

BRADFORD COUNTY LOCAL CIVIL RULES

Local Rule 51

These rules shall be known as the Bradford County Rules of Civil Procedure and may be cited as “Brad.Co.R.C.P.”

Local Rule 205.2(b)

1. Upon the filing of a divorce or custody action pursuant to the Pennsylvania Rules of Civil Procedure, a cover sheet in substantially the form specified in Subsection (b)(3) of this rule shall be filed immediately in the office of court administration.

2. In the event any such action is filed pro se, the prothonotary shall provide a copy of the cover sheet form to the filing party, shall assist in completion of said form, and shall forward it to court administration, along with a copy of the pleading filed.

3. The cover sheet shall be as follows:

Adopted 11/28/06, Effective 2/7/07. Amended 4/11/11; Effective 6/20/11.



BRADFORD COUNTY

COURT OF COMMON PLEAS

DIVORCE/CUSTODY COVER SHEET

This form must be filled out if you are filing a divorce or custody action in the Prothonotary's Office and must be given to Court Administration. PLEASE PRINT LEGIBLY.

DO NOT FILE IN THE PROTHONOTARY'S OFFICE

_____	DOB _____	:	Date Filed: _____
_____	DOB _____	:	
_____	DOB _____	:	Docket No. _____
	Plaintiffs	:	
vs.		:	
_____	DOB _____	:	
_____	DOB _____	:	
_____	DOB _____	:	
	Defendants	:	

PLEASE CHECK ONE:

<u>DIVORCE FILING – NO CHILDREN</u>	<input type="checkbox"/>
DIVORCE FILING – CHILDREN UNDER 18/BUT NO CUSTODY COUNT	<input type="checkbox"/>
DIVORCE FILING – CUSTODY COUNT	<input type="checkbox"/>
CUSTODY COMPLAINT/MODIFICATION	<input type="checkbox"/>

FILED BY:

<p>IMPORTANT: This form is not to be filed in the Prothonotary's Office, but should be taken directly to Court Administration for statistical and case management purposes immediately upon the filing of a new case or new petition/complaint (custody or divorce) in a family court case (It is not needed when filing petitions for special relief or contempt).</p>
--

Local Rule 206.4(c)

- A. The procedure specified in Pa.R.C.P. 206.5 is adopted to govern petition practice in the Forty-second Judicial District. A petition shall be filed in the Prothonotary's Office. Upon filing, the Prothonotary's Office shall transmit a copy of the petition, along with the proposed rule to show cause order, to the Court Administrator for the scheduling of a rule returnable date.
- B. Following the scheduling of the return date, the copy of the petition and original and copy of the order to show cause shall be submitted to the Prothonotary's Office for filing and docketing and for conforming a copy of the rule return order. A conformed copy of the order shall be transmitted by the Prothonotary to the petitioning party for service.
- C. The petitioning party shall file an affidavit of service, noting the date, method of service and parties served.
- D. If an answer is filed, the court, upon review, will determine whether a hearing or argument should be scheduled and will enter an order accordingly. Concurrently with filing, counsel or any unrepresented party shall serve a time-stamped copy of the answer or objection upon the assigned judge.
- E. Any request for a stay of execution pending disposition of a petition to open a default judgment shall be included in the petition to open default judgment to be considered and processed in accordance with this rule. A separate proposed order granting said stay shall be submitted.
- F. If the petition contains a request for immediate relief, a separate proposed order shall be submitted.

Adopted 1/10/05, Effective 1/20/05. Amended 11/28/06, Effective 2/7/07.

Amended 4/11/11, Effective 6/20/11.

Local Rule 206.5

(d) The proposed order required by subparagraph (b) of Rule 206.5 of the Pennsylvania Rules of Civil Procedure shall be substantially in the following form:

(CAPTION)

ORDER

AND NOW, this _____ day of _____, 20___, upon consideration of the foregoing petition, it is ordered that

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the petition on or before _____, 20___, at 12:00 p.m.

(3) the petition shall be decided under Pa.R.C.P. No. 206.7;

(4) depositions, if necessary, shall be directed in accordance with Pa.R.C.P. No. 206.7(c);

(5) argument or hearing, if necessary, shall be scheduled by the court upon review of any answer filed;

(6) the petitioner shall provide notice of the entry of this order to all parties.

BY THE COURT:

_____ J.

Local Rule 208.2(d)

Any motions presented under this rule shall contain a certification stating that said motion is uncontested, with a proposed order granting relief, or the motion shall certify that the matter is at issue and submit a proposed show cause order in substantially the form set forth in Rule 206.5.

Adopted 4/11/11, Effective 6/20/11.

Local Rule 208.2(e)

A. All motions relating to discovery shall include a certification signed by counsel for the moving party attesting that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action.

Adopted 1/10/05, Effective 1/20/05.

Local Rule 208.3(a)

A. Except for motions made orally during a trial or hearing, all motions shall be written, shall contain a caption setting forth the name of the court, the number of the action, and the names of the parties, and shall have affixed upon the front page of the motion, the name, address and Supreme Court ID number of the filing attorney. All motions which are or may be contested shall include a proposed order scheduling argument. The proposed order shall include the name, address and Supreme Court ID number of the filing attorney. The proposed order shall not be physically attached to the motion.

B. All motions shall be filed in the Prothonotary's Office. Upon filing, the Prothonotary's Office shall transmit a copy of the motion, along with the proposed scheduling order, to the Court Administrator.

C. Following the scheduling of the motion, the copy of the motion and original and copy of the order to show cause shall be submitted to the Prothonotary's Office for filing and

docketing and conforming of a copy of the scheduling order. A copy of said conformed order shall be transmitted by the Prothonotary to the moving party for service.

D. The moving party shall file an affidavit of service, noting the date, method of service, and parties served.

Adopted 1/10/05. Effective 1/20/05) Amended 4/11/11, Effective 6/20/11.

Local Rule 208.3(b)

A. Any party who files a motion which requires argument, shall file a brief containing appropriate authority at least fifteen days prior to the date set for argument. A copy of the brief shall be served promptly upon all other parties. All responding parties shall file a brief and serve the same on all other parties at least five days prior to the date set for argument.

Adopted 1/10/05. Effective 1/20/05.

Local Rule 210

Briefs shall contain the particular theories, statutes, rules of court, or cases upon which the litigant relies. The failure to specifically cite a statute, rule of court, or case shall be deemed to be a waiver of any claim that said authority is applicable.

Adopted 4/11/11, Effective 6/20/11.

Local Rule 212.1

(a)(1) In any such civil action in which the damages sought exceed the jurisdictional limit for compulsory arbitration, any party may file a certification with the Prothonotary that the case is ready for trial. The Certification of Readiness shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA

Plaintiff

* CIVIL ACTION

vs.

* NO.

Defendant

* JURY _____
NON-JURY _____

CERTIFICATION OF READINESS

I hereby certify pursuant to Bradford County Rule of Civil Procedure 212.1(a)(1) that the above-captioned case is ready for trial. All pleadings are closed; all witnesses are presently available to appear at trial; and discovery is complete, except for those depositions to be taken solely for the purpose of being presented at trial, such as the depositions of expert witnesses.

I further certify that immediately after filing, I will serve a time-stamped copy of this certification upon opposing counsel, any unrepresented party and the Court Administrator.

Print Name

Signature

Representing

Representing

Address

Date

Telephone No.

Date

cc: (Opposing counsel/unrepresented party)

- (a)(2) The term “ready for trial” means that
 - (a) the pleadings are closed
 - (b) witnesses are presently available to appear at trial; and
 - (c) discovery is complete, except for those depositions to be taken solely for the purpose of being presented at trial, such as the depositions of expert witnesses.

(b) Immediately after the Certification of Readiness is filed, a time-stamped copy of the Certification shall be served upon the court administrator, opposing counsel and any unrepresented party.

(c) Upon receipt of the Certification of Readiness, the court administrator shall schedule a pre-trial conference before the assigned judge, taking into consideration the deadlines for filing of the pre-trial statements which are set forth in Pa.R.C.P. 212(b)

Adopted 11/28/06, Effective 12/26/06 Amended _____, 2011, Effective _____, 2011.

[B.C.R.C.P. 216] Rescinded.

Local Rule 216

A. Motions for continuance must be made in writing or of record in open court, unless excused by the court for cause.

(1) Before filing a motion for continuance, the moving party shall make reasonable efforts to obtain the consent of any interested party. If a response from opposing parties cannot be obtained, all efforts to obtain consent, including dates and times thereof, shall be set forth in said motion.

(2) Continuances upon the consent of the parties shall not be effective unless and until ordered by the court.

B. Motions for continuances shall be presented no later than ten (10) calendar days before the date of the proceeding for which the continuance is requested. Thereafter, no motions for continuance will be granted unless:

(1) the opportunity therefore did not previously exist;

(2) the party making the motion was not aware and reasonably could not be aware of the grounds for the motion; or

(3) required in the interests of justice.

(4) The court may consider sanctions for any motion presented less than ten (10) calendar days before the scheduled proceeding and without sufficient cause for such untimely presentation.

_____ represented by: _____

4. The proceeding was scheduled by _____
dated _____
(order or notice)
(date)

5. The proceeding (has) (has not) been previously
continued (_____ time(s)). (The moving party has
obtained a continuance _____ time(s)).

6. A continuance is requested because _____

*(If a continuance is requested because of a conflicting court matter, the scheduling
notice or order must be attached.)*

7. No interested party objects to the continuance.

Only the following objected to the continuance
request:

_____ because _____

_____ because _____

_____ because _____

Consent to the continuance could not be obtained
from _____ because _____

_____ because _____

*(If a response has not been obtained from any interested party, specify the date, time
and manner of all efforts to obtain consent of the continuance.)*

8. I hereby certify that if a continuance is granted, I
will notify all witnesses who would be appearing at my request
and will provide a copy of this motion to opposing counsel and
unrepresented parties.

9. I specifically request a continuance

- of not less than _____
- of not more than _____ (or)
- to the next available date.

Respectfully submitted,

_____ ADDRESS

_____ PHONE NO.

_____ ATTORNEY SUPREME COURT NO.

E. All written motions for continuance shall be preceded by a proposed order which shall be substantially in the following form:

: IN THE COURT OF COMMON PLEAS

VS. **: OF BRADFORD COUNTY, PENNSYLVANIA**

: NO.

.....

ORDER

AND NOW, this ____ day of _____, 201__, upon consideration of the attached motion of _____ (moving party) requesting a continuance:

the motion is denied.

the motion is granted and the _____ (matter being continued)

scheduled for _____ at _____ m.
(date) (time)

before _____ is hereby continued until
(name of judge, master, etc.)

_____ at _____ m.
(date) (time)

The moving party shall promptly notify all interested parties of this order.

BY THE COURT:

Adopted 11/18/96, Effective 1/1/97, Amended 1/10/05, Effective 3/1/05, Amended 4/11/11; Effective 6/20/11.

Local Rule 229.

(a) Any party filing a discontinuance shall immediately serve the court administrator with a time-stamped copy.

Adopted 11/28/06, Effective 12/26/06

Local Rule 240(j)

In all actions, proceedings, or appeals wherein a party seeks, simultaneously with the commencement of the action, proceeding, or appeal, leave to proceed in forma pauperis upon an attorney's certification filed under Rule 240(d) of the Pennsylvania Rules of Civil Procedure, the Prothonotary shall before allowing the party to proceed in forma pauperis, transmit to the assigned judge the petition for leave to proceed in forma pauperis together with the document by which the action, proceeding, or appeal will be commenced. The assigned judge shall determine whether the allegation of poverty is untrue and whether the action, proceeding, or appeal is frivolous. If the allegation of poverty is untrue, the petition for leave to proceed in forma pauperis shall be denied by order of the court. If the action, proceeding, or appeal is frivolous, the matter shall be dismissed by order of the court. Where appropriate, sanctions may be ordered as provided by law.

Adopted 2/22/95, Effective 3/30/95.

Local Rule 400.1(b)

Original process shall be served within the Commonwealth

(i) by the sheriff or a competent adult in all actions in equity, in partition, to prevent waste, and for declaratory judgment when declaratory relief is the only relief sought, and

(ii) by the sheriff in all other actions.

Adopted 7/28/99, Effective 9/14/99, Stayed 11/5/99.

Local Rule 1012

(a) A pleading filed by an attorney shall be deemed to enter the attorney’s appearance on that issue. An entry of appearance shall be deemed to be an entry of appearance for all issues unless the entry of appearance specifically provides otherwise.

(b)(1) Withdrawal of an attorney’s appearance may be made without leave of court only for those issues for which another attorney has entered or simultaneously enters an appearance. Such withdrawal shall specifically identify the issues to which the withdrawal applies.

Adopted 1/10/05, Effective 3/1/05.

Local Rule 1018 (CAPTION OF PLEADINGS)

Every pleading shall contain a caption setting forth the name of the court, the number of the action and the name of the pleading. The caption of any agreement, stipulation, exception, discontinuance, praecipe to withdraw or order relating to support, custody, alimony, alimony pendente lite or divorce shall include the following: the right-hand side of the caption shall contain information specifically identifying what issues are or will be resolved thereby, along with the date of filing of the pleading which raised the issue.

The caption shall be in substantially the following form:

(PLAINTIFF)	:	IN THE COURT OF COMMON PLEAS
VS.	:	OF BRADFORD COUNTY, PENNSYLVANIA
(DEFENDANT)	:	NO.

each page of the motion, the name, address and Supreme Court ID number of the filing attorney. A motion for argument and a proposed scheduling order in substantially the following form shall be included:

**IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA**

VS. _____ : NO.

.....

MOTION FOR ARGUMENT

AND NOW, _____, I move the court to set the _____ day of _____, 20____, at _____ m. in Courtroom No. _____ Towanda, Pennsylvania, as the time and place for argument on preliminary objections.

I hereby state to the court that service will be made of a copy of the completed motion for argument upon all other parties or their attorneys of record in this proceeding; that if not already served, service will be made on the aforesaid of a copy of the pleading which raise the issues in dispute; that all will be done in accordance with the applicable rules regarding service. I further state that my affidavit of service will be filed thereafter.

BY: _____

ORDER

AND NOW, _____, the above motion for time and place for argument is granted. The party filing who filed the preliminary objections, shall file a brief at least fifteen days prior to said argument. Immediately thereafter a copy of said brief shall be served upon all counsel of record and all unrepresented parties.

At least five days prior to the argument, the responding party shall file a brief and shall serve said brief upon all counsel of record and all unrepresented parties. The failure to cite a particular statute, rule of court, or case shall be deemed to be a waiver of any claim that said statute, rule, or case stands as applicable authority.

BY THE COURT:

_____ J.

(4) All preliminary objections shall be filed in the Prothonotary's Office. Upon receipt of the preliminary objections, the Prothonotary's Office shall transmit a copy of the same, along with the motion for argument thereon and the proposed scheduling order, to the Court Administrator.

(5) Following the scheduling of the preliminary objections, court administration shall return the copy of the preliminary objections to the Prothonotary's Office, along with the motion for argument thereon and the proposed scheduling order, for filing and docketing and for conforming a copy of the scheduling order. A conformed copy of the order shall be transmitted by the Prothonotary to the moving party for service. The moving party shall file an affidavit of service, noting the date of service, method of service, and parties served.

Adopted 1/10/05, Effective 1/20/05. Amended 4/11/11, Effective 6/20/11.

Local Rule 1034(a)

(1) All motions for judgment on the pleadings shall be written, shall contain a caption setting forth the name of the court, the number of the action, and the names of the parties and shall have affixed upon each page of the motion, the name, address and Supreme Court ID number of the filing attorney. A motion for argument and a proposed scheduling order in substantially the following form shall be included:

**IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA**

VS. : NO.

.....

MOTION FOR ARGUMENT

AND NOW, _____, I move the court to set the _____ day of _____, 20____, at _____ m. in Courtroom No. _____ Towanda, Pennsylvania, as the time and place for argument on my motion for judgment on the pleadings.

I hereby state to the court that service will be made of a copy of the completed motion for argument upon all other parties or their attorneys of record in this proceeding; that if not already served, service will be made on the aforesaid of a copy of the motion for judgment on the pleadings which raises the issues in dispute; that all will be done in accordance with the applicable rules regarding service. I further state that my affidavit of service will be filed thereafter.

BY: _____

ORDER

AND NOW, _____, the above motion for time and place for argument is granted. The party filing who filed the motion for judgment on the pleadings, shall file a brief at least fifteen days prior to said argument. Immediately thereafter, a copy of said brief shall be served upon all counsel of record and all unrepresented parties.

The responding party shall file a brief at least five days prior to the argument and shall serve said brief upon all counsel of record and all unrepresented parties. The failure to cite a particular statute, rule of court, or case shall be deemed to be a waiver of any claim that said statute, rule, or case stands as applicable authority.

BY THE COURT:

(2) All motions for judgment on the pleadings shall be filed in the Prothonotary's Office. Upon receipt of the motion, the Prothonotary's Office shall transmit a copy of the motion, along with the motion for argument and proposed scheduling order, to the Court Administrator.

(3) Following the scheduling of the motion for judgment on the pleadings, court administration shall return the copy of the motion, along with the motion for argument and the

ORDER

AND NOW, _____, the above motion for time and place for argument is granted. The party filing who filed the motion for summary judgment, shall file a brief at least fifteen days prior to said argument. Immediately thereafter, a copy of said brief shall be served upon all counsel of record and all unrepresented parties.

The responding party shall file a brief at least five days prior to the argument and serve said brief upon all counsel of record and all unrepresented parties. The failure to cite a particular statute, rule of court, or case shall be deemed to be a waiver of any claim that said statute, rule, or case stands as applicable authority.

BY THE COURT:

(2) All motions for summary judgment shall be filed in the Prothonotary's Office. Upon receipt of the motion, the Prothonotary's Office shall transmit a copy of the motion, along with the motion for argument and the proposed scheduling order, to the Court Administrator.

(3) Following the scheduling of the motion, court administration shall return the copy of the motion for summary judgment, motion for argument and the scheduling order to the Prothonotary's Office for filing and docketing and for conforming a copy of the scheduling order. A conformed copy of the order shall be transmitted by the Prothonotary to the moving party for service. The moving party shall file an affidavit of service, noting the date, method of service, and parties served.

Adopted 1/10/05, Effective 1/20/05. Amended 4/11/11, Effective 6/20/11.

Local Rule 1301. CASES FOR SUBMISSION

A. Compulsory arbitration as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S.A. Section 101, *et seq.*, shall apply to all civil cases, except actions in equity, where the amount in controversy, exclusive of interest and costs, shall be thirty-five thousand dollars

(\$35,000.00) or less, including appeals from a civil judgment of a district justice. Such actions shall be submitted to and heard by a board of arbitration consisting of three attorneys.

B. The amount in controversy generally will be determined by the pleadings or by an agreement of the attorneys, however, the court, on its own motion or on the motion of any party, may determine, based upon affidavits, depositions, stipulations of counsel or after hearing or review of the record, that the amount actually in controversy does not exceed thirty-five thousand dollars (\$35,000.00) and may enter an order certifying the case to a board of arbitration. In the event that a case within the arbitration limits is consolidated with a case involving more than the arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation shall remove the same from the jurisdiction of the board of arbitrators.

C. A civil action shall be referred to arbitration by order of court or when any party or its counsel (1) files a praecipe with the Prothonotary, certifying that the pleadings are closed and the matter is ready for arbitration and (2) pays the appropriate listing fee. A copy of the arbitration praecipe shall immediately be delivered to the Court Administrator and all other counsel.

D. Cases subject to compulsory arbitration will not be scheduled for a pre-trial conference, however, all cases will come under the caseflow control of the court administrator.

Adopted 11/20/98, Effective 1/1/99. Amended 1/10/05, Effective 3/1/05; 11/28/06, Effective 12/22/06. Amended 4/11/11, Effective 6/20/11.

Local Rule 1301.1 AGREEMENT OF REFERENCE.

Upon agreement of all parties a case may be heard by a board of arbitration, regardless of the amount in controversy and whether or not in litigation. Such agreement shall be evidenced by a writing signed by all parties or their counsel and shall be filed with the Prothonotary, accompanied by the appropriate listing fee. The Prothonotary will forward a copy of the

agreement to the Court Administrator. Said agreement shall define the issues involved for determination by the board of arbitrators and may contain stipulations with respect to facts.

Adopted 11/20/98, Effective 1/1/99. Amended 1/10/05, Effective 3/1/05; 11/28/06, Effective 12/22/06.

Local Rule 1302. SELECTION OF ARBITRATORS.

A. The Court Administrator shall maintain a master list of arbitrators consisting of attorneys actively engaged in the practice of law primarily in Bradford County. The master list shall be maintained in alphabetical order, except for those attorneys admitted or added at a later date, in which case they shall be added chronologically based upon the date of their admission. The master list shall indicate the attorney's name, bar admission date, and the name of the attorney's firm or association.

B. Each case for which a praecipe has been received shall be assigned by the Court Administrator to an Arbitration Board consisting of three (3) attorneys chosen from the master list. At least one arbitrator shall have practiced law for at least three (3) years. No two members shall be appointed from the same firm or association of attorneys, nor shall an attorney be appointed to a board if related by blood or marriage to any arbitrator or attorney of record in the case. Any attorney who is disqualified for appointment to a board for any of the foregoing reasons, shall be appointed to another board for which he is qualified.

(1) The praecipe for arbitration shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA

*

VS.

* NO.

*

PRAECIPE FOR APPOINTMENT OF ARBITRATORS

TO THE PROTHONOTARY OF SAID COURT:

The undersigned requests you to refer this case to the Court Administrator to appoint a board of arbitrators and certifies that:

1. The amount in controversy is \$_____.
2. The pleadings are closed.
3. An agreement of reference has/has not been filed of record.
4. Estimate of hearing time required is:_____.

Record appearances have been entered for:

Plaintiff by:

Defendant by:

Others (specify) by:

Attorney for _____
Supreme Court ID # _____

C. The court will establish the amount and method of compensation for arbitrators. The members of the board shall not be entitled to receive their fees until after filing a report and award with the Prothonotary. A copy of said award shall be forwarded to the Court Administrator so that payment may be processed.

Adopted 11/20/98, Effective 1/1/99. Amended 1/10/05, Effective 3/1/05; 11/28/06, Effective 12/22/06.

Local Rule 1303. HEARING. NOTICE.

A. The Court Administrator shall fix a time, date and place of hearing, and shall notify the arbitrators, all counsel of record, and any unrepresented parties. The hearing notice shall contain the following statement: "This matter will be heard by a board of arbitrators at the time, date and place specified; but if one or more of the parties is not present at the hearing, the matter

may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”

B. All requests for continuances shall be in writing in the form set forth by local rule and shall be submitted to the Court Administrator. No continuances which have been submitted less than seven (7) days prior to the date of hearing shall be granted, except for extenuating circumstances and, in those instances, the party requesting the continuance may be required by the court to pay the board of arbitrator fees.

C. In the event that a case settles after an arbitration hearing has been scheduled, the plaintiff shall serve a copy of the discontinuance on the court administrator prior to the date of arbitration. Failure to do so, may result in the arbitrator costs being assessed upon the plaintiff.

D. At least seven (7) days before the date of the arbitration hearing, all parties shall file a trial memorandum with the Prothonotary and shall serve a copy on each party.

The trial memorandum shall include the following information:

- (1) A brief statement of the facts of the claim or defense.
- (2) A statement of the legal basis of the claim or defense.
- (3) A list of all special damages claimed, including but not limited to lost earnings, loss of future earnings capacity, itemized medical expenses, and property damages.
- (4) A list of the names and addresses of all witnesses whom that party intends to call at arbitration.
- (5) A list of all exhibits to be offered by that party at arbitration. All exhibits shall be numbered prior to the arbitration.
- (6) Special comments regarding legal issues.
- (7) A certification that the attorney or party has made a reasonable effort to stipulate or agree to all undisputed issues of fact or law which would expedite the arbitration of the matter.

E. It is expected that the memorandum will not exceed two pages, except in unusual cases.

F. Except in extraordinary circumstances as determined by the arbitrators, a party will not be allowed to call a witness who is not listed in a timely-filed arbitration memorandum.

G. Except in extraordinary circumstances as determined by the arbitrators, a party will not be allowed to offer an exhibit that is not listed in a timely-filed arbitration memorandum.

Adopted 11/20/98, Effective 1/1/99. Amended 1/10/05, Effective 3/1/05; 11/28/06, Effective 12/22/06.

Local Rule 1308. ARBITRATION APPEAL.

An appeal from an award of arbitrators shall be filed in duplicate in the Office of the Prothonotary. A copy of the appeal shall be transmitted immediately by the Prothonotary to the Court Administrator. Immediately following the receipt of said copy, the Court Administrator shall schedule a pre-trial and prepare the appropriate order scheduling same, which will direct pre-trial memoranda to be filed five (5) days prior to the pre-trial conference.

Adopted 11/20/98, Effective 1/1/99. Amended 1/10/05, Effective 3/1/05; 11/28/06, Effective 12/22/06. Amended 4/11/11, Effective 6/20/11.

Local Rule 1312. AWARD.

A. The oath or affirmation shall be administered by the Prothonotary.

B. The Arbitration Report and Award shall be in the form set forth in Pa.R.C.P. 1312.

Adopted 11/20/98, Effective 1/1/99. Amended 1/10/05, Effective 3/1/05; 11/28/06, Effective 12/22/06.

Local Rule 1910.4.1

(a) In any support proceeding, all pleadings, including, but not limited to, exceptions, support agreements, and motions must be filed in the Office of the Prothonotary and a copy thereof immediately served upon the Domestic Relations Office, the Court Administrator's Office, and all parties of record.

(b) The Prothonotary shall accept for filing any pleading in a support action which is not accompanied by a certification that service will be made as required by section (a) of this rule,

but shall promptly notify the presiding judge of the party's failure to file the required certification.

(c) The provisions of this rule shall not apply to pleadings filed by the Domestic Relations Office.

Adopted 12/1/95, Effective 12/6/95. Amended 9/3/97. Effective 11/1997.

Local Rule 1910.10

All support proceedings shall be conducted under the Alternative Hearing Procedure of Rule 1910.12 of the Pennsylvania Rules of Civil Procedure

Adopted 1/3/96. Effective 2/15/96.

Local Rule 1910.12(e) EXCEPTIONS

(1) Each exception to the hearing officer's report regarding child support, spousal support, and alimony pendente lite shall be specifically identified by the party filing the exception as either:

- (i) an exception asserting that the hearing officer made an erroneous finding of fact, or
- (ii) an exception asserting that the hearing officer made an error of law.

(2) An exception asserting that the hearing officer made an erroneous finding of fact shall:

- (i) identify the erroneous finding;
- (ii) state specifically the finding which should have been made by the hearing officer;
- (iii) specify any document which supports, or any witness whose testimony supports, the finding which should have been made by the hearing officer;
- (iv) specify any document or testimony which supports the hearing officer's finding.

(3) An exception asserting that the hearing officer made an error of law shall identify the statute, rule, regulation, or judicial decision not applied or improperly applied by the hearing officer.

(4) All exceptions shall include a statement of the following:

- (i) The obligor's income available for support, as claimed by the party filing the exceptions, together with a statement of the record evidence of the obligor's income;
- (ii) The obligee's income available for support, as claimed by the party filing the exceptions, together with a statement of the record evidence of the obligor's income;
- (iii) The amount of support which should have been ordered.

(5) Exceptions shall contain no discussion of the claims made.

(6) Any party filing exceptions shall immediately submit to the court administrator a motion for argument on the exceptions.

(7) Exceptions which are not in compliance with this rule or which are not briefed as ordered may be deemed to have been waived.

Adopted 11/18/96. Effective 4/8/97.

Local Rule 1910.22(a)(2)(ii)

All orders of support entered upon written agreements which do not provide for an immediate wage attachment and for payment to be made through the Domestic Relations Office may at any time be stricken by the court sua sponte, unless said order was entered.

Adopted 12/1/95, Effective 12/6/95.

Local Rule 1915. CUSTODY

Local Rule 1915.15 FORM OF COMPLAINT. ORDER.

(1) In addition to the information required by Pa.R.C.P. 1915.15, every complaint for custody, partial custody, or visitation shall contain one of the following averments:

A. "Plaintiff has been advised of the requirement to attend the seminar titled Education Program for Separated Parents."

or

B. "The parties have previously attended the Education Program for Separated Parents as evidenced by certificates of attendance (attached hereto) (contained in the official court file case number _____)."

(2) The order and notice shall also include the following:

“The parties are directed to pre-register with the Court Administrator and attend the Education Program for Separated Parents on one of the two dates listed below:

Saturday, _____, 8:30 a.m. to 12:30 p.m.

Saturday, _____, 8:30 a.m. to 12:30 p.m.”

or

“The parties have previously attended the Education Program for Separated Parents as evidenced by certificates of attendance (attached hereto) (contained in the official court file case number _____).”

Local Rule 1919. MANDATORY SEMINAR FOR SEPARATED FAMILIES

1. In all divorce and custody proceedings filed on or after December 1, 1994, and in such other cases as the court shall direct, where the interests of children under the age of 18 years are involved, within thirty (30) days of the date a custody, visitation or divorce claim is filed, the parties shall attend a four-hour seminar titled “Education Program for Separated Parents.” If service of the complaint is not made within ten (10) days of filing, the plaintiff shall immediately notify the Court Administrator and shall thereafter provide the Court Administrator with proof of service within five (5) days of service.

2. In all custody/visitation proceedings filed on or after December 1, 1994, each notice order and complaint shall include the additional information in accordance with Bradford County Civil Rule 1915.15

3. In all divorce proceedings filed on or after December 1, 1994, where the parties have a child or children under the age of eighteen years, every complaint shall contain the additional information required by Bradford County Civil Rule 1920.12. It shall also have attached thereto an order directing attendance at the seminar in the form set forth in Rule 1920.12(3).

4. The moving party shall serve the responding party with a copy of the court order directing attendance at the seminar at the time a divorce complaint is served. A program brochure/registration form shall also be provided by the moving party to the responding party at the time of service of the complaint.

5. The affidavit of service shall include a statement that the opposing party was advised of the requirement to attend the Education Program for Separated Parents and **was** served with the registration form.

6. Within seven (7) days after service, both parties are required to register for the program by mailing or personally presenting the pre-printed Education Program for Separated Parents registration form, along with a registration fee of \$35.00 (check or money order) to the Court Administrator, Bradford County Courthouse, 301 Main Street, Towanda, PA 18848. A waiver or reduction of the attendance fee can be granted only by the Court Administrator in consultation with the court.

7. Court approval is required for an extension of time to complete the seminar.

8. Parents living outside of Bradford County may contact the Court Administrator for possible alternative program attendance.

9. Upon completion of the seminar, each participant will receive a copy of a certificate verifying that they have attended the program. The original certificate will be placed in the official court file.

10. Failure to register for and complete the program may result in a finding of contempt and the imposition of sanctions.

Adopted 11/16/94, Effective 12/1/94. Amended 1/5/05, Effective 3/1/05; Amended 4/11/11, Effective 6/20/11.

Local Rule 1920. ACTIONS OF DIVORCE OR ANNULMENT.

Local Rule 1920.12 COMPLAINT

(1) In addition to the information required by Pa.R.C.P. 1920.12, every complaint in divorce shall contain one of the following averments:

A. Plaintiff avers that there are no children under the age of eighteen (18) years born of the marriage; or

B. Plaintiff avers that there are children under the age of eighteen (18) years born of the marriage, namely: (list names and dates of birth).

(2) If there are children under the age of eighteen (18) years born of the marriage, the complaint shall include one of the following averments:

A. "Plaintiff has been advised of the requirement to attend the Education Program for Separated Parents,"

or

B. "The parties have previously attended the Education Program for Separated Parents as evidenced by certificates of attendance (attached hereto) (contained in the official court file **case** number _____.)"

(3) In the event there are children under the age of eighteen (18) years of age born of the marriage, and there is no averment that the parties previously attended the Education Program for Separated Parents, the divorce complaint shall have attached thereto, an order in substantially the following form:

VS. : IN THE COURT OF COMMON PLEAS
: OF BRADFORD COUNTY, PENNSYLVANIA
: NO.

ORDER OF COURT

AND NOW, _____, 20__ , a complaint in divorce being filed herewith which avers that there are children of the marriage under the age of eighteen (18) years of age, and that the parties have not yet attended the “Education Program for Separated Parents”, the court directs that the parties shall pre-register with the Court Administrator and shall attend the “Education Program for Separated Parents” on one of the two dates listed below:

Saturday _____, 8:30 a.m. to 12:30 p.m.

Saturday, _____, 8:30 a.m. to 12:30 p.m.

BY THE COURT:

_____ J.

Adopted 11/16/94, Effective 12/1/94. Amended 1/10/05, Effective 3/1/ 2005; Amended 4/11/11; Effective 6/20/11.

Local Rule 1920.55 EXCEPTIONS TO MASTER’S REPORT

Exceptions to the master’s report regarding divorce and any related claims shall be governed by the practice of Rule 1910.12(e) of the Bradford County Rules of Civil Procedure, except that part (4) of B.C.R.C.P. 1910.12(e) shall not be applicable to claims other than support and alimony pendente lite. Each exception to claims for divorce, equitable distribution, alimony, counsel fees and expenses shall state specifically the conclusion which the excepting party claims should have been reached by the master.

Adopted 11/18/96. Effective 4/8/97.

Local Rule 2039. Compromise, Settlement, Discontinuance and Distribution

(a)(1) Petitions for approval of settlement or compromise in matters in which a minor has an interest shall be filed in the Orphans' Court Division where the minor resides if no suit has been previously filed in the Prothonotary's Office under the docket number of a previously filed suit.

(2) The petition shall set forth:

- (a) the factual background of the claim;
- (b) the identification of the parties including the age of the minor and the addresses of the biological parents of the minor;
- (c) counsel's analysis of the liability and damages issues relevant to the determination of the reasonableness of the proposed settlement;
- (d) counsel's certification that the settlement is reasonable and in the best interest of the minor;
- (e) the types and amounts of insurance coverage applicable to the claim and representation as to the efforts made to identify other collateral sources;
- (f) whether there are any unpaid Medicare or Department of Public Welfare liens, claims or debts. Where such claims or debts have been waived, the Petitioner shall attach as an exhibit written proof of waiver of such lien, claim or debt;
- (g) a request for authorization of parent or natural guardian to sign the proposed release;
- (h) a description of the type of account into which the settlement proceeds will be deposited;
- (i) a statement of the proposed distribution of the settlement funds which includes the proposed percentage of counsel fees and an itemization of costs.

(3) The petition shall contain the following exhibits:

- (a) copies of medical reports or records evidencing the diagnosis and prognosis of the minor's injuries;

(b) investigative or police accident reports which provide background information regarding the incident which caused the minor's injuries;

(c) the counsel fee agreement with the parents or natural guardians of the minor executed by any attorney seeking recovery of counsel fees;

(4) Any amendments or supplements to the petition required by the court shall be filed of record.

(5) The court may approve a petition without a hearing. If the court schedules a hearing, the court may require evidence which the court deems necessary to determine whether the proposed settlement adequately protects the minors interests, including the testimony of the guardian, the treating physician, or the representative of the financial institution responsible for the investment of settlement funds.

(6) The court may require a hearing on the issue of counsel fees if the court believes the fees may be excessive.

(7) Except as otherwise required by the court, the appearance of the minor shall not be required.

(8) The petitioner shall attach a proposed order which sets forth:

(a) the court's authorization for the petitioner to enter into a settlement and release on behalf of the minor;

(b) reference to the total amount of the settlement;

(c) a complete statement of the distribution of the settlement amount as set forth in the petition;

(d) identification of the type of account to be utilized, which account shall comply with P.A.R.C.P. 2039, including a provision that no withdrawal shall be made from any such account except by a prior order of court or until the minor attains majority;

(e) a provision that counsel shall provide the court with an affidavit of deposit of minor's funds within ten days from the date of the order.

(9) In appropriate cases, the court will authorize the parent or natural guardian to deposit cash to be paid for the benefit of the minor into an interest bearing, restricted account, insured by the Federal government.

Adopted 1/10/05, Effective 3/1/05.