

RECOMMENDATION 53

RULE 1915.4 PROMPT DISPOSITION OF CUSTODY CASES.

- (a) Initial Contact With the Court.** Depending upon the procedure in the judicial district, the parties' initial in-person contact with the court (including, but not limited to a conference with a conference officer pursuant to Rule 1915.4-2, a conference with a judge, conciliation, mediation and/or class/seminar) shall be scheduled to occur not later than 45 days from the filing of a complaint or petition.
- (b) Listing Trials Before the Court.** Depending upon the procedure in the judicial district, within 180 days of the filing of the complaint either the court shall automatically enter an order scheduling a trial before a judge or a party shall file a praecipe, motion or request for trial, except as otherwise provided in this subdivision. If it is not the practice of the court to automatically schedule trials and neither party files a praecipe, motion or request for trial within 180 days of filing of the pleading, the court shall dismiss the matter unless the moving party has been granted an extension for good cause shown, which extension shall not exceed 60 days beyond the 180 day limit.
- (c) Trial.** Trials before a judge shall commence within 90 days of the date the scheduling order is entered. Trials and hearings shall be scheduled to be heard on consecutive days whenever possible but, if not on consecutive days, then the trial or hearing shall be concluded not later than 45 days from commencement.
- (d) Prompt Decisions.** The judge's decision shall be entered and filed within 15 days of the date upon which the trial is concluded unless, within that time, the court extends the date for such decision by order entered of record showing good cause for the extension. In no event shall an extension delay the entry of the court's decision more than 45 days after the conclusion of trial.
- (e) Emergency or Special Relief.** Nothing in this rule shall preclude a party from seeking, nor a court from ordering, emergency or interim special relief at any time after the commencement of the action.

Note

For service of original process in custody, partial custody and visitation matters, see Rule 1930.4

Rescinded June 20, 1985, effective Jan 1, 1986. Note amended Oct. 2, 1995, effective Jan.1, 1996. Replaced by new rule.

Explanatory Comment—2000

A new rule requiring prompt custody trials was recommended by a special committee established by the Pennsylvania Superior Court. That committee concluded that the interests of children who are the subjects of custody litigation would best be served by a requirement that the litigation be concluded within specific time frames.

RULE 1915.4-1 ALTERNATIVE HEARING PROCEDURES FOR PARTIAL CUSTODY OR VISITATION ACTIONS.

(a) Except as provided in subdivision (b), an action for partial custody or visitation may be heard by a hearing officer as prescribed by Rule 1915.4-2

(b) Promptly after the **[filing of the complaint]** parties' initial contact with the court as set forth in Rule 1915.4(a) above, a party may move the court for a hearing before a judge, rather than a hearing officer, in an action for partial custody or visitation where

(1) there are complex questions of law , fact or both, or

[(2) the hearing will be longer than one hour, or]

[2[3]] the parties certify to the court that there are serious allegations affecting the child's welfare.

RULE 1915.4-2 OFFICE CONFERENCE, HEARING, RECORD, EXCEPTIONS, ORDER.

* * *

(d) At the conclusion of the conference if an agreement relating to partial custody or visitation has not been reached, the parties shall be given

notice of the date, time and place of a hearing, which may be the same day[.], but in no event shall be more than 45 days from the date of the conference. The hearing shall be conducted by a hearing officer who must be a lawyer, and a record shall be made of the testimony.

* * *

- (f) Within 10 days of the conclusion of the hearing, [T]the hearing officer shall file with the court and serve upon all parties a report containing a recommendation with respect to the entry of an order of partial custody or visitation. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order, including a specific schedule for partial custody or visitation. [A copy of the report shall be furnished to all parties within ten days.]

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- (i) If exceptions are filed, the court shall hear argument on the exceptions within 45 days of the date the last party files exceptions, and enter an appropriate final order within 15 days of argument. No Motion for Post-Trial Relief may be filed to the final order.