

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY

IN RE: Amendments to the Lycoming County

Rules of Civil Procedure

ORDER

AND NOW, this 3rd day of December , 2001 , it is hereby ORDERED AND DIRECTED
as follows:

1. Lycoming County Rule of Civil Procedure L1915.12 is hereby promulgated.
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 to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
 - c. Forward one (1) certified copy of this order to the Pennsylvania Domestic Relations Rules Committee.
 - d. Forward one (1) copy of this order to the Lycoming Reporter for publication therein.
 - e. Forward one (1) copy to the chairman of the Lycoming County Customs and Rules Committee.
 - f. Keep continuously available for public inspection copies of this order.
3. The rule revisions approved by this order shall become effective 30 days after

publication in the Pennsylvania Bulletin.

BY THE COURT,

Clinton W. Smith, P.J.

Kenneth D. Brown, J.

William S. Kieser, J.

Nancy L. Butts, J.

Dudley N. Anderson, J.

A. Any petition requesting a finding of contempt of a custody order must also contain, as an exhibit, a certification by counsel or by the pro se litigant, of the effort to resolve the alleged contempt without resort to the court. At a minimum, the certification shall specify which of the following applies:

1. The opposing party is represented by counsel. Counsel was apprized of the alleged contemptuous conduct and that a contempt petition would be filed unless remedial steps were offered, but the opposing party, through counsel, has declined to offer sufficient remedial steps. Such remedial steps may include assurance of compliance with the order and replacement time for custody or visitation time claimed to have been lost to the petitioning party by the alleged contemptuous conduct.
2. The opposing party is not represented by counsel. The opposing party was apprized in writing of the alleged contemptuous conduct and warned that a contempt petition would be filed unless remedial steps were offered, but the opposing party has declined to offer sufficient remedial steps. Such remedial steps may include assurance of compliance with the order and replacement time for custody or visitation time claimed to have been lost to the petitioning party by the alleged contemptuous conduct.
3. Remedial steps were offered by the opposing party, but were then not taken within a reasonable period of time.
4. Due to special circumstances (described in detail in the certification) an attempt to resolve the matter without filing a petition for contempt is likely to cause significant prejudice (also described) to the petitioning party.

B. Failure to attempt resolution of the alleged contempt in accordance with the requirements of this rule could be cause for dismissal to the petition for contempt.