ment may be noted on the award. The award shall be filed with the Prothonotary by the Chair of the Board of Arbitrators immediately after it is signed.

(b) If damages for delay are awarded under Pa. R.C.P. 238, the amount shall be separately stated. Prior to the award of delay damages, the parties shall submit to the Board of Arbitrators a sealed envelope setting forth the last settlement offer and its date. This envelope shall not be opened by the arbitrators until they have agreed upon an award, separate from any delay damages.

(c) Upon filing the Board of Arbitrators' award, the Prothonotary shall certify to the County Commissioners and to the County Controller that the award has been filed, together with the names of the members of the Board of Arbitrators serving in the case. Thereupon, the County shall pay the required compensation to each member of the Board of Arbitrators serving in the case.

(1) If a case is settled, withdrawn, or otherwise terminated by or between the parties, the parties must, more than two (2) business days before the scheduled arbitration hearing date, so notify all arbitrators appointed for the case and file a Praecipe to Discontinue the action of record. In such an event, the arbitrators shall not be entitled to receive compensation. If the arbitrators have not been notified and/or if the case has not been discontinued of record more than two (2) business days before the date and time of the scheduled arbitration hearing, then the arbitration hearing shall be conducted as scheduled, and the arbitrators shall, in accordance with law, make an award. In such a case the arbitrators shall be entitled to compensation.

(2) The compensation payable or paid to the members of the Board of Arbitrators under these rules shall not be taxed as costs, except as otherwise provided in this Rule.

[Adopted Sept. 26, 2003, effective 30 days after publication in the *Pennsylvania Bulletin*.]

BINDING ARBITRATION

RULE L1315. OPTIONAL BINDING ARBITRATION

(a) In all cases, including those subject to compulsory arbitration pursuant to 42 Pa.C.S.A. § 7361 and Rule L1301, the parties, by consent and agreement, may submit the case to binding arbitration.

(b) Those parties agreeing to binding arbitration and consenting to be bound by this Rule shall file a consent with the court in the form prescribed by subdivision (c).

(c) **Form of Consent.**

(1) The consent shall be substantially in the following form:

I, (Name of Party), acknowledge that I have been fully informed of the procedures and consequences of binding arbitration and consent to binding arbitration under Rule L1315. I agree that there shall be no appeal from the decision of the arbitrators under binding arbitration absent a clear showing of fraud, misconduct, corruption, or other irregularity, which caused an unjust, inequitable, or unconscionable award by the arbitrators, or that I was denied a hearing before the arbitrators.

I further acknowledge that I have voluntarily and without undue influence or coercion executed and filed this consent.

Date	Plaintiff	Defendant
Date	Plaintiff	Defendant
Date	Plaintiff	Defendant

(2) The consent shall be signed by the party submitting and filing it and the attorney for the party, who shall witness the party's signature.

[Adopted Sept. 26, 2003, effective 30 days after publication in the *Pennsylvania Bulletin*.]

DIVORCE RULES

RULE L500. CONTESTED DIVORCES—MASTERS—HEARING

(1) The testimony in all contested divorce or annulment action shall be heard by a Master, appointed by the court.

(2) The motion for appointment of a Master shall be on a printed form, approved by the court, to be provided by the Prothonotary.

(3) No Master shall be appointed until the expiration of thirty (30) days after the case is at issue, or before the moving party shall have paid to the Prothonotary such sum of money as the court shall from time to time, by general order, direct as a deposit on account of costs. All remaining costs shall be taxed and paid by the moving party before entry of a final decree. The Master's ice shall be taxed as costs by the Prothonotary.

(a) The requirement of advance payment of costs may be excused by the court upon compliance with Pa. R.C.P. No. 1137.

(4) A Master, upon being sworn, shall fix a time for hearing. Fifteen (15) days notice thereof shall be given by the Master as required by Pa.R.C.P. No 1133.

(a) Where the defendant in an action for divorce or annulment is confined to a penal institution the Master's notice shall specifically inform him of his right to apply for a writ of habeas corpus, and the right to testify at the Master's hearing.

(5) Amendments to the pleadings shall be made only by leave of court, on motion, except that amendments of a minor nature not involving the cause for divorce, annulment, or the jurisdiction of the court may be made with leave of the Master without notice or service on the other party. The Master shall refer in his report to such amendments allowed by him.

(6) Application for leave to make an amendment which would add a new cause of action, may be made only by a rule to show cause served upon the other party. If no appearance has been entered for such party, the rule shall be served in the same manner as the original complaint.

(7) The Master shall file his report with the Prothonotary within thirty (30) days after the transcript has been certified by the official Court Stenographer, filed, and notice given to the Master. After expiration of the thirty (30) day period, the report may be filed only with leave of court.

(a) A Master not complying with the requirements of this rule shall not be compensated and all advance costs for Master's fees deposited by the moving party shall be returned.

(8) The Master's report shall set forth under Findings of Fact the specific finding concerning every matter averred in the complaint, as well as specific Findings of Fact on the contested plaintiff is, or is not, entitled to a divorce or annulment on the grounds set forth in the complaint. The report shall also contain a discussion of the evidence and the law relevant to the case, and shall include specific Conclusions of Law concerning the jurisdiction of the court, the existence of the marital status, compliance with the applicable statutes and rules of court, and the sufficiency of the evidence.

(9) The Master shall serve a copy of the report upon all parties to the action, or their attorneys, and shall file the original in the office of the Prothonotary on the same day. Exceptions to the Master's report shall be filed within seven (7) days of the filing thereof.

(10) Exceptions to the Master's report, evidentiary rulings, or to the transcript of testimony shall be specific. If exceptions are filed, the case shall be placed on the next argument list by the Prothonotary. If no exceptions to the Master's report are filed with the Prothonotary within seven (7) days of the filing thereof, the Prothonotary shall deliver the report to the court for disposition.

RULE L501. [NON-CONTESTED DIVORCE—MASTERS' PROCEEDINGS]

(1) Use of Masters.

Testimony in non-contested divorce actions shall be heard by a Master appointed by the Court or by the Prothonotary under directions and rules set out by the Court, who shall return the record to the Court together with his report and recommendation.

(2) List of Masters.

(a) Masters shall be appointed from a rotating alphabetical list composed of names or current members of the Lawrence County Bar Association actively engaged in the practice of law and maintaining a law office in Lawrence County.

(b) Such attorneys may be placed on and may remain on the Masters list solely at the discretion of the Court. To be placed on the list, an attorney must make written application to the Court, and duly qualify. A Master may remove himself from the list at any time by filing with the Prothonotary his written election to do so.

(3) Application for Master in a Non-Contested Divorce.

No Master will be appointed until the case is at issue, until the completed certificate of readiness has been filed in duplicate, and until the moving party shall have paid to the Prothonotary, unless exempted by Order of Court, a sum of money no less than the Master's fee, as the Court shall from time to time by general order direct as a deposit on account of costs. All remaining costs must be taxed and paid before entry of a final decree, unless otherwise exempted by Order of Court. The applicable minimum fee of the Master in a case shall be taxed as costs by the Prothonotary.

(3A) Entry of Appearance for Defendant.

In accordance with past practice no divorce case shall be considered to be a contested case until an attorney, or the defendant himself, enters an appearance of record for the defendant. Such appearance may be entered at any time prior to the beginning of the divorce hearing and from and after the time of the entry of such appearance the Lawrence County Non-Contested Divorce Rules shall no longer apply to that case.

However no appearance may be entered by the defendant or any attorney for the defendant after the case has been assigned to a master unless, and until, the defendant pays to the Prothonotary, for reimbursement to the plaintiff, the amount of the master's fee which the plaintiff had previously deposited.

Also no appearance may be entered for the defendant on the date set for the master's hearing unless defendant pays to the Prothonotary the additional sum of $50.00 which shall be paid by the Prothonotary to plaintiff's counsel as additional attorney fees.

(4) **Charges for Master's Appointment.**

(a) The fee of a Master is hereby fixed at Forty ($40.00) Dollars.

(b) In some divorce actions which the Court has permitted to be filed, the plaintiff may request the appointment of a Master without payment of a Master's fee.

(5) **Bill of Particulars Not Issued After Master's Appointment.**

A rule for a bill of particulars shall not be issued by the Prothonotary after a Master has been appointed in that divorce action, except upon permission of the Court after good cause shown.

(6) **Conflict of Interest.**

No attorney shall be appointed a Master in any divorce action in which he, or any member of a law firm or association of which he is a member, has an interest or represents any party. It shall be the duty of any attorney having knowledge of such interest or representation to inform the Court thereof.

(7) **Collusion.**

It shall not be deemed to be collusion in a divorce action for a defendant to assist in service of the complaint upon himself or herself, for a defendant to waive service or to waive notice of hearing or of the filing of the Master's report, or to file an answer admitting the averments in plaintiff's complaint.

(8) **Appointment of Masters.**

(a) The Prothonotary shall provide the Court Administrator with the name of the Master appointed for each group of five divorce cases along with one certificate of readiness filed in each such case.

(b) The Court Administrator may set five cases for hearing by the same Master on the same day, no more than one of which shall be filed in forma pauperis by Neighborhood Legal Services or any other attorney as one which the Master shall receive no fee.

(9) **Scheduling of Hearings.**

A Master, upon being appointed and sworn, shall fix a day and time for hearing. Ten (10) days prior notice thereof shall be given in writing, signed by the Master and sent by him to attorneys of record and to unrepresented parties at their last known address as listed on the certificate of residence. If they have no counsel of record, such notices to be served personally or sent by regular mail, or registered mail or certified mail postage prepaid, as required by the Pennsylvania Rules of Civil Procedure, unless a waiver of notice is filed by the defendant.

(10) **Hearings and Testimony.**

(a) Hearings shall be held in the Lawrence County Courthouse, unless otherwise ordered by the Court.

(b) Testimony shall be taken at the hearing by pre-prepared typewritten transcript in the form approved by the Court, unless otherwise ordered. The Master shall question the Plaintiff, and such other witnesses as he deems necessary, as to those matters required by the Master's report and shall indicate the answers received on said report. The Master may question the witnesses as to those additional matters he deems necessary, and may list his questions and the answers received on the Master's report or on an attachment thereto.

(11) **Failure of Master to Appear for Hearing.**

Should a Master fail to appear for his Master's hearings scheduled, the Prothonotary shall immediately revoke said Master's appointments on all of his then scheduled hearings and shall appoint as Master in those cases any attorney on current Masters list who is then immediately available to hear the cases as scheduled. The Prothonotary shall then notify the Court of the Master who's appointment was so revoked.

(12) **Master to Examine Proceedings.**

Before proceeding to take any testimony, the Master shall examine the record and pleadings filed in the action. If the proceedings are in any respect defective or if it appears this Court lacks jurisdiction, the Master shall so report to the Court and take no further action.

(13) **Filing of Master's Report.**

A Master shall file his report with the Prothonotary within five (5) working days after hearing, or transcription of testimony, whichever is later, unless the case is continued. A Master not complying with this rule may not be appointed on the next two (2) subsequent occasions when eligible for a Master's appointment. Late filing shall not affect the validity of the report or the Master's proceedings.

(14) **Notice of Master's Report.**

The Master's Report in each case shall be filed by the Master in the Office of the Prothonotary, which filing shall be entered by the clerk upon the docket. Written notice of said filing shall be given personally or sent by regular mail, postage prepaid, by the Prothonotary to all counsel of record and to the defendant at his last known address if he has no counsel of record, unless a waiver of notice is filed by the defendant. If no exceptions to the Master's Report are filed with the Prothonotary within fifteen (15) days of the mailing of notice of the filing thereof, the Prothonotary shall deliver the report to the court for disposition. and, if approved, the Court shall enter the final decree.

(15) **Payment of Master's Fee.**

Immediately upon filing of the report by the Master, the Prothonotary shall pay to the Master the minimum master's fee on each case heard for fee.

(16) **Exceptions to Master's Report.**

Exceptions to the Master's Report, to rulings on evidence or to the transcript of testimony shall be specific. If exceptions are filed, the matter may be

placed on the next argument list by the Prothonotary with approval of the Court.

(17) Revocation of Appointment.

(a) The appointment of a Master may be revoked, in addition to the provisions of paragraph 10, by the Court on its own motion, or upon motion of the plaintiff or of the Master for cause shown.

(b) Upon any such revocation, the plaintiff may petition the Court for the return of such amount of the applicable minimum Master's fee as has not been allowed the Master by the Court.

(18) Amendment of Pleadings.

Amendments to pleadings shall be made only by leave of Court on Motion, except that amendments of a minor nature not involving the cause for divorce or the jurisdiction of the Court may be made with leave of the Master without notice to or service on the other party. The Master shall refer in his report to such amendments allowed by him.

(19) Amendment of Cause of Divorce.

Application for leave to make an amendment which would allow a new cause of divorce, may be made only after ten (10) days prior notice to the other party. If no appearance has been entered for such party the notice shall be served in the same manner as an original complaint.

(20) Divorce Not Recommended.

If the Master's report does not recommend that a divorce be granted in a particular case, the plaintiff may petition the Court for the appointment of another Master to rehear the case, upon good cause shown and upon payment of such minimum charge for the second appointment as the Court may direct.

(21) Forms.

The application to be placed on the Masters list, the motion to appoint a Master, the certificate of readiness, the notice Master's hearing, the findings, report and recommendation of the Master and the notice of filing of the Master's report shall be made on printed forms approved by the Court and to be provided by the Prothonotary.

RULE L502. [CASES "AT ISSUE"—APPOINTMENT OF GUARDIAN]

(1) No divorce case shall be praeciped for hearing and the Prothonotary shall not accept or docket any praecipe for a hearing unless it shall appear that the case is "at issue" as that term is defined by Pa.R.C.P. 1131.

(a) In the event the defendant is a minor a divorce case shall not be considered "at issue" for the purpose of this rule unless it shall appear a guardian was appointed for the minor defendant, the guardian has been served with a notice of the appointment in a manner provided by the applicable Rules of Civil Procedure, and a proper affidavit of service shall have been filed. (See Pa.R.C.P. 233(a) and (b).) The notice shall be substantially as follows:

(Caption of the Case)

NOTICE OF APPOINTMENT

To _____
(Guardian)

The Court has appointed you to act as guardian of _____ a minor, who is the defendant in the divorce action filed at the above number and term. It is the guardian's duty to act in behalf of the minor defendant in the action for divorce and to protect the minor's interests in the proceeding. If you desire to contest the action for divorce you must take appropriate legal action within ten (10) days after service hereof, otherwise the case will be heard in your absence.

_____
Attorney for Plaintiff

(2) A petition for the appointment of a guardian for a minor defendant in a divorce action, filed by either a plaintiff or the defendant, shall have attached thereto either a rule upon the proposed guardian to show cause why he/she should not be appointed, or a consent to act as guardian of the minor defendant signed by the proposed guardian.

(3) At least ten (10) days before the time set for the divorce hearing the Prothonotary shall notify both the guardian and the minor defendant of the date, time and place of the hearing, via certified mail, return receipt requested.

RULE L1910.4. DOMESTIC RELATIONS SECTION FEE SCHEDULE

(1) The fees set forth in the following fee schedule shall be assessed when applicable, as taxable costs, upon the appropriate parties in the various causes of action and matters filed with the Lawrence County Domestic Relations Section.

(2) None of the fees set forth in the fee schedule shall be required to be paid in advance.

(3) Any fee may be imposed upon any party at the time of the support conference or at any time during the life of the cause of action or matter before the Court.

(4) All fees shall be assessed, collected, and administered by the Domestic Relations Section.

Domestic Relations Section Fee Schedule

Opening a Judgment	$ 40.00
Appeal to Appellant Court	$ 50.00
Warrant	$ 16.00
Case Audits	Fee determined by Court Order
Certified Orders	$ 5.00
Commencement of an Action	$ 50.00
Computer Print-Out (per page)	$ 2.00

Contempt Proceeding Preparation	$160.00
Contempt Petition & Order	$ 50.00
Appeal *De Novo*	$ 40.00
DRS Annual Administrative Fee For Obligors	$ 25.00
Guideline Calculations	$ 10.00
Incarceration & Mileage Fee	$ 40.00
Judicial Computer Fee	$ 5.00
Judgments	$ 54.00
Lien Searches (Per Name)	$ 10.00
Ancillary Motion/Petition	$ 10.00
Non-Sufficient Funds Fee	$ 40.00
Ancillary Order	$ 10.00
Personal Service & Mileage Rate	$ 30.00
PIN Replacement Fee	$ 8.00
Recommended Support Order	$ 50.00
Sentencing Petition	$100.00
Sentencing Order	$ 40.00
Scheduling Blood Test for Non-DRS Cases	$ 65.00
Stop Payment Check Fee	$ 40.00
Ancillary Support Agreement	$ 20.00
Photocopies (Per Page)	$ 0.80

[Published in the *Pennsylvania Bulletin* Mar. 31, 2001.]

ACTION FOR CUSTODY, PARTIAL CUSTODY, VISITATION AND RELOCATION OF MINOR CHILDREN

RULE L1915.1. SCOPE. DEFINITIONS

(a) These rules govern all actions for custody, partial custody and visitation, including original actions, petitions for relocation, petitions to modify orders and petitions for contempt.

(b) These rules supplement the Pennsylvania Rules of Civil Procedure governing custody actions, Pa. R.C.P. No. 1915.1 et seq.

[Adopted Dec. 19, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.]

RULE L1915.3. COMMENCEMENT OF ACTION, COMPLAINT, ORDER

(a) A conference before a court-appointed Custody Conciliation Conference Officer shall be held in all cases involving claims for custody, partial custody, visitation or relocation. All custody complaints or petitions shall include the scheduling order required by Pa.R.C.P. No. 1915.3.

(b) The moving party shall deliver the custody complaint or petition with the scheduling order to the Office of the Court Administrator. The Court Administrator shall assign the date and time for the conciliation conference before the conciliation conference officer. The Court Administrator's Office will present the complaint or petition to the family court judge to whom the case is assigned for signature and return the signed complaint or petition to the moving party. The moving party will file the complaint or petition with the Prothonotary's Office.

[Adopted Dec. 19, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.]

RULE L1915.4. PROMPT DISPOSITION OF CUSTODY CASES

(a) The custody complaint or petition and order of court scheduling the conciliation conference shall be served by the moving party in accordance with the Pennsylvania Rules of Civil Procedure.

(b) Proof of service of the custody complaint or petition and order of court shall be filed with the Prothonotary prior to the custody conference.

[Adopted Dec. 19, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.]

RULE L1915.4-1. CONTINUANCES OF CONCILIATION CONFERENCES OR CUSTODY HEARINGS

Custody matters scheduled before the court shall be continued only by leave of court, with good cause shown. Custody matters scheduled before the Custody Conciliation Conference Officer may be continued by either the Court or by the Conciliation Conference Officer for good cause shown. For such a request to be considered, the motion for continuance shall be submitted to the court in accordance with local civil motions practice and procedure.

[Adopted Dec. 19, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.]

RULE L1915.5. JURISDICTION, VENUE, STANDING AND RELOCATION ISSUES

(a) Objections to jurisdiction, venue, or standing motions concerning discovery, joinder of parties, psychological or psychiatric examinations, and appointment of counsel for minors shall be presented to the family court judge to whom the case is assigned.

(b) The court may direct that issues pertaining to jurisdiction, venue and standing be referred to custody conciliation.

(c) Alternatively, the court may schedule a hearing before the court for disposition of the jurisdiction, venue or standing issue or the court may take such other action as may be prescribed by statute, compact or treaty.

[Adopted Dec. 19, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.]

RULE L1915.7. CUSTODY CONCILIATION CONFERENCE CONSENT AND RECOMMENDATION

(a) All parties named in an action for custody shall be present at the custody conciliation conference unless excused by the court or the Custody Conciliation Conference Officer. Failure of a party to appear at the conference may result in the entry of a custody or visitation order by the court on the recommendation

of the Custody Conciliation Conference Officer in the absence of that party. Unless ordered by the court or the Custody Conciliation Conference Officer for good cause shown, children shall not be brought to the conciliation and shall not be heard on the issues by the Custody Conciliation Conference Officer.

(b) The Custody Conciliation Conference Officer shall encourage consent agreements on the custody issues pending between/among the parties. If agreements are reached, they shall be reduced to writing and submitted to the court for adoption as an order.

(c) In the event that the parties are unable to resolve their differences in cases involving disputes over primary physical custody, shared physical custody or legal custody, or partial custody, or relocation and/or visitation, the conciliation conference officer shall file a report and a proposed order of court with the court within 5 days of the conference which may contain the following:

(1) Recommendations that custody investigations, such as physical or mental evaluations, home studies, drug and alcohol evaluations, counseling, education seminars to be undertaken, and appointment of a guardian ad litem, as well as equitable division of the fees for the same. In order to ensure that all studies and evaluations ordered, expert testimony supplied, and seminar attendance occur without delay, the Order directing such activities shall provide that each party's share of the relevant fees be paid as allocated in the order, subject to reallocation at a later stage of the case. A non-paying or non-participating party relative to such Ordered activities shall be subject to the contempt powers of the Court.

(2) The Custody Conciliation Conference Officer's review of jurisdiction, venue, standing and relocation issues;

(3) Progress, if any, on issues before the Custody Conciliation Conference Officer, as well as any recommendations for interim custody/visitation orders, including the need for an expedited hearing in emergency cases.

(4) Recommendations that the parties and children engage in counseling.

(5) Scheduling of pretrial conferences and/or trial dates.

(d) As part of the order resulting from the initial conciliation conference, custody cases will ordinarily be scheduled for a pretrial conference within 120 days after service of the initial pleading, and those cases in which an evaluation is ordered by which time the evaluations are expected to be completed and available. The initial conciliation order shall also provide that the cost of any evaluations, home studies, or tests, including the costs of in-court testimony needed to authenticate and explain expert reports of the results thereof, shall be shared by the parties, initially as allocated by the court in the post-conciliation order, but subject to reallocation as part of the pretrial conference order and the final order in the case as the equities in the case may dictate.

(e) In cases where no agreement is reached, and no evaluations are ordered, and the case is not diverted to counseling on the Custody Conciliation Conference Officer's recommendation, the conciliation conference order shall constitute a final order of court unless either party requests a pretrial conference within twenty (20) days of the date that the conciliation conference order is docketed.

[Adopted Dec. 19, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.]

RULE L1915.10. REQUEST FOR CUSTODY PRETRIAL CONFERENCE. PRETRIAL CONFERENCE. DECISION

(a) A party may request a custody pretrial conference within 20 days of the date that a custody order issued as the result of a conciliation conference is docketed, in cases where a comprehensive agreement is not reached at the conference and the conciliation conference order does not itself schedule a custody pretrial conference. The moving party shall file the request for custody pretrial conference with the Prothonotary and serve a copy on the judge that issued the conciliation conference order as well as opposing counsel or unrepresented parties.

(b) The request for custody pretrial conference and scheduling order shall be substantially as follows:

CAPTION

REQUEST FOR CUSTODY PRETRIAL CONFERENCE

I, _____, hereby request a pretrial conference before the Court of Common Pleas. This request is being filed within twenty (20) days of the date that the conciliation conference custody order.

_____

Signature of counsel for the requesting party or unrepresented requesting party

CAPTION

SCHEDULING ORDER

The above named parties and trial counsel are hereby ORDERED to appear in person on the _____ day of _____, 200___ at ___ o'clock ___.m. in Courtroom # ___ for a pretrial conference. Counsel for the parties, if represented, or any unrepresented parties, shall file a pretrial narrative at least seven (7) days prior to the pretrial conference. The parties are required to attend the pretrial conference.

A copy of the pretrial narrative shall be served on the assigned judge, all counsel of record and any

unrepresented parties. The pretrial narrative shall include:

(1) Names and addresses of all witnesses, including experts;

(2) Summary of each witnesses' anticipated testimony;

(3) Copies of all exhibits;

(4) Proposed custody arrangement;

(5) Requested stipulation of facts;

(6) A copy of the report of any expert that is expected to be called to testify.

_____ BY THE COURT:

Date _____,

Judge

(c) All parties and trial counsel shall be present at the pretrial conference unless otherwise provided by order of court. Failure of a party to appear at the pretrial conference may result in the entry of a custody/visitation order by the court.

(d) Any agreement reached at a pretrial conference shall be reduced to writing and entered as an order of court.

[Adopted Dec. 19, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.]

MINORS AS PARTIES

RULE L2039. COMPROMISE, SETTLEMENT, DISCONTINUANCE AND DISTRIBUTION

(a) Contents of Petition. A petition presented pursuant to Pa.R.C.P. 2039 seeking to compromise a minor's claim shall be verified by the guardian of the minor, and shall contain a statement describing the nature of the evidence relied upon to establish liability, the elements of damages, the injuries sustained, and a list of expenses incurred or reasonably anticipated. The petition shall also include the following:

(1) A statement by counsel concerning his or her professional opinion regarding the desirability of the settlement and the reasons therefore;

(2) A description of the services rendered;

(3) A description of the amount of reimbursable expenses requested;

(4) The amount of fees requested;

Note: The court will approve a contingent fee of 33 1/3%. All fees in excess of 33 1/3% shall be considered on a case by case basis.

(5) A statement by the attending physician concerning the injuries sustained by the minor, the treatment administered and the prognosis; and

(6) In cases involving property damage claims, a statement by the party who made the repairs or who appraised the loss.

(b) Order of Court Directing Deposit of Funds. All petitions presented pursuant to Pa.R.C.P. 2039 where the proceeds of the settlement are to be deposited in a savings account or in a certificate of deposit shall have attached to the petition an order including the following language:

"It is hereby ordered and decreed that the amount of $ ___ shall be deposited in the name of _____ (name of minor), a minor, by counsel of record in a savings account or certificate of deposit in a federally insured bank, savings and loan association or credit union. The savings account or certificate of deposit shall contain the following notation: NOT TO BE WITHDRAWN UNTIL THE MINOR REACHES THE AGE OF MAJORITY OR BY FURTHER ORDER OF THIS COURT."

(c) Proof of Deposit. Plaintiff's counsel shall be responsible for filing a Proof of Deposit with the Prothonotary or Clerk of the Orphans' Court within 30 days of the entry of an order directing the deposit of funds.

(d) Annuity Contracts.

(1) Where the terms of settlement of a minor's claim include an annuity contract, the annuity contract shall provide that the policy will not be transferred or assigned to another company within the prior written approval of this court.

(2) Plaintiff's counsel shall serve a copy of this Rule upon the company issuing the annuity contract, and file proof of such service with the Prothonotary within 30 days following the court's approval of any such annuity contract.

(e) Unless excused for cause shown, any petition to compromise a minor's claim shall be presented in motion court. The guardian and the minor shall appear unless excused by the court for cause shown.

[Adopted Sept. 26, 2003, effective 30 days after publication in the *Pennsylvania Bulletin*.]

unrepresented parties. The pretrial narrative shall include:

(1) Names and addresses of all witnesses, including experts;

(2) Summary of each witnesses' anticipated testimony;

(3) Copies of all exhibits;

(4) Proposed custody arrangement;

(5) Requested stipulation of facts;

(6) A copy of the report of any expert that is expected to be called to testify.

_____ BY THE COURT:

Date

_____,

Judge

(c) All parties and trial counsel shall be present at the pretrial conference unless otherwise provided by order of court. Failure of a party to appear at the pretrial conference may result in the entry of a custody/visitation order by the court.

(d) Any agreement reached at a pretrial conference shall be reduced to writing and entered as an order of court.

[Adopted Dec. 19, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.]

MINORS AS PARTIES

RULE L2039. COMPROMISE, SETTLEMENT, DISCONTINUANCE AND DISTRIBUTION

(a) Contents of Petition. A petition presented pursuant to Pa.R.C.P. 2039 seeking to compromise a minor's claim shall be verified by the guardian of the minor, and shall contain a statement describing the nature of the evidence relied upon to establish liability, the elements of damages, the injuries sustained, and a list of expenses incurred or reasonably anticipated. The petition shall also include the following:

(1) A statement by counsel concerning his or her professional opinion regarding the desirability of the settlement and the reasons therefore;

(2) A description of the services rendered;

(3) A description of the amount of reimbursable expenses requested;

(4) The amount of fees requested;

Note: The court will approve a contingent fee of 33 1/3%. All fees in excess of 33 1/3% shall be considered on a case by case basis.

(5) A statement by the attending physician concerning the injuries sustained by the minor, the treatment administered and the prognosis; and

(6) In cases involving property damage claims, a statement by the party who made the repairs or who appraised the loss.

(b) Order of Court Directing Deposit of Funds. All petitions presented pursuant to Pa.R.C.P. 2039 where the proceeds of the settlement are to be deposited in a savings account or in a certificate of deposit shall have attached to the petition an order including the following language:

"It is hereby ordered and decreed that the amount of $ ___ shall be deposited in the name of _____ (name of minor), a minor, by counsel of record in a savings account or certificate of deposit in a federally insured bank, savings and loan association or credit union. The savings account or certificate of deposit shall contain the following notation: NOT TO BE WITHDRAWN UNTIL THE MINOR REACHES THE AGE OF MAJORITY OR BY FURTHER ORDER OF THIS COURT."

(c) Proof of Deposit. Plaintiff's counsel shall be responsible for filing a Proof of Deposit with the Prothonotary or Clerk of the Orphans' Court within 30 days of the entry of an order directing the deposit of funds.

(d) Annuity Contracts.

(1) Where the terms of settlement of a minor's claim include an annuity contract, the annuity contract shall provide that the policy will not be transferred or assigned to another company within the prior written approval of this court.

(2) Plaintiff's counsel shall serve a copy of this Rule upon the company issuing the annuity contract, and file proof of such service with the Prothonotary within 30 days following the court's approval of any such annuity contract.

(e) Unless excused for cause shown, any petition to compromise a minor's claim shall be presented in motion court. The guardian and the minor shall appear unless excused by the court for cause shown.

[Adopted Sept. 26, 2003, effective 30 days after publication in the *Pennsylvania Bulletin*.]