

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

No. 06 of 2019

President Judge General Court Regulation

*In re: Adoption of Phila DR.R. 1915.11-1 Parenting Coordination, and
Amendment of Phila. Civ. R. *215 Assignment of Cases in the Trial Division.*

ORDER

AND NOW, this 25th day of March, 2019, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on February 28, 2019 to adopt *Philadelphia Domestic Relations Rule 1915.11-1 Parenting Coordination*, and to amend *Philadelphia Civil Rule *215 Assignment of Cases in the Trial Division*, and the Supreme Court Domestic Relations Procedural Rules Committee and Supreme Court Civil Procedural Rules Committee having reviewed the attached proposed rule and amended rule as required by Pa.R.J.A. 103, and having determined that the said local rules are not inconsistent with the applicable statewide rules, IT IS HEREBY ORDERED and DECREED that *Philadelphia Domestic Relations Rule 1915.11-1 Parenting Coordination*, and *Philadelphia Civil Rule *215 Assignment of Cases in the Trial Division* are adopted and amended as attached.

This General Court Regulation is issued in accordance with Pa.R.J.A. 103 and shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for General Court Regulation issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this General Court Regulation and rules shall be distributed to the Legislative Reference Bureau, together with a copy on a computer diskette, for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this General Court Regulation and rules shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://www.philacourts.us>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the General Court Regulation and local rules shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media, Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ *Idee C. Fox*

HONORABLE IDEE C. FOX
President Judge, Court of Common Pleas

PHILADELPHIA FAMILY COURT DIVISION

CUSTODY

Philadelphia Local Rule 1915.11-1 Parenting Coordination

(a) Appointment of a Parenting Coordinator.

- (1) If the parties agree on a Parenting Coordinator or if the Court deems one necessary, an order will be entered in accordance with Pa.R.C.P. No. 1915.22.
- (2) If the parties cannot agree on the selection of a Parenting Coordinator, the Court shall require each party to identify their choice(s) along with the hourly rate of each to all parties. If the parties cannot agree, the Court will select a Parenting Coordinator. The roster of the Court's approved Parenting Coordinators and their stated hourly rates shall be posted at <http://www.courts.phila.gov/>
- (3) Any party seeking a pro bono appointment under section (d) (3) below must file with the Clerk of Family Court a Petition to Proceed *In Forma Pauperis* for the appointment of a Parenting Coordinator within three (3) days of the appointment order absent good cause shown. The *In Forma Pauperis* form can be found at www.philacourts.us.

(b) Roster of Approved Parenting Coordinators.

An attorney or mental health professional seeking to be included on the Philadelphia County Court's roster of qualified individuals to serve as a Parenting Coordinator shall submit an affidavit to the Administrative Family Court Judge or her/his designee together with the following:

- (1) An affidavit attesting the applicant has qualifications found in Pa.R.C.P. No. 1915.11-1;
- (2) An acknowledgment the applicant has read the Association of Family and Conciliation Courts (AFCC) Parenting Coordinator guidelines and the American Psychological Association (APA) Parenting Coordinator Guidelines; AFCC Parenting Coordinator guidelines are posted at <https://www.afccnet.org/Portals/0/AFCCGuidelinesforParentingcoordinationnew.pdf> and the APA Parenting Coordinator Guidelines are posted at <https://www.apa.org/pubs/journals/features/parenting-coordination.pdf>; and
- (3) An acknowledgment that for every 2 fee generated Parenting Coordination assignments, he or she must accept one pro bono assignment (up to 12 hours per pro bono case).

(c) Parenting Coordinator Recommendations

- (1) Parenting Coordinators shall file their Summary and Recommendations with the Clerk of Family Court within two (2) days after the last communication with the parties on the issues in accordance with Pa.R.C.P. No. 1915.11-1 (f)(2).
- (2) Objections to Parenting Coordinator's Recommendation(s) and Petition for a Record Hearing.
 - a. A party objecting to the Recommendations must file with the Clerk of Family Court an original and copy of their Objections and a Petition for a Record Hearing before the Court within five days of service of the Summary and Recommendations together with a Proof of Service upon all parties and the Parenting Coordinator.
 - b. The Clerk of Family Court shall promptly forward the original Objections and Petition to the Administrative Family Court Judge's Office for assignment to the parties' Family Court Judge to promptly schedule a record hearing. If the matter is an emergency or time-sensitive and the assigned Family Court Judge is not available, the matter will be assigned to the Emergency Custody Judge to conduct a record hearing.

(3) Court Review of Parenting Coordinator's Recommendations.

If no objections to the Parenting Coordinator's Recommendation are filed with the Clerk of Family Court within five days of service of the Summary and Recommendation, the Clerk of Family Court shall transmit the file to the Administrative Family Court Judge's Office to be assigned to the appointing Judge, if available, within a reasonable time, otherwise to any Family Court Judge for review of the Recommendation in accordance with Pa.R.C.P. No. 1915.11-1(f)(4).

(d) Fees

Parties who request the appointment of a Parenting Coordinator or who are identified by the Court as benefiting from the appointment of a Parenting Coordinator shall pay the Parenting Coordinator as follows:

- (1) His or her hourly rate, which may be up to \$300.00 an hour; provided, however, if the parties combined monthly net income exceeds the mandatory minimum set forth in the Support Guidelines at Pa.R.C.P. No. 1910.16-2 (e) (2) (currently \$30,000 per month), the Court may adjust the hourly rate;
- (2) Absent good cause, each party shall pay up to \$500 as an initial retainer (\$1,000.00 total) which may be reallocated as deemed appropriate by the Parenting Coordinator or the Court. See Pa.R.C.P. No. 1915.22, Order at ¶ 8.

- (3) If a party is granted *In Forma Pauperis* status by the Court specifically for the appointment of a Parenting Coordinator, the Parenting Coordinator so appointed shall serve on a *pro bono* (no fee) basis, up to 12 hours.
- (4) A Parenting Coordinator must accept one *pro bono* appointment for every two fee generating appointments.
- (e) Philadelphia County, through its Administrative Family Court Judge, has entered into a Five County Compact on Parenting Coordination with Chester County, Montgomery County, Delaware County and Bucks County. The terms of that Compact are incorporated herein, and a copy is annexed hereto.

PARENTING COORDINATION PROGRAM

FIVE COUNTY COMPACT

BUCKS, CHESTER, DELAWARE, MONTGOMERY & PHILADELPHIA

An attorney or mental health professional seeking to be included on the roster of qualified individuals to serve as a Parenting Coordinator in a member County shall submit a letter to the Administrative Judge of the Family Division of one of the member Counties together with the following:

1. Completion of the approved Form Affidavit attesting the applicant has the qualifications as set forth in Pa.R.C.P. No. 1915.11-1 (b) "*Qualifications of the Parenting Coordinator*".
2. The following criteria shall apply to the qualifications:
 - A. Five hours in the parenting coordination process since August 9, 2018; provided that at least 2 of the 5 hours must be specific to Pennsylvania parenting coordination practice and procedure;
 - B. Ten hours of family mediation training within the last 10 years (an applicant with 40 hours of mediation training beyond 10 years may satisfy this requirement by verifying the 40 hours of training and significant family mediation practice within the last 10 years);
 - C. Five hours of training in domestic violence within the past 2 years;
 - D. Verification of current professional liability insurance via copy of said policy's coversheet/declaration page (which includes the provision of parenting coordination services);
 - E. Acknowledgement of responsibility to accept pro bono assignments for every 2 paid assignments;
 - F. Verification of Pennsylvania Act 33 child abuse and Act 34 criminal history clearances within the past two (2) years via copies of same;
 - G. Acknowledgement that the applicant has read the Association of Family and Conciliation Courts (AFCC) Parenting Coordination Guidelines and the American Psychological Association (APA) Parenting Coordination Guidelines.

AFCC and APA Parenting Coordinator Guidelines are posted at:
<https://www.afccnet.org/Portals/0/AFCCGuidelinesforParentingcoordinationnew.pdf>
<https://www.apa.org/pubs/journals/features/parenting-coordination.pdf>
3. Appointments for pro bono assignments shall be made on a rotating basis by each Court on the list maintained by that County. Each parenting coordinator must accept

one (1) pro bono appointment for every two (2) fee-generating appointments in a county.

4. There shall be a twelve (12) hour maximum per year on each pro bono case assigned to a parenting coordinator.
5. Each Parenting Coordinator on the roster shall be required to notify the Court Administration of the applicable County, after they have received two fee generating cases in that County, in order to facilitate the appointment of a pro bono case. The failure to affirmatively report this information by a Parenting Coordinator or to accept a pro bono assignment may subject them to removal from the roster. If a Parenting Coordinator is removed from the roster of a member County for this purpose, they shall share this information with the other member counties.
6. Fees:
 - A. The hourly rate shall not exceed \$300.00 an hour subject to the following exceptions:
 - a. If the parties combined monthly net income exceeds the mandatory minimum set forth in the Support Guidelines at 1910/16-2 (e) (2) (currently \$30,000 per month), the Court may adjust the hourly rate;
 - b. If a party is granted *In Forma Pauperis* (IFP) status by the Court for the parenting coordination process.
 - B. The maximum initial retainer that may be requested shall be \$1,000.
7. Upon being added to the roster of one Member County, a parenting coordinator may be added to the roster of another member County by submitting a letter requesting same with a copy of the approval that was obtained from another member County.
8. A Judge appointing a parenting coordinator may be guided by the parties/counsel in the selection of a specific parenting coordinator from the County roster (and/or shall otherwise select one from the roster).
9. Each Member County shall establish a Committee to review and consider complaints received about a parenting coordinator and shall recommend removal of a parenting coordinator from the roster of that County for good cause. All complaints received and dispositions of same shall be shared with the other member Counties.
10. The aforementioned review Committee shall consist of the following: Family Court Administrative Judge (or their designee); the Judge who appointed the parent coordinator at issue (or their designee); Court Administrator representative, one family law attorney (from the roster of parenting coordinators) and one mental health professional (from the roster of parenting coordinators).

FORM AFFIDAVIT ATTACHED

**APPLICATION TO BE CONSIDERED FOR APPOINTMENT AS A PARENTING
COORDINATOR FOR _____ COUNTY**

AFFIDAVIT – ATTORNEY

I, _____, the undersigned applicant, hereby certify that I possess the minimum qualifications to serve as a Parenting Coordinator as established by Pa.R.C.P. 1915.11-1(b) and the 5 County Compact entered into by Philadelphia, Bucks, Montgomery, Delaware and Chester Counties, as follows:

1. _____ I am licensed to practice in the Commonwealth of Pennsylvania.
My Attorney ID number is _____.
_____ My license is in good standing.
_____ I have never been subject to attorney discipline. (If Applicant has been subject to discipline, provide details on separate sheet).
_____ I have practiced family law for _____ years, as follows (or attach CV):

2. _____ I have obtained the special training required by the Rule, and have attached verification for each training:
_____ hours in the Parenting Coordination process, of which 2 or more hours were specific to Pennsylvania PC practice.
Date of training: _____
Provider: _____
_____ hours of Family mediation (or hours of non-specific mediation training and hours of Family Mediation conducted).
Date of training: _____
Provider: _____
_____ hours of Domestic Violence training.
Date of training: _____
Provider: _____

3. _____ I understand that to remain qualified as a Parenting Coordinator in each 2 year period after March 1, 2019, I must take a minimum of 10 additional continuing education credits, of which at least 2 must be on domestic violence.

4. _____ I maintain Professional Liability insurance of \$_____, which coverage expressly covers me for serving as a Parenting Coordinator. The Declaration page showing the foregoing is attached.

5. _____ I acknowledge that I may not charge more than \$300 per hour (although I may charge less), nor require more than a \$1000 initial retainer. My hourly rate for Parenting Coordination is: \$_____.

**APPLICATION TO BE CONSIDERED FOR APPOINTMENT AS A PARENTING
COORDINATOR FOR _____ COUNTY**

AFFIDAVIT - MENTAL HEALTH PROFESSIONAL

I, _____, the undersigned applicant, hereby certify that I possess the minimum qualifications to serve as a Parenting Coordinator as established by Pa.R.C.P. 1915.11-1(b) and the 5 County Compact entered into by Philadelphia, Bucks, Montgomery, Delaware and Chester Counties, as follows:

1. _____ I have the following professional degree: _____
From (institution and date granted): _____
2. _____ I am licensed to practice in the Commonwealth of Pennsylvania as a _____ . My license number is _____.

My license is in good standing.

I have never been subject to professional discipline. (If Applicant has been subject to discipline, provide details on separate sheet).

I have _____ years of experience in dealing with families involved in child custody matters , as follows (or attach CV):

3. _____ I have obtained the special training required by the Rule, and have attached verification for each training:
____ hours in the Parenting Coordination process, of which 2 or more hours were specific to Pennsylvania PC practice.
Date of training: _____
Provider: _____
____ hours of Family mediation (or hours of non-specific mediation training and hours of Family Mediation conducted).
Date of training: _____
Provider: _____
____ hours of Domestic Violence training.
Date of training: _____
Provider: _____
4. _____ I understand that to remain qualified as a Parenting Coordinator in each 2 year period after March 1, 2019, I must take a minimum of 10 additional continuing education credits, of which at least 2 must be on domestic violence.
5. _____ I maintain Professional Liability insurance of \$ _____, which coverage expressly covers me for serving as a Parenting Coordinator. The Declaration page showing the foregoing is attached.

Amendment to Phila.Civ.R. *215 (A)(2)

Note: Deleted text is in ~~strikethrough, bold font~~; new text is in *italics, bolded and underlined*

Rule *215 Assignment of Cases in the Trial Division.

A. All cases filed in the Trial Division of the Court of Common Pleas shall be listed for trial in accordance with those management procedures in effect for the program to which a case is assigned.

(1) *Arbitration Cases.* All cases which when filed are subject to compulsory arbitration under Philadelphia Civil Rule *1301 shall be assigned a hearing date and time upon commencement on the face of the initial filing.

(2) *Major Jury Cases.* All jury cases, other than Arbitration Appeals and Mass Tort matters, shall be listed for trial by the Judicial Team Leader for that Program to which a given case is assigned in accordance with the pertinent Case Management Order. Protracted and complex cases will be listed for dates certain. Those cases classified standard and expedited typically will be assigned to a trial pool for a given pool month within the appropriate program. ~~(The “pool month” is defined as the corresponding calendar month.)~~ *The pool months begin on the first Monday of each month.*

Whether a given case is assigned a date certain or a pool month date is within the sound discretion of the Program Team Leader (or his or her designee).

(3) *Non Jury Cases.* All Non Jury cases will be designated as either Commerce Program or Non Jury Program cases. Commerce Program cases will be listed for trial at a status conference by the Supervising Judge of the Non Jury Program, located at the Complex Litigation Center.

(4) *Mass Tort Cases.* All Mass Tort cases shall be listed for trial by the Supervising Judge of the Mass Tort Program, located at the Complex Litigation Center.

(5) *Arbitration Appeal Cases.* All Arbitration Appeal cases shall be listed for trial by the Supervising Judge at the Complex Litigation Center in a monthly trial pool in accordance with a Case Management Order. ~~(A “Pool Month” is the corresponding calendar month.)~~ *The pool month begins on the first Monday of each month.*

B. Jury Trial Requests.

(1) Upon commencement of an action, the plaintiff shall pay the non jury listing fee, or if a jury trial is initially demanded, the jury listing fee.

(2) Thereafter, a jury trial may be demanded and perfected in accordance with Philadelphia Civil Rule *1007.1.

(3) Payment of a jury fee will determine the case program assignment, except in those cases seeking equitable relief which shall be in either the Commerce Program or the Non Jury Program.

Note: Amended May 24, 2000, effective July 9, 2000. Amended February 28, 2019, effective 2019.

Comment: This *Rule has been completely rewritten to comport with the principles of differentiated case management and the assignment of cases by program. Counsel are advised to consult, where appropriate, the following General Court Regulations and Administrative Orders:

1. Trial Division General Court Regulation No. 94-2. (Procedure and Criteria for Advanced Trial Listings pursuant to Pa.R.C.P. 214.)

~~2. General Court Regulation No. 95-1. (Day Forward Program. Judicial Team Leader; Trial Division.)~~

~~3. General Court Regulation No. 95-2. (Day Forward Program. Procedure for Disposition of Major Jury Cases Filed on and after January 2, 1996.)~~

~~4. Administrative Docket No. 05 of 1994. (Procedure for Disposition of Municipal Court Appeals.)~~

~~3. 5. Administrative Docket No. 01 of 1998. (Protocol for Trial Pools in the Day Backward and the Day Forward Programs.)~~

~~6. Administrative Docket No. 06 of 1998. (Scheduling Civil Trials Involving State Prisoners.)~~

Editor's Note: Amended This rule may be impacted by the following: Administrative Docket No. 01 of 1999, Administrative Docket No. 02 of 2003, General Court Regulation 95-2, Administrative Docket No. 01 of 1998, Administrative Docket No. 02 of 1993, ~~General Court Regulation No. 95-1~~, Administrative Docket No. 04 of 2005, Administrative Docket No. 05 of 2005, General Court Regulation No. 2012-01, General Court Regulation No. 2012-03, and General Court Regulation No. 2013-01.