

G. Weber

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY

IN RE: Amendments to the Lycoming :
County Rules of Civil Procedure : Docket number:

ORDER

AND NOW, this 30th day of April, 2013, it is hereby

ORDERED AND DIRECTED as follows:

1. Lycoming County Rule of Civil Procedure L1915.13-1 shall be amended as set forth on the attachment. (*Italics is new language; strikeout is removed language.*)
2. The Prothonotary is directed to:
 - a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.
 - b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rule to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
 - c. Forward one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee.
 - d. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.
3. The revisions shall become effective 30 days after the publication of this order in the Pennsylvania Bulletin.

CERTIFIED FROM THE RECORD

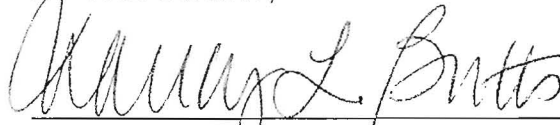
Date

MAY 10 2013

Stephanie M. Fiedler

PROTHONOTARY & CLERK OF COURTS

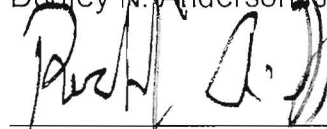
BY THE COURT,



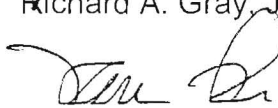
Nancy L. Butts, P.J.



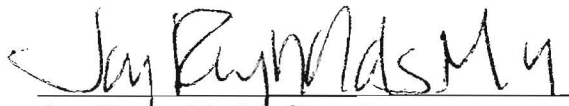
Dudley N. Anderson, J.



Richard A. Gray, J.

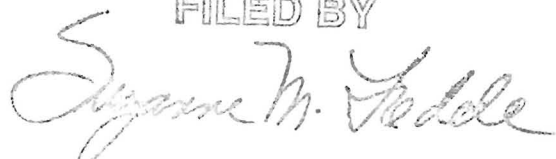


Marc F. Lovecchio, J.



Joy Reynolds McCoy, J.

FILED BY



Prothonotary and Clerk of Courts

L1915.13-1. Petition for Emergency Custody Relief. *Ex Parte* Hearing and Temporary Order.

A. Where a party believes there is an **immediate** clear and present danger to the child(ren), that party may file a petition for emergency relief. The petition for emergency relief must be presented as a separate document headed "Petition for Emergency Custody Relief." The petition shall conform to the requirements of Pa.R.C.P. No. 1915.15, as may be applicable, and must allege facts which clearly specify the clear and present danger to the welfare of the child(ren).

B. Upon filing, the petitioning party or counsel must present the petition to the court administrator, who shall immediately present the petition for emergency custody relief to a judge for consideration of the allegations. The judge shall either:

1. refer the petition to a hearing officer for an immediate *ex parte* hearing, which shall be held within two (2) business days of the presentation of the petition to the family court office; or,
2. direct that an initial conference be scheduled before a hearing officer pursuant to Rule L1915.3-1; or,
3. if it is ascertained that an initial conference has already been held and an interim order already issued under Rule L1915.3-3:
 - a. direct that the hearing officer consider the petition for emergency custody relief as a reconsideration request under Rule L1915.3-2; or
 - b. direct that the issues raised be disposed of at the pre-trial conference or trial.

C. If an *ex parte* hearing is ordered, the petitioning party or counsel shall present the order to the family court office for scheduling of the *ex parte* hearing. The party seeking emergency relief must appear before the hearing officer at the time scheduled for the *ex parte* hearing **to present testimony**. ~~Testimony will be to whether relief is warranted because of~~ **The hearing officer shall determine if** probable cause **exists** to believe **there is an immediate** a clear and present danger to the welfare of the child(ren) involved.

D. Upon making a determination that *ex parte* relief is warranted, the hearing officer shall forward to the court for approval a recommended temporary emergency order, which will include a provision scheduling a full hearing before the court, to be held within ~~five(5)~~ **ten (10)** business days of the *ex parte* hearing. Prior to the full hearing before the court, the petition for emergency custody relief and the temporary emergency order containing notice of the ~~5-day~~ **10-day** hearing shall be served on the opposing party by the petitioning party in the same manner as original process. In addition to service on the opposing party, the petitioner shall make reasonable efforts to provide a copy of the documents to any attorney whom the petitioning party reasonably believes may be representing the interests of the other party.

E. Upon making a determination that *ex parte* relief is not warranted, the hearing officer shall forward to the court for approval a recommended order denying the petition for emergency custody relief. Such order may schedule the matter for disposition at: an initial conference under Rule L1915.3-1; as a reconsideration request under Rule L1915.3-2; or, if already scheduled for a pre-trial conference or trial on other issues, direct that the emergency issues be determined with all other issues at the pre-trial conference or trial.