court of common pleas, to be headed by a case
27 management team leader, to effectively manage and process family
28 litigation from filing to final disposition. The team shall be
29 supervised by a judge. Insofar as practicable, each time a party
30 seeks modification of an order involving family litigation, the

1 family action shall be assigned to the same case management
2 team.

3 (b) Duties.--The case management team shall be responsible
4 for the timely management and processing of family actions and
5 shall, subject to supervision and orders of the judge, do all of
6 the following:

7 (1) Coordinate the timely filing of reports,
8 recommendations, evaluations and other writings necessary to
9 the disposition of family litigation.

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

12 (3) Assign family actions to differentiated case
13 management tracks.

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

15 (5) Assign that portion of family litigation involving
16 custody to mediation.

17 (6) Share, as appropriate, information with other
18 government agencies.

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

23 (8) Perform other duties as the judge may direct in
24 order to effectuate the timely, fair and cost-efficient
25 disposition of family actions.

26 § 7221. Family law masters.

27 (a) Appointment.--Subject to section 7222(h) (relating to
28 mediation), a judge may appoint a family law master to hear any
29 aspect of family litigation except custody.

30 (b) Qualifications.--A family law master must be an attorney

1 at law and must comply with judicial education requirements as
2 provided in section 7230 (relating to judicial education
3 seminar).

4 (c) Requirements.--The family law master shall comply with
5 orders issued by the judge, including differentiated case
6 management systems track assignment, and shall cooperate with
7 the case management team with regard to the timely filing of
8 reports, recommendations and other writings.

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

11 (1) Take testimony and establish a record.

12 (2) Make findings of fact, conclusions of law and
13 recommendations to the judge for the establishment and
14 enforcement of an order.

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

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

21 § 7222. Mediation.

22 (a) Program established.--Each judicial district shall
23 establish a program of mandatory mediation which:

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

26 (2) Contains a mediation orientation program for the
27 parties.

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

29 (b) Requirement.--Subject to subsection (c), the parties
30 shall be referred to mediation for the resolution of a custody

dispute in accordance with the child's best interests. Upon referral, the parties shall be required to attend a mediation orientation program.

(c) Exception.--A party may be excused from mediation or the mediation orientation program for good cause shown. This subsection includes:

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

(2) Evidence that parties are currently participating in private mediation.

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

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

(2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as an effective mediator.

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

(4) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.

(e) Mandatory education.--

(1) Except as provided in paragraph (2), a mediator must successfully complete a program of education appropriate for mediators in custody disputes approved by the Academy of Family Mediators within six months of the later of:

(i) the date of appointment; or

1 (ii) the effective date of this section.

2 (2) Paragraph (1) does not apply to a mediator who has
3 already attended and successfully completed such a program
4 prior to the appropriate date.

5 (3) Failure to fulfill this educational requirement
6 shall cause the mediator to forfeit the position.

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

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

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

19 (i) Custody evaluation.--A mediator or family law master may
20 refer the parties to custody evaluation. A mediator may not act
21 as a custody evaluator for the parties who appear before the
22 mediator without the express written consent of the parties and
23 approval by the judge.

24 § 7223. Appeals.

25 (a) Right of appeal.--A party may appeal a recommendation,
26 ruling or decision made by a family law master to a judge. All
27 issues in a family action not resolved to a party's satisfaction
28 by a family law master shall be heard by a judge at one
29 proceeding in accordance with section 7217 (relating to
30 continuous trials).

1 (b) Postmediation procedure.--If the parties do not resolve
2 a custody dispute during mediation, that part of the family
3 action involving custody shall be consolidated with any appeals
4 brought under subsection (a).

5 § 7224. Separating parents seminar.

6 Each judicial district shall establish a seminar for
7 separating parents. The seminar shall include the following
8 topics and others as the Administrative Office of Pennsylvania
9 Courts may designate:

10 (1) The:

11 (i) procedural aspects of family litigation;

12 (ii) availability of court services to aid self-
13 litigants and represented parties; and

14 (iii) availability of community and government
15 services to treat drug or alcohol abuse and to help
16 victims of domestic violence, child sexual abuse and
17 exploitation and child abuse and neglect.

18 (2) Basic child psychology and strategies to minimize
19 the adverse effects of separation or divorce on children.

20 (3) The potential benefits of mediation.

21 § 7225. Seminar for children of separating parents.

22 (a) Option.--A judicial district may establish a program for
23 children of separating parents for children eight years of age
24 and older.

25 (b) Establishment.--If a judicial district establishes the
26 program under subsection (a), the judicial district shall do so
27 in cooperation with and at the direction of the Administrative
28 Office of Pennsylvania Courts. In designing a seminar, the
29 Administrative Office of Pennsylvania Courts shall consult with
30 experts in the fields of child psychology, child abuse and

1 neglect, family pathology and similar fields to ensure that the
2 content of the seminar is suited to children and will not serve
3 to further traumatize children of separating parents.

4 § 7226. Family Justice Account.

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

7 (b) Purpose.--The purpose of the account is to fund the cost
8 of court-ordered mediation, court-ordered custody evaluation,
9 proceedings before family law masters and other costs or fees
10 associated with family litigation when a party is unable to pay
11 such costs or fees by reason of poverty or financial hardship.

12 (c) Procedure.--

13 (1) Each judicial district may, through the
14 Administrative Office of Pennsylvania Courts, make
15 application for payment by the account. Money received from
16 the account shall only be used to reimburse expenses
17 enumerated in subsection (b).

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

24 § 7227. Family resource center.

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

29 (b) Purpose.--The purpose of the family resource center is
30 to provide parties and other interested persons a central

1 location where they may do all of the following:

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

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

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

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

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

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

17 (1) An appropriate, supervised place for children to
18 wait while a party is taking part in court proceedings,
19 mediation or other court-ordered activity.

20 (2) Easily understandable information and other
21 materials and legal books regarding the substantive law of
22 family litigation. This paragraph includes forms.

23 (3) The family law manual under section 7228 (relating
24 to family law manual).

25 (4) At least one employee who shall be 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

appropriate government and community resources. The
information provided by the employee shall not be construed
as legal advice. The employee shall be absolutely immune from
suit when performing duties under this paragraph.

§ 7228. Family law manual.

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

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

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

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

(4) Provides a basic guide to family litigation motion's
practice.

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

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

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

(iii) assist victims of domestic violence;

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

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

(b) Availability.--

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

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

5 § 7229. Volunteer lawyers.

6 It is the intent of the General Assembly to encourage
7 attorneys at law to volunteer their time to help self-
8 represented litigants by providing a suitable place within the
9 family resource center for volunteer lawyers to meet with
10 parties who cannot afford lawyers. The Administrative Office of
11 Pennsylvania Courts shall work with State and county bar
12 associations to develop policies and procedures to encourage
13 attorneys to join the volunteer lawyers program.

14 § 7230. Judicial education seminar.

15 (a) General rule.--

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

21 (i) the date of first assignment to family
22 litigation; or

23 (ii) the effective date of this section.

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

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

30 (b) Continuing education in family law.--Every two years,

each judge and family law master must successfully complete the program established in section 7231 (relating to continuing judicial education).

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

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

§ 7231. Continuing judicial education.

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

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

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

(i) The substantive law of family litigation.

(ii) The procedural aspects of family litigation.

(iii) Child development and child psychology.

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

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

1 (vi) Alternate dispute resolution.

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

6 (2) Establish minimum qualifications for instructors.

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

11 Section 9. This act shall apply to all family actions filed
12 on or after the effective date of this section.

13 Section 10. The Secretary of the Commonwealth shall transmit
14 to the Legislative Reference Bureau, for publication in the
15 Pennsylvania Bulletin, notice of adoption of an amendment to the
16 Constitution of Pennsylvania which deals with all of the
17 following:

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

20 (2) The establishment in each judicial district of a
21 family resource center.

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

24 (4) The establishment of judicial education
25 requirements.

26 Section 11. This act shall take effect as follows:

27 (1) Section 10 and this section shall take effect
28 immediately.

29 (2) The addition of 42 Pa.C.S. §§ 7201, 7202, 7203,
30 7204, 7205, 7207, 7208 and 7226 shall take effect upon

1 publication in the Pennsylvania Bulletin of the notice under
2 section 10.

3 (3) The remainder of this act shall take effect 180 days
4 after publication of the notice under section 10.