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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 879 Session of  
2015

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INTRODUCED BY BAKER, KOTIK, V. BROWN, MILLARD, WATSON, TOOHL,  
KORTZ, ZIMMERMAN, GILLEN AND MURT, APRIL 6, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 6, 2015

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AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for procedures in domestic  
4 relations and litigation; repealing provisions relating to  
5 hearing by master, jury trial, mediation programs, fees and  
6 costs, review of programs, existing programs and  
7 consolidation of proceedings; conferring powers and duties on  
8 the unified judicial system, the Secretary of the  
9 Commonwealth and the Legislative Reference Bureau;  
10 establishing the Family Justice Account; and making editorial  
11 changes.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Sections 3303(a) and 3308 of Title 23 of the  
15 Pennsylvania Consolidated Statutes are amended to read:

16 § 3303. Annulment of void and voidable marriages.

17 (a) General rule.--In all cases where a supposed or alleged  
18 marriage has been contracted which is void or voidable under  
19 this title or under applicable law, either party to the supposed  
20 or alleged marriage may bring an action in annulment to have it  
21 declared void in accordance with the procedures provided by  
22 [this part and prescribed by general rules.] 42 Pa.C.S. Ch. 72

1 (relating to family law and justice).

2 \* \* \*

3 § 3308. Action where defendant suffering from mental disorder.

4 If a spouse is insane or suffering from serious mental  
5 disorder, an action may be commenced [under this part] in  
6 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
7 justice) against that spouse upon any ground for divorce or  
8 annulment.

9 Section 2. Sections 3321 and 3322 of Title 23 are repealed:

10 [§ 3321. Hearing by master.

11 The court may appoint a master to hear testimony on all or  
12 some issues, except issues of custody and paternity, and return  
13 the record and a transcript of the testimony together with a  
14 report and recommendation as prescribed by general rules, or a  
15 judge of the court in chambers may appoint a master to hold a  
16 nonrecord hearing and to make recommendations and return the  
17 same to the court, in which case either party may demand a  
18 hearing de novo before the court.

19 § 3322. Jury trial.

20 (a) Application for jury trial.--After service of the  
21 complaint in divorce or annulment on the defendant in the manner  
22 prescribed by general rules or entry of a general appearance for  
23 the defendant, if either of the parties desires any matter of  
24 fact that is affirmed by one and denied by the other to be tried  
25 by a jury, that party may take a rule upon the opposite party,  
26 to be allowed by a judge of the court, to show cause why the  
27 issues of fact set forth in the rule should not be tried by a  
28 jury, which rule shall be served upon the opposite party or  
29 counsel for the opposite party.

30 (b) Disposition of application.--Upon the return of the

1 rule, after hearing, the court may discharge it, make it  
2 absolute or frame issues itself. Only the issues ordered by the  
3 court shall be tried. The rule shall not be made absolute when,  
4 in the opinion of the court, a trial by jury cannot be had  
5 without prejudice to the public morals.]

6 Section 3. Sections 3323, 3502(a) and (e), 3505, 3506,  
7 3507(a), 3508, 3701(a), (d) and (e), 3702, 3703 and 3705(a) of  
8 Title 23 are amended to read:

9 § 3323. Decree of court.

10 (a) General rule.--In accordance with 42 Pa.C.S. Ch. 72  
11 (relating to family law and justice), in all matrimonial causes,  
12 the court may either dismiss the complaint or enter a decree of  
13 divorce or annulment of the marriage.

14 (b) Contents of decree.--[A] In accordance with 42 Pa.C.S.  
15 Ch. 72, a decree granting a divorce or an annulment shall  
16 include, after a full hearing, where these matters are raised in  
17 any pleadings, an order determining and disposing of existing  
18 property rights and interests between the parties, custody,  
19 partial custody and visitation rights, child support, alimony,  
20 reasonable attorney fees, costs and expenses and any other  
21 related matters, including the enforcement of agreements  
22 voluntarily entered into between the parties. In the enforcement  
23 of the rights of any party to any of these matters, the court  
24 shall have all necessary powers, including, but not limited to,  
25 the power of contempt and the power to attach wages.

26 [(c.1) Bifurcation.--With the consent of both parties, the  
27 court may enter a decree of divorce or annulment prior to the  
28 final determination and disposition of the matters provided for  
29 in subsection (b). In the absence of the consent of both  
30 parties, the court may enter a decree of divorce or annulment

1 prior to the final determination and disposition of the matters  
2 provided for in subsection (b) if:

3 (1) grounds have been established as provided in  
4 subsection (g); and

5 (2) the moving party has demonstrated that:

6 (i) compelling circumstances exist for the entry of  
7 the decree of divorce or annulment; and

8 (ii) sufficient economic protections have been  
9 provided for the other party during the pendency of the  
10 disposition of the matters provided for in subsection  
11 (b).]

12 (d) Substitution for deceased party.--[If] In accordance  
13 with 42 Pa.C.S. Ch. 72, if one of the parties dies after the  
14 decree of divorce has been entered, but prior to the final  
15 determination in such proceeding of the property rights and  
16 interests of the parties under this part, the personal  
17 representative of the deceased party shall be substituted as a  
18 party as provided by law and the action shall proceed.

19 (d.1) Death of a party.--In the event one party dies during  
20 the course of divorce proceedings, no decree of divorce has been  
21 entered and grounds have been established as provided in  
22 subsection (g), the parties' economic rights and obligations  
23 arising under the marriage shall be determined under this part  
24 rather than under 20 Pa.C.S. (relating to decedents, estates and  
25 fiduciaries).

26 (e) Costs.--[The] In accordance with 42 Pa.C.S. Ch. 72, the  
27 court may award costs to the party in whose favor the order or  
28 decree shall be entered or may order that each party shall pay  
29 their own costs or may order that costs be divided equitably as  
30 it shall appear just and reasonable.

1 (f) Equity power and jurisdiction of the court.--In  
2 accordance with 42 Pa.C.S. Ch. 72, in all matrimonial causes,  
3 the court shall have full equity power and jurisdiction and may  
4 issue injunctions or other orders which are necessary to protect  
5 the interests of the parties or to effectuate the purposes of  
6 this part and may grant such other relief or remedy as equity  
7 and justice require against either party or against any third  
8 person over whom the court has jurisdiction and who is involved  
9 in or concerned with the disposition of the cause.

10 (g) Grounds established.--For purposes of [subsections (c.1)  
11 and] subsection (d.1), grounds are established as follows:

12 (1) In the case of an action for divorce under section  
13 3301(a) or (b) (relating to grounds for divorce), the court  
14 adopts a report of the master or makes its own findings that  
15 grounds for divorce exist.

16 (2) In the case of an action for divorce under section  
17 3301(c), both parties have filed affidavits of consent.

18 (3) In the case of an action for divorce under section  
19 3301(d), an affidavit has been filed and no counter-affidavit  
20 has been filed or, if a counter-affidavit has been filed  
21 denying the affidavit's averments, the court determines that  
22 the marriage is irretrievably broken and the parties have  
23 lived separate and apart for at least two years at the time  
24 of the filing of the affidavit.

25 § 3502. Equitable division of marital property.

26 (a) General rule.--[Upon] In accordance with 42 Pa.C.S. Ch.  
27 72 (relating to family law and justice), upon the request of  
28 either party in an action for divorce or annulment, the court  
29 shall equitably divide, distribute or assign, in kind or  
30 otherwise, the marital property between the parties without

1 regard to marital misconduct in such percentages and in such  
2 manner as the court deems just after considering all relevant  
3 factors. The court may consider each marital asset or group of  
4 assets independently and apply a different percentage to each  
5 marital asset or group of assets. Factors which are relevant to  
6 the equitable division of marital property include the  
7 following:

8 (1) The length of the marriage.

9 (2) Any prior marriage of either party.

10 (3) The age, health, station, amount and sources of  
11 income, vocational skills, employability, estate, liabilities  
12 and needs of each of the parties.

13 (4) The contribution by one party to the education,  
14 training or increased earning power of the other party.

15 (5) The opportunity of each party for future  
16 acquisitions of capital assets and income.

17 (6) The sources of income of both parties, including,  
18 but not limited to, medical, retirement, insurance or other  
19 benefits.

20 (7) The contribution or dissipation of each party in the  
21 acquisition, preservation, depreciation or appreciation of  
22 the marital property, including the contribution of a party  
23 as homemaker.

24 (8) The value of the property set apart to each party.

25 (9) The standard of living of the parties established  
26 during the marriage.

27 (10) The economic circumstances of each party at the  
28 time the division of property is to become effective.

29 (10.1) The Federal, State and local tax ramifications  
30 associated with each asset to be divided, distributed or

1 assigned, which ramifications need not be immediate and  
2 certain.

3 (10.2) The expense of sale, transfer or liquidation  
4 associated with a particular asset, which expense need not be  
5 immediate and certain.

6 (11) Whether the party will be serving as the custodian  
7 of any dependent minor children.

8 \* \* \*

9 (e) Powers of the court.--If, at any time, a party has  
10 failed to comply with an order of equitable distribution, as  
11 provided for in this chapter or with the terms of an agreement  
12 as entered into between the parties, after hearing, the court  
13 may, in addition to any other remedy [available under this part]  
14 provided by statute, in order to effect compliance with its  
15 order:

16 (1) enter judgment;

17 (2) authorize the taking and seizure of the goods and  
18 chattels and collection of the rents and profits of the real  
19 and personal, tangible and intangible property of the party;

20 (3) award interest on unpaid installments;

21 (4) order and direct the transfer or sale of any  
22 property required in order to comply with the court's order;

23 (5) require security to insure future payments in  
24 compliance with the court's order;

25 (6) issue attachment proceedings, directed to the  
26 sheriff or other proper officer of the county, directing that  
27 the person named as having failed to comply with the court  
28 order be brought before the court, at such time as the court  
29 may direct. If the court finds, after hearing, that the  
30 person willfully failed to comply with the court order, it

1 may deem the person in civil contempt of court and, in its  
2 discretion, make an appropriate order, including, but not  
3 limited to, commitment of the person to the county jail for a  
4 period not to exceed six months;

5 (7) award counsel fees and costs;

6 (8) attach wages; or

7 (9) find the party in contempt.

8 \* \* \*

9 § 3505. Disposition of property to defeat obligations.

10 (a) Preliminary relief.--Where it appears to the court that  
11 a party is about to leave the jurisdiction of the court or is  
12 about to remove property of that party from the jurisdiction of  
13 the court or is about to dispose of, alienate or encumber  
14 property in order to defeat equitable distribution, alimony  
15 pendente lite, alimony, child and spousal support or a similar  
16 award, an injunction may issue to prevent the removal or  
17 disposition and the property may be attached as prescribed by  
18 general rules. The court may also issue a writ of ne exeat to  
19 preclude the removal.

20 [(b) Inventory of property.--Both parties shall submit to  
21 the court an inventory and appraisal, which shall contain all  
22 of the following:

23 (1) A list of the property owned or possessed by either  
24 or both of them as of:

25 (i) the date of separation; and

26 (ii) thirty days prior to the date of hearing on  
27 equitable distribution.

28 (2) A list of the value of the property owned or  
29 possessed by either or both of them as of:

30 (i) the date of acquisition;

1 (ii) the date of separation; and  
2 (iii) thirty days prior to the date of hearing on  
3 equitable distribution.

4 (3) A list of the liabilities of either or both of them  
5 as of 30 days prior to the date of hearing on equitable  
6 distribution, whether or not the liabilities are related to  
7 the property set forth in the inventory and appraisalment.]

8 (c) Discovery.--Discovery [under this part] in 42 Pa.C.S.  
9 Ch. 72 (relating to family law and justice) shall be as provided  
10 for all other civil actions under the Pennsylvania Rules of  
11 Civil Procedure.

12 (d) Constructive trust for undisclosed assets.--If a party  
13 fails to disclose information required by [general rule of the  
14 Supreme Court] the family information statement as provided in  
15 42 Pa.C.S. Ch. 72 and in consequence thereof an asset or assets  
16 with a fair market value of \$1,000 or more is omitted from the  
17 final distribution of property, the party aggrieved by the  
18 nondisclosure may at any time petition the court granting the  
19 award to declare the creation of a constructive trust as to all  
20 undisclosed assets for the benefit of the parties and their  
21 minor or dependent children, if any. The party in whose name the  
22 assets are held shall be declared the constructive trustee  
23 unless the court designates a different trustee, and the trust  
24 may include any terms and conditions the court may determine.  
25 The court shall grant the petition upon a finding of a failure  
26 to disclose the assets as required by [general rule of the  
27 Supreme Court] the family information statement.

28 (e) Encumbrance or disposition to third parties.--An  
29 encumbrance or disposition of marital property to third persons  
30 who paid wholly inadequate consideration for the property may be

1 deemed fraudulent and declared void.

2 § 3506. Statement of reasons for distribution.

3 In an order made [under this chapter] in accordance with 42  
4 Pa.C.S. Ch. 72 (relating to family law and justice) for the  
5 distribution of property, the court shall set forth the  
6 percentage of distribution for each marital asset or group of  
7 assets and the reason for the distribution ordered.

8 § 3507. Division of entireties property between divorced  
9 persons.

10 (a) General rule.--Whenever married persons holding property  
11 as tenants by entireties are divorced, they shall, except as  
12 otherwise provided by an order [made under this chapter] issued  
13 in accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
14 justice), thereafter hold the property as tenants in common of  
15 equal one-half shares in value, and either of them may bring an  
16 action against the other to have the property sold and the  
17 proceeds divided between them.

18 \* \* \*

19 § 3508. Conveyance of entireties property to divorced spouse.

20 Whenever married persons have acquired real estate as tenants  
21 by entireties and thereafter are divorced, either former spouse,  
22 except as otherwise provided by an order [made under this  
23 chapter] issued in accordance with 42 Pa.C.S. Ch. 72 (relating  
24 to family law and justice), may convey to the other, without the  
25 joinder of the other, the grantor's interest in the real estate  
26 so that the grantee holds the real estate in fee simple, freed  
27 from all right, title and interest which the grantor had in the  
28 real estate as a tenant by the entireties.

29 § 3701. Alimony.

30 (a) General rule.--Where a divorce decree has been entered

1 in accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
2 justice), the court may allow alimony, as it deems reasonable,  
3 to either party only if it finds that alimony is necessary.

4 \* \* \*

5 (d) Statement of reasons.--In an order made [under this  
6 section] in accordance with 42 Pa.C.S. Ch. 72, the court shall  
7 set forth the reason for its denial or award of alimony and the  
8 amount thereof.

9 (e) Modification and termination.--An order entered  
10 [pursuant to this section] is subject to further order of the  
11 court upon changed circumstances of either party of a  
12 substantial and continuing nature whereupon the order may be  
13 modified, suspended, terminated or reinstated or a new order  
14 made in accordance with 42 Pa.C.S. Ch. 72. Any further order  
15 shall apply only to payments accruing subsequent to the petition  
16 for the requested relief. Remarriage of the party receiving  
17 alimony shall terminate the award of alimony.

18 \* \* \*

19 § 3702. Alimony pendente lite, counsel fees and expenses.

20 In proper cases in accordance with 42 Pa.C.S. Ch. 72  
21 (relating to family law and justice), upon petition, the court  
22 may allow a spouse reasonable alimony pendente lite, spousal  
23 support and reasonable counsel fees and expenses. Reasonable  
24 counsel fees and expenses may be allowed pendente lite, and the  
25 court shall also have authority to direct that adequate health  
26 and hospitalization insurance coverage be maintained for the  
27 dependent spouse pendente lite.

28 § 3703. Enforcement of arrearages.

29 If at any time a party is in arrears in the payment of  
30 alimony or alimony pendente lite as provided for in sections

1 3701 (relating to alimony) and 3702 (relating to alimony  
2 pendente lite, counsel fees and expenses), the court may in  
3 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
4 justice), after hearing, in order to effect payment of the  
5 arrearages:

6 (1) Enter judgment.

7 (2) Authorize the taking and seizure of the goods and  
8 chattels and the collection of the rents and profits of the  
9 real estate of the party.

10 (3) Attach no more than 50% of the wages of the party.

11 (4) Award interest on unpaid installments.

12 (5) Require security to insure future payments.

13 (6) Issue attachment proceedings, directed to the  
14 sheriff or other proper officer of the county, directing that  
15 the person named as having failed to comply with the court  
16 order be brought before the court at such time as the court  
17 may direct. If the court finds, after hearing, that the named  
18 person willfully failed to comply with the court order, it  
19 may declare the person in civil contempt of court and in its  
20 discretion make an appropriate order, including, but not  
21 limited to, commitment of the person to prison for a period  
22 not to exceed six months.

23 (7) Award counsel fees and costs.

24 § 3705. Enforcement of foreign decrees.

25 (a) General rule.--Whenever a person subject to a valid  
26 decree of a sister state or territory for the distribution of  
27 marital property or for the payment of alimony, temporary  
28 alimony or alimony pendente lite, or the property of that person  
29 is found within this Commonwealth, the obligee of the decree  
30 may, in accordance with 42 Pa.C.S. Ch. 72 (relating to family

1 law and justice), petition the court where the obligor or the  
2 property of the obligor is found to register, adopt as its own  
3 and enforce the decree as a properly issued and authenticated  
4 decree of a sister state or territory. Upon registration and  
5 adoption, such relief and process for enforcement as is provided  
6 or prescribed by law in similar cases originally commenced in  
7 this Commonwealth shall be available. A copy of the decree and  
8 order shall be forwarded to the court of the state or territory  
9 which issued the original decree. The obligor shall have  
10 whatever defenses and relief are available to the obligor in the  
11 state or territory which issued the original decree and may  
12 question the jurisdiction of that court if not otherwise barred.  
13 Interest may be awarded on unpaid installments and security may  
14 be required to insure future payments as in cases originally  
15 commenced in this Commonwealth. Where property of the obligor,  
16 but not the person of the obligor, is found within this  
17 Commonwealth, there shall be jurisdiction quasi in rem, and,  
18 upon registration and adoption of the decree of the sister state  
19 or territory, relief and enforcement of the decree shall be  
20 available as in other proceedings which are quasi in rem.

21 \* \* \*

22 Section 4. Sections 3901, 3902, 3903 and 3904 of Title 23  
23 are repealed:

24 [§ 3901. Mediation programs.

25 (a) Establishment.--A court may establish a mediation  
26 program for actions brought under this part or Chapter 53  
27 (relating to custody).

28 (b) Issues subject to mediation.--When a program has been  
29 established pursuant to subsection (a), the court may order the  
30 parties to attend an orientation session to explain the

1 mediation process. Thereafter, should the parties consent to  
2 mediation, the court may order them to mediate such issues as it  
3 may specify.

4 (c) Local rules.--

5 (1) The court shall adopt local rules for the  
6 administration of the mediation program to include rules  
7 regarding qualifications of mediators, confidentiality and  
8 any other matter deemed appropriate by the court.

9 (2) The court shall not order an orientation session or  
10 mediation in a case where either party or child of either  
11 party is or has been a subject of domestic violence or child  
12 abuse at any time during the pendency of an action under this  
13 part or within 24 months preceding the filing of any action  
14 under this part.

15 (d) Model guidelines.--The Supreme Court shall develop model  
16 guidelines for implementation of this section and shall consult  
17 with experts on mediation and domestic violence in this  
18 Commonwealth in the development thereof. The effective date of  
19 this chapter shall not be delayed by virtue of this subsection.

20 § 3902. Fees and costs.

21 (a) Imposition of fee.--A county in which the court has  
22 established a mediation program may impose an additional filing  
23 fee of up to \$20 on divorce and custody complaints to be used to  
24 fund the mediation program.

25 (b) Assessment of additional costs.--The court may assess  
26 additional costs of mediation on either party.

27 § 3903. Review of programs.

28 The Supreme Court shall monitor mediation programs  
29 established by courts of common pleas. The Supreme Court shall  
30 establish procedures for the evaluation of the effectiveness of

1 the program.

2 § 3904. Existing programs.

3 This chapter shall not affect any existing mediation program  
4 established in any judicial district pursuant to local rule.]

5 Section 5. Sections 4324, 4341(a), 4344, 4345(a) and 4347 of  
6 Title 23 are amended to read:

7 § 4324. Inclusion of spousal medical support.

8 In addition to periodic support payments, the court may, in  
9 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and  
10 justice), require that an obligor pay a designated percentage of  
11 a spouse's reasonable and necessary health care expenses. If  
12 health care coverage is available through an obligor or obligee  
13 at no cost as a benefit of employment or at a reasonable cost,  
14 the court shall order an obligor or obligee to provide or extend  
15 health care coverage to a spouse. Upon failure of the obligor to  
16 make this payment or reimburse the spouse and after compliance  
17 with procedural due process requirement, the court shall treat  
18 the amount as arrearages.

19 § 4341. Commencement of support actions or proceedings.

20 (a) Procedure.--A support action or proceeding under this  
21 chapter shall be commenced in accordance with 42 Pa.C.S. Ch. 72  
22 (relating to family law and justice) in the manner prescribed by  
23 the Rules of Civil Procedure governing actions of support.

24 \* \* \*

25 § 4344. Contempt for failure of obligor to appear.

26 A person who willfully fails or refuses to appear in response  
27 to a duly served order or other process [under this chapter]  
28 relating to support may, as prescribed by general rule, be  
29 adjudged in contempt. Contempt shall be punishable by any one or  
30 more of the following:

1 (1) Imprisonment for a period not to exceed six months.

2 (2) A fine not to exceed \$500.

3 (3) Probation for a period not to exceed six months.

4 § 4345. Contempt for noncompliance with support order.

5 (a) General rule.--A person who willfully fails to comply  
6 with any order [under this chapter] of support, except an order  
7 subject to section 4344 (relating to contempt for failure of  
8 obligor to appear), may, as prescribed by general rule, be  
9 adjudged in contempt. Contempt shall be punishable by any one or  
10 more of the following:

11 (1) Imprisonment for a period not to exceed six months.

12 (2) A fine not to exceed \$1,000.

13 (3) Probation for a period not to exceed one year.

14 \* \* \*

15 § 4347. Security for attendance or performance.

16 At any stage of the proceedings [under this chapter] relating  
17 to support, upon affidavit filed that the obligor is about to  
18 leave this Commonwealth or the judicial district or, where in  
19 the judgment of the court, the obligor has habitually failed to  
20 comply with court orders [under this chapter] relating to  
21 support, the court may, as prescribed by general rule, issue  
22 appropriate process directing that the obligor be brought before  
23 the court and may direct that the obligor give security to  
24 appear when directed by the court or to comply with any order of  
25 the court.

26 Section 6. Section 4349 of Title 23 is repealed:

27 [§ 4349. Consolidation of proceedings.

28 In order to facilitate frequent and unimpeded contact between  
29 children and parents, a judge may consolidate with a support  
30 action or proceeding any proceeding commenced for visitation

1 rights, sole or shared custody, temporary or permanent custody  
2 or any other matters pertaining to support authorized by law  
3 which fairly and expeditiously may be determined and disposed of  
4 in the support action or proceeding.]

5 Section 7. Sections 4350 and 5332(a) of Title 23 are amended  
6 to read:

7 § 4350. Effect of appeal.

8 An appeal from an order of support [entered pursuant to this  
9 chapter] shall not operate as a supersedeas unless so ordered by  
10 the court.

11 § 5332. Informational programs.

12 (a) Attendance.--The court may direct the parties to attend  
13 informational programs concerning parental duties, including the  
14 separating-parents seminar established under 42 Pa.C.S. § 7224  
15 (relating to separating-parents seminar).

16 \* \* \*

17 Section 8. Title 42 is amended by adding a chapter to read:

18 CHAPTER 72

19 FAMILY LAW AND JUSTICE

20 Sec.

21 7201. Short title of chapter.

22 7202. Declaration of policy.

23 7203. Legislative intent.

24 7204. Definitions.

25 7205. Scope of chapter.

26 7206. Judicial districts.

27 7207. Annual report.

28 7208. Weighted caseload study.

29 7209. Intake and screening.

30 7210. Hearings may be private.

- 1 7211. Testimony of minor child.
- 2 7212. Commencement of family action.
- 3 7213. Differentiated case management.
- 4 7214. Case management conference.
- 5 7215. Consolidation.
- 6 7216. Bifurcation.
- 7 7217. Continuous trials.
- 8 7218. Tentative decisions.
- 9 7219. Motions day.
- 10 7220. Case management teams.
- 11 7221. Family law masters.
- 12 7222. Mediation.
- 13 7223. Appeals.
- 14 7224. Separating-parents seminar.
- 15 7225. Seminar for children of separating parents.
- 16 7226. Family Justice Account.
- 17 7227. Family resource center.
- 18 7228. Family law manual.
- 19 7229. Volunteer lawyers.
- 20 7230. Judicial education seminar.
- 21 7231. Continuing judicial education.
- 22 § 7201. Short title of chapter.

23 This chapter shall be known and may be cited as the Family  
24 Law and Justice Act.

25 § 7202. Declaration of policy.

26 The General Assembly finds and declares as follows:

27 (1) The current procedure in this Commonwealth for  
28 litigating family law cases involving divorce, annulment,  
29 child support, spousal support, custody, alimony and  
30 equitable division of marital property has created undue

1 hardship for children and families.

2 (2) Pennsylvania's current procedure is largely based on  
3 the traditional adversarial process, which is is  
4 multilayered, segmented, overly lengthy and costly and only  
5 serves to deepen the wounds caused by family breakup.

6 (3) Family breakup invariably hurts every member but is  
7 especially harmful to children. Divorce and family separation  
8 have been shown to contribute to increased levels of teen  
9 violence, suicide and depression and to impede learning and  
10 emotional growth.

11 (4) The best interests of children and the safety of all  
12 family members must be a matter of paramount concern in the  
13 court processes which resolve family conflict.

14 § 7203. Legislative intent.

15 It is declared to be the intention of the General Assembly to  
16 create a procedure for family litigation which complies with all  
17 of the following:

18 (1) Protects and assures the present and long-term  
19 safety of children and victims of domestic violence.

20 (2) Eliminates barriers to meaningful dispute resolution  
21 by enabling family members to deal with the same court  
22 officers and staff each time they need the court's dispute  
23 resolution services and by reducing duplication and  
24 fragmentation of court events.

25 (3) Is accountable to all family members in need of  
26 protection and promotes public trust and confidence.

27 (4) Treats each member of a family with courtesy,  
28 civility and respect.

29 (5) Speedily, efficiently, fairly and cost-effectively  
30 decides family litigation cases, with the goal of resolving

1 all aspects of a case within six months of filing.

2 (6) Recognizes the realities of family breakup,  
3 including the emotional trauma experienced by the parties and  
4 their children.

5 (7) Assures adequate access to all those who need the  
6 court's help, including parties unable to afford lawyers.

7 (8) Sufficiently trains judges and family law masters in  
8 applicable substantive law and subjects needed to make the  
9 best decisions for children and families, such as mental and  
10 behavioral health, mediation, child abuse and neglect, child  
11 sexual abuse and exploitation, domestic violence and child  
12 development.

13 § 7204. Definitions.

14 The following words and phrases when used in this chapter  
15 shall have the meanings given to them in this section unless the  
16 context clearly indicates otherwise:

17 "Account." The Family Justice Account established in section  
18 7226 (relating to Family Justice Account).

19 "Case management team." The employees within the domestic  
20 relations section of a court of common pleas who are supervised  
21 by a judge in accordance with section 7220 (relating to case  
22 management teams) and whose responsibility is to manage and  
23 process family actions in a manner consistent with this chapter.

24 "Case management team leader." The designated manager of a  
25 case management team.

26 "Court." A judge of a court of common pleas or a family law  
27 master appointed by a judge to hear family litigation.

28 "Differentiated case management system." The multitrack  
29 system for the management and timely disposition of family  
30 litigation established in section 7214 (relating to case

1 management conference).

2 "Family action." An action filed with the court of common  
3 pleas which is comprised of one or more matters of family  
4 litigation.

5 "Family information statement." A printed form which  
6 includes information about family history, employment, assets,  
7 income, debts and liabilities and insurance provided to the  
8 court by each party required under section 7212(a) (relating to  
9 commencement of family action).

10 "Family law adjudication system." The system within the  
11 court of common pleas established to receive family actions, to  
12 hear and decide family litigation and to help families negotiate  
13 the court processes involved with family litigation. The term  
14 includes court resources dedicated to providing information to  
15 families regarding substantive and procedural aspects of family  
16 litigation, court resources dedicated to helping self litigants  
17 and court resources necessary to effectuate judicial education  
18 and all other requirements of this chapter.

19 "Family law master." An attorney appointed by a judge to  
20 hear family litigation. The term does not include a mediator.

21 "Family litigation." All matters involving divorce,  
22 annulment, custody, except relocation in accordance with 23  
23 Pa.C.S. § 5337 (relating to relocation), child support, spousal  
24 support, alimony, alimony pendente lite, counsel fees and costs,  
25 equitable division of marital property and related matters. The  
26 term does not include matters regarding:

27 (1) adoption, delinquency, dependency or protection from  
28 abuse;

29 (2) establishment of paternity or child support  
30 enforcement or collection under 23 Pa.C.S. Ch. 43 (relating

1 to support matters generally);

2 (3) determination of support or paternity under 23  
3 Pa.C.S. § 4342 (relating to expedited procedure);

4 (4) 23 Pa.C.S. Ch. 52 (relating to uniform child  
5 abduction prevention);

6 (5) 23 Pa.C.S. Ch. 54 (relating to uniform child custody  
7 jurisdiction and enforcement);

8 (6) 23 Pa.C.S. Pt. VIII (relating to uniform interstate  
9 family support);

10 (7) 23 Pa.C.S. Pt. VIII-A (relating to intrastate family  
11 support); or

12 (8) relocation under 23 Pa.C.S. § 5337.

13 "Family resource center." The facility required under  
14 section 7227 (relating to family resource center).

15 "Judge." A judge of a court of common pleas. The term  
16 includes a senior judge.

17 § 7205. Scope of chapter.

18 (a) General rule.--Except as set forth in subsection (b),  
19 this chapter applies exclusively to and governs the procedure  
20 for hearing and deciding all matters involving family  
21 litigation.

22 (b) Limitation.--This chapter does not apply to matters  
23 excluded from the definition of "family litigation" in section  
24 7204 (relating to definitions). This chapter is not intended to  
25 affect the child support collection or enforcement operations of  
26 the Department of Human Services.

27 (c) Purpose.--This chapter shall be construed liberally to  
28 promote justice, to ensure the safety of children and to provide  
29 families with a fair, timely and cost-efficient method for  
30 hearing and deciding family litigation.

1 § 7206. Judicial districts.

2 (a) Requirements.--Each judicial district in this  
3 Commonwealth shall do all of the following:

4 (1) provide courtrooms, chambers, facilities, equipment,  
5 legal and educational materials and supplies in accordance  
6 with this chapter;

7 (2) provide employees for the operation, management and  
8 recordkeeping necessary to implement the family law  
9 adjudication system in accordance with this chapter; and

10 (3) establish the procedure for receiving family actions  
11 and for hearing and deciding family litigation in accordance  
12 with this chapter.

13 (b) Penalty.--If a judicial district fails to comply with  
14 this chapter, the county or counties which comprise that  
15 judicial district shall be responsible for all administrative  
16 costs related to the receiving of family actions and for the  
17 hearing and deciding of family litigation until the judicial  
18 district complies with this chapter.

19 § 7207. Annual report.

20 (a) Preparation.--Each judicial district shall prepare and  
21 submit to the Court Administrator of Pennsylvania information  
22 and statistics for the previous fiscal year concerning the  
23 operation of the family law adjudication system. This section  
24 includes:

25 (1) The number of family actions filed and disposed of.

26 (2) The types of family actions filed and disposed of.

27 (3) The length of time necessary to dispose of family  
28 actions.

29 (4) The number of family actions pending for more than  
30 six months from the date of commencement and the reason for

1 the pendency.

2 (5) The length of time necessary to hear and decide  
3 family litigation.

4 (6) The number of family actions pending in the family  
5 law adjudication system.

6 (7) The number of family actions not tried continuously  
7 and the reason for this treatment.

8 (8) The compliance by judges and family law masters with  
9 judicial educational requirements.

10 (9) The number of self-litigants and the services  
11 provided to self-litigants.

12 (b) Submission.--The Court Administrator of Pennsylvania  
13 shall compile and prepare this information and submit it in an  
14 annual report to the Governor, the Chief Justice of the Supreme  
15 Court of Pennsylvania, the President of the Senate, the Speaker  
16 of the House of Representatives and the members of the Judiciary  
17 Committee of the Senate and the Judiciary Committee of the House  
18 of Representatives.

19 (c) Public access.--The Court Administrator of Pennsylvania  
20 shall make the annual report available to the public. This  
21 subsection includes access over the Internet or other electronic  
22 format readily accessible to the public.

23 § 7208. Weighted caseload study.

24 Within two years of the effective date of this section, the  
25 Court Administrator of Pennsylvania shall undertake a weighted  
26 caseload study to determine efficient allocation of judicial and  
27 case management team resources.

28 § 7209. Intake and screening.

29 Each judicial district shall establish a family action intake  
30 service within the domestic relations section of the court of

1 common pleas. The service shall have among its responsibilities  
2 the screening of family actions for allegations or evidence of  
3 substance abuse, child abuse, child neglect, child sexual abuse  
4 and exploitation and domestic violence. This service shall  
5 assist litigants by making referrals and providing information  
6 regarding community-based and government services designed to  
7 provide treatment for substance abuse and to help victims of  
8 child abuse and neglect, child sexual abuse and exploitation and  
9 domestic violence. Where appropriate, the service shall notify  
10 government agencies of the need for intervention.

11 § 7210. Hearings may be private.

12 In a family action, upon demand of a party, the court shall  
13 direct that:

14 (1) the trial or proceedings regarding family litigation  
15 be private; and

16 (2) all persons except officers of the court, parties,  
17 witnesses and counsel be excluded from the place where the  
18 matter is being heard.

19 § 7211. Testimony of minor child.

20 Except upon prior approval of the judge on a case-by-case  
21 basis, testimony of a minor child as to the merits of a party's  
22 position regarding any part of a family action shall not be  
23 permitted, and no minor child shall be subpoenaed to appear at a  
24 hearing.

25 § 7212. Commencement of family action.

26 (a) Family information statement.--

27 (1) At the time of filing a complaint or cross-complaint  
28 regarding family litigation, each party shall complete and  
29 file a family information statement on a form prescribed by  
30 the Administrative Office of Pennsylvania Courts. The family

1 information statement shall provide information including:

2 (i) Name, address and telephone number of the  
3 party's employer.

4 (ii) Residential and mailing addresses of the party  
5 and the party's children.

6 (iii) Party's Social Security number.

7 (iv) Party's driver's license number.

8 (v) Itemization and identification of party's  
9 assets, whether held jointly or individually.

10 (vi) Party's income, debts and liabilities.

11 (vii) Party's medical, homeowners, life and  
12 automobile insurance coverage.

13 (viii) Family history. This subparagraph includes  
14 all of the following:

15 (A) Physical, emotional or sexual abuse of a  
16 family member.

17 (B) Physical, emotional or educational neglect  
18 of a family member.

19 (C) Alcohol or drug abuse on the part of a  
20 family member.

21 (D) Contact with the juvenile justice system by  
22 a minor in the family.

23 (2) Information required by the family information  
24 statement shall, to the extent known to the party, be fully  
25 completed and be current to within 60 days. Parties have a  
26 continuing duty to inform the court of any changes in the  
27 information required in the family information statement and  
28 to file a statement with the most current information  
29 available at the time of filing a petition to modify a  
30 support order. The statement shall provide that furnishing

1 information which the party does not believe to be true shall  
2 subject the party to possible prosecution for a violation of  
3 18 Pa.C.S. § 4904 (relating to unsworn falsification to  
4 authorities).

5 (3) A party shall comply with the requirements of 23  
6 Pa.C.S. § 4353 (relating to duty to report).

7 (4) If a party fails to provide a family information  
8 statement, the other party shall supply the information in  
9 the statement to the best of the party's knowledge.

10 (b) Sanctions.--If a party intentionally fails to file a  
11 family information statement, the judge may impose sanctions or  
12 dismiss a party's pleadings subject to reinstatement upon  
13 conditions imposed by the judge.

14 (c) Custody.--If the complaint includes the issue of  
15 custody, the complaint and cross-complaint shall be accompanied  
16 by a written statement regarding the proposed custody  
17 arrangement or supervision of children. Nothing in this  
18 subsection shall be construed to limit the court's ability to  
19 require the parties to develop a parenting plan as provided in  
20 23 Pa.C.S. § 5331 (relating to parenting plan).

21 § 7213. Differentiated case management.

22 (a) Establishment.--Each judicial district shall establish a  
23 differentiated case management system for the handling of family  
24 actions in accordance with this section.

25 (b) Assignment.--A family action shall be assigned to one of  
26 the following tracks as follows:

27 (1) If the family action includes a child custody  
28 dispute, it shall be assigned to the priority track.

29 (2) A family action shall be assigned to the complex  
30 track if it appears likely that this action will require a

1 disproportionate expenditure of a court's and a party's  
2 resources in preparation for trial and at trial due to any of  
3 the following:

4 (i) Number of claims and defenses raised.

5 (ii) Legal difficulty of the issues presented.

6 (iii) Factual difficulty of the subject matter.

7 (iv) Length and complexity of discovery.

8 (v) A combination of these and other factors.

9 (3) If the family action appears to be capable of being  
10 tried promptly with minimal pretrial proceedings, it shall be  
11 assigned to the expedited track.

12 (4) If the family action is not qualified to be placed  
13 on the priority track, the complex track or the expedited  
14 track, it shall be assigned to the standard track.

15 (c) Expedited track assignment.--Subject to subsection (e),  
16 a family action shall be assigned to the expedited track if any  
17 of the following apply:

18 (1) There is no dispute as to the income or assets of  
19 the parties and custody of minor children is not an issue.

20 (2) The parties have been married less than five years  
21 and have no children.

22 (3) The parties have entered into a property settlement  
23 agreement and custody of minor children is not an issue.

24 (4) The divorce is uncontested and custody of minor  
25 children is not an issue.

26 (5) The petition alleges facts supporting a conclusion  
27 that there is an emergency.

28 (d) Procedure.--The judge shall make the track assignment as  
29 soon as practicable after each party has filed a family  
30 information statement or after the case management conference

1 required by section 7214 (relating to case management  
2 conference), whichever is earlier. In making the track  
3 assignment, the judge shall consider a party's request for track  
4 assignment. If all the parties agree on a track assignment, the  
5 case shall not be assigned a different track except for good  
6 cause shown after giving all parties the opportunity to be heard  
7 either orally or in writing. If it is not clear from an  
8 examination of the information provided by the parties which  
9 track assignment is appropriate, the family action shall be  
10 assigned to the track which affords the greatest degree of  
11 management. The parties shall be promptly advised of the track  
12 assignment.

13 (e) Reassignment.--A judge may reassign a family action to a  
14 track other than that specified in the original notice to the  
15 parties either on the judge's own motion or upon a party's  
16 application. Unless the court otherwise directs, a party's  
17 application may be made informally to the judge and shall state  
18 with specificity the reasons for request for reassignment. Upon  
19 reassignment, the parties are not required to refile court  
20 documents. The case management team shall continue to use the  
21 original docket or file number.

22 § 7214. Case management conference.

23 (a) General rule.--After the filing of the family  
24 information statement, in any family action, the judge shall  
25 direct the parties to participate in a case management  
26 conference, which may be conducted in person or by telephone, to  
27 consider the following matters before the family action is  
28 assigned to a differentiated case management track:

29 (1) Identification and simplification of the issues.

30 (2) Necessity or desirability of amending the pleadings.

1           (3) Possibility of obtaining admissions of fact and  
2 documents which will avoid unnecessary proof or discovery.

3           (4) Participation in mediation and the separating  
4 parents seminar.

5           (5) Limitation of expert witnesses.

6           (6) Appointment of a court-appointed special advocate, a  
7 guardian ad litem or an attorney for a minor child.

8           (7) Establishment of a discovery schedule and  
9 determination of its scope.

10          (8) Such other matters as the judge deems appropriate.

11          (b) Order.--

12          (1) The judge shall issue an order which recites the  
13 action taken at the case management conference. This  
14 paragraph includes:

15               (i) Amendments allowed to the pleadings.

16               (ii) Agreements made by the parties as to any of the  
17 matters considered.

18               (iii) Discovery schedule.

19               (iv) A court-appointed special advocate, a guardian  
20 ad litem or an attorney for a minor.

21               (v) Participation in mediation and the separating  
22 parents seminar.

23               (vi) Dates for any additional case management  
24 conferences.

25               (vii) Firm trial date.

26               (viii) Any other matter the judge deems appropriate.

27          (2) The order shall control the subsequent course of the  
28 family action up to the time of trial before the judge. If  
29 the parties proceed to trial, the order may be modified by  
30 the judge at the judge's discretion.

1 § 7215. Consolidation.

2 (a) Family law master.--In the absence of a judge's order to  
3 the contrary, if a family action is placed on the expedited  
4 track or the standard track and if custody is not an issue which  
5 the family law master will hear, a family law master may  
6 consolidate as much of the family litigation as practicable and  
7 dispose of it at one proceeding.

8 (b) Judge.--With the exception of custody, at the case  
9 management conference, a judge may order consolidation of family  
10 litigation.

11 § 7216. Bifurcation.

12 (a) General rule.--Except as set forth in subsection (b), in  
13 a family action where a complaint for divorce is filed, a decree  
14 of divorce shall not be granted prior to entry of an order  
15 resolving all pending claims for equitable division of marital  
16 property, alimony, counsel fees, costs and expenses.

17 (b) Exception.--In a family action in which a complaint for  
18 divorce is filed, if a party can show exceptional circumstances,  
19 a decree of divorce may be granted prior to entry of an order  
20 resolving all pending claims for equitable division of marital  
21 property, alimony, counsel fees, costs and expenses upon the  
22 approval of the:

23 (1) president judge of the court of common pleas in a  
24 judicial district in which there is no family division; or

25 (2) administrative judge of the family division of the  
26 court of common pleas in a judicial district in which there  
27 is a family division.

28 § 7217. Continuous trials.

29 Insofar as is practicable, court calendars shall be designed  
30 to allow family actions to be tried continuously to conclusion.

1 If a family action is not tried continuously, the record at each  
2 day's proceedings shall document the reason for the  
3 fragmentation.

4 § 7218. Tentative decisions.

5 The judge may, prior to the scheduled date of hearing or oral  
6 argument on a matter involving family litigation, decide the  
7 matter on the basis of the papers filed of record or such briefs  
8 as may be filed by the parties, subsequently posting the  
9 tentative decision and making it available to the parties.

10 Unless a party objects, with notice to the opposing party, the  
11 request for oral argument or hearing shall be deemed withdrawn,  
12 and the tentative decision shall become final and shall be set  
13 forth in an appropriate order. If a party renews the request for  
14 oral argument or hearing, with notice to the opposing party, the  
15 motion shall be argued or heard as scheduled.

16 § 7219. Motions day.

17 (a) Establishment.--Each judicial district shall designate  
18 one or more days each week for the hearing and disposing of  
19 motions.

20 (b) Procedure.--Motions not disposed of in accordance with  
21 section 7218 (relating to tentative decisions) shall be  
22 scheduled for oral argument or hearing, which shall be staggered  
23 throughout the day. The court may conduct an argument or hearing  
24 by telephone.

25 § 7220. Case management teams.

26 (a) Establishment.--Each judicial district shall establish  
27 one or more case management teams within the domestic relations  
28 section of the court of common pleas, to be headed by a case  
29 management team leader, to effectively manage and process family  
30 litigation from filing to final disposition. The team shall be

1 supervised by a judge. Insofar as practicable, each time a party  
2 seeks modification of an order involving family litigation, the  
3 family action shall be assigned to the same case management  
4 team.

5 (b) Duties.--The case management team shall be responsible  
6 for the timely management and processing of family actions and  
7 shall, subject to supervision and orders of the judge, do all of  
8 the following:

9 (1) Coordinate the timely filing of reports,  
10 recommendations, evaluations and other writings necessary to  
11 the disposition of family litigation.

12 (2) Participate, as necessary, in case management  
13 conferences.

14 (3) Assign family actions to differentiated case  
15 management tracks.

16 (4) Notify parents of the separating-parents seminar.

17 (5) Assign that portion of family litigation involving  
18 custody to mediation.

19 (6) Share, as appropriate, information with other  
20 government agencies.

21 (7) Cooperate with other employees of the domestic  
22 relations section or the Department of Human Services, as  
23 needed, under 23 Pa.C.S. Ch. 43 (relating to support matters  
24 generally).

25 (8) Perform other duties as the judge may direct in  
26 order to effectuate the timely, fair and cost-efficient  
27 disposition of family actions.

28 § 7221. Family law masters.

29 (a) Appointment.--Subject to section 7222(h) (relating to  
30 mediation), a judge may appoint a family law master to hear any

1 aspect of family litigation except custody.

2 (b) Qualifications.--A family law master must be an attorney  
3 at law and must comply with judicial education requirements as  
4 provided in section 7230 (relating to judicial education  
5 seminar).

6 (c) Requirements.--The family law master shall comply with  
7 orders issued by the judge, including the differentiated case  
8 management systems track assignment, and shall cooperate with  
9 the case management team with regard to the timely filing of  
10 reports, recommendations and other writings.

11 (d) Powers and duties.--The family law master has the  
12 following powers and duties:

13 (1) Take testimony and establish a record.

14 (2) Make findings of fact, conclusions of law and  
15 recommendations to the judge for the establishment and  
16 enforcement of an order.

17 (3) Other powers and duties as provided by the judge's  
18 order.

19 (e) Prohibition.--Notwithstanding any statutory provision of  
20 law to the contrary, a person who is not a judge or family law  
21 master may not hear or decide matters which establish or modify  
22 the amount of child or spousal support.

23 § 7222. Mediation.

24 (a) Program established.--Each judicial district shall  
25 establish a program of mandatory mediation which:

26 (1) Facilitates and encourages the parties to resolve  
27 custody disputes with the help of a neutral third party.

28 (2) Contains a mediation orientation program for the  
29 parties.

30 (3) Is closed to the public and is confidential.

1     (b) Requirement.--Subject to subsection (c), the parties  
2 shall be referred to mediation for the resolution of a custody  
3 dispute in accordance with the child's best interests. Upon  
4 referral, the parties shall be required to attend a mediation-  
5 orientation program.

6     (c) Exception.--A party may be excused from mediation or the  
7 mediation-orientation program for good cause shown. This  
8 subsection includes:

9             (1) A history of child abuse or neglect, child sexual  
10 abuse or exploitation or domestic violence by a party.

11            (2) Evidence that parties are currently participating in  
12 private mediation.

13     (d) Standards.--The Supreme Court shall, by general rule,  
14 provide standards for the hiring and training of mediators. This  
15 subsection includes:

16            (1) Minimum qualifications, which shall not be  
17 restricted to any particular professional or educational  
18 training.

19            (2) Minimum requirements for training in the procedural  
20 aspects of mediation and the interpersonal skills necessary  
21 to act as an effective mediator.

22            (3) A minimum period of apprenticeship for individuals  
23 who have not previously acted as mediators.

24            (4) Procedures to ensure that potential mediators  
25 understand the high standard of ethics and confidentiality  
26 related to their participation in the program.

27     (e) Mandatory education.--

28            (1) Except as provided in paragraph (2), a mediator must  
29 successfully complete a program of education appropriate for  
30 mediators in custody disputes approved by the Academy of

1 Family Mediators within six months of the later of:

2 (i) the date of appointment; or

3 (ii) the effective date of this section.

4 (2) Paragraph (1) does not apply to a mediator who has  
5 already attended and successfully completed such a program  
6 prior to the appropriate date.

7 (3) Failure to fulfill this educational requirement  
8 shall cause the mediator to forfeit the position.

9 (f) Cooperation with case management team.--A mediator shall  
10 cooperate with the case management team with regard to the  
11 timely filing of reports, recommendations and other writings and  
12 shall comply with any orders issued by a judge.

13 (g) Fees.--Each judicial district shall establish a sliding  
14 schedule of fees for participation in the mediation program,  
15 based on a party's ability to pay. Unless the judge issues an  
16 order to the contrary, the fee for mediation shall be borne  
17 equally by the parties.

18 (h) Excuse.--If a party is excused from mediation under  
19 subsection (b), a family law master shall hear that part of a  
20 family action involving custody.

21 (i) Custody evaluation.--A mediator or family law master may  
22 refer the parties to custody evaluation. A mediator may not act  
23 as a custody evaluator for the parties who appear before the  
24 mediator without the express written consent of the parties and  
25 approval by the judge.

26 § 7223. Appeals.

27 (a) Right of appeal.--A party may appeal a recommendation,  
28 ruling or decision made by a family law master to a judge. All  
29 issues in a family action not resolved to a party's satisfaction  
30 by a family law master shall be heard by a judge at one

1 proceeding in accordance with section 7217 (relating to  
2 continuous trials).

3 (b) Postmediation procedure.--If the parties do not resolve  
4 a custody dispute during mediation, that part of the family  
5 action involving custody shall be consolidated with any appeals  
6 brought under subsection (a).

7 § 7224. Separating-parents seminar.

8 Each judicial district shall establish a seminar for  
9 separating parents. The seminar shall include the following  
10 topics and others as the Administrative Office of Pennsylvania  
11 Courts may designate:

12 (1) The:

13 (i) procedural aspects of family litigation;

14 (ii) availability of court services to aid self-  
15 litigants and represented parties; and

16 (iii) availability of community and government  
17 services to treat drug or alcohol abuse and to help  
18 victims of domestic violence, child sexual abuse and  
19 exploitation and child abuse and neglect.

20 (2) Basic child psychology and strategies to minimize  
21 the adverse effects of separation or divorce on children.

22 (3) The potential benefits of mediation.

23 § 7225. Seminar for children of separating parents.

24 (a) Option.--A judicial district may establish a program for  
25 children of separating parents for children eight years of age  
26 and older.

27 (b) Establishment.--If a judicial district establishes the  
28 program under subsection (a), the judicial district shall do so  
29 in cooperation with and at the direction of the Administrative  
30 Office of Pennsylvania Courts. In designing a seminar, the

1 Administrative Office of Pennsylvania Courts shall consult with  
2 experts in the fields of child psychology, child abuse and  
3 neglect, family pathology and similar fields to ensure that the  
4 content of the seminar is suited to children and will not serve  
5 to further traumatize children of separating parents.

6 § 7226. Family Justice Account.

7 (a) Establishment.--There is established within the General  
8 Fund a restricted account to be known as the Family Justice  
9 Account.

10 (b) Purpose.--The purpose of the account is to fund the cost  
11 of court-ordered mediation, court-ordered custody evaluation,  
12 proceedings before family law masters and other costs or fees  
13 associated with family litigation when a party is unable to pay  
14 such costs or fees by reason of poverty or financial hardship.

15 (c) Procedure.--

16 (1) Each judicial district may, through the  
17 Administrative Office of Pennsylvania Courts, make  
18 application for payment by the account. Money received from  
19 the account shall only be used to reimburse expenses  
20 enumerated in subsection (b).

21 (2) A party may seek relief from costs and fees  
22 enumerated in subsection (b) upon application to the judge by  
23 submitting a sworn or affirmed statement regarding poverty or  
24 financial hardship. The statement should be filed along with  
25 the family information statement, but it may be filed at any  
26 time prior to final disposition of the family action.

27 § 7227. Family resource center.

28 (a) Establishment.--Each judicial district shall establish a  
29 family resource center to be located in the courthouse or  
30 another centralized location where family litigation is heard

1 and decided.

2 (b) Purpose.--The purpose of the family resource center is  
3 to provide parties and other interested persons a central  
4 location where they may do all of the following:

5 (1) Gain access to easily understandable information  
6 regarding the substantive and procedural aspects of family  
7 litigation.

8 (2) Gain access to easily understandable information  
9 regarding protection from abuse orders, shelters and other  
10 government and community services designed to help victims of  
11 domestic violence and child abuse and neglect.

12 (3) Direct inquiries regarding the family law  
13 adjudication system.

14 (4) Find a suitable place to leave children during court  
15 proceedings, mediation or other court-ordered activities.

16 (5) Find a suitable place to meet with volunteer  
17 lawyers.

18 (c) Services.--A family resource center shall provide all of  
19 the following:

20 (1) An appropriate, supervised place for children to  
21 wait while a party is taking part in court proceedings,  
22 mediation or other court-ordered activity.

23 (2) Easily understandable information and other  
24 materials and legal books regarding the substantive law of  
25 family litigation. This paragraph includes forms.

26 (3) The family law manual under section 7228 (relating  
27 to family law manual).

28 (4) At least one employee who shall be responsible for  
29 answering, during the entire court day, general questions  
30 from parties and other interested persons regarding the

1 family law adjudication system, the procedural aspects of  
2 family litigation and the substantive law of family  
3 litigation. The employee shall also make referrals to  
4 appropriate government and community resources. The  
5 information provided by the employee shall not be construed  
6 as legal advice. The employee shall be absolutely immune from  
7 suit when performing duties under this paragraph.

8 § 7228. Family law manual.

9 (a) Development.--Each judicial district, in cooperation  
10 with the Administrative Office of Pennsylvania Courts, shall  
11 develop a family law manual which does all of the following:

12 (1) Explains in basic terms Pennsylvania substantive law  
13 regarding family litigation.

14 (2) Explains in basic terms the procedural aspects of  
15 family litigation.

16 (3) Explains in basic terms the substantive and  
17 procedural law regarding protection from abuse.

18 (4) Provides a basic guide to family litigation motion  
19 practice.

20 (5) Provides telephone numbers and addresses within that  
21 judicial district for government and community services  
22 designed to:

23 (i) provide treatment and prevention services for  
24 drug or alcohol abuse;

25 (ii) protect children from sexual abuse and  
26 exploitation, child abuse and neglect;

27 (iii) assist victims of domestic violence;

28 (iv) provide free or low-cost legal assistance; and

29 (v) provide free or low-cost psychological services.

30 (b) Availability.--

1           (1) A party must receive the manual at no cost after  
2 initiating or responding to a family action and no later than  
3 the date of attending the separating parents seminar.

4           (2) The manual shall be available without cost to any  
5 person upon request. The manual shall be available over the  
6 Internet or through other electronic means readily accessible  
7 to the general public.

8 § 7229. Volunteer lawyers.

9           It is the intent of the General Assembly to encourage  
10 attorneys at law to volunteer their time to help self-  
11 represented litigants by providing a suitable place within the  
12 family resource center for volunteer lawyers to meet with  
13 parties who cannot afford lawyers. The Administrative Office of  
14 Pennsylvania Courts shall work with State and county bar  
15 associations to develop policies and procedures to encourage  
16 attorneys to join the volunteer lawyers program.

17 § 7230. Judicial education seminar.

18 (a) General rule.--

19           (1) Except as provided in paragraph (2), each judge and  
20 family law master who hears family litigation must  
21 successfully complete courses of instruction at the National  
22 Council of Juvenile and Family Court Judges within six months  
23 of the later of:

24           (i) the date of first assignment to family  
25 litigation; or

26           (ii) the effective date of this section.

27           (2) Paragraph (1) does not apply to a judge or family  
28 law master who has already successfully completed such a  
29 program prior to the appropriate date.

30           (3) Every two years, the judge or family law master must

1 successfully complete courses at the National Council of  
2 Juvenile and Family Court Judges.

3 (b) Continuing education in family law.--Every two years,  
4 each judge and family law master must successfully complete the  
5 program established in section 7231 (relating to continuing  
6 judicial education).

7 (c) Penalty.--Failure to comply with this section shall  
8 result in the judge or family law master being subject to  
9 disciplinary action pursuant to section 18 of Article V of the  
10 Constitution of Pennsylvania.

11 (d) Monitoring.--The Administrative Office of Pennsylvania  
12 Courts shall monitor compliance with this section by judges and  
13 family law masters and shall notify the Judicial Conduct Board  
14 of noncompliance by any judge or family law master.

15 § 7231. Continuing judicial education.

16 (a) Establishment.--There is established a continuing  
17 judicial education program. The program shall be designed and  
18 administered by the Administrative Office of Pennsylvania  
19 Courts.

20 (b) Functions.--The Administrative Office of Pennsylvania  
21 Courts has the following powers and duties:

22 (1) Design and administer a course of study and training  
23 for judges and family law masters who hear family litigation  
24 to be at least 20 hours in length on the following topics:

25 (i) The substantive law of family litigation.

26 (ii) The procedural aspects of family litigation.

27 (iii) Child development and child psychology.

28 (iv) Child sexual abuse and exploitation, child  
29 abuse and neglect, domestic violence and other family  
30 pathologies and Pennsylvania law relating to these

1 topics.

2 (v) Mental and behavioral health and alcohol and  
3 drug abuse.

4 (vi) Alternate dispute resolution.

5 (vii) Financial aspects of family litigation,  
6 including the law of taxation, trusts and estates,  
7 employee benefits, workers' compensation and business  
8 valuation.

9 (2) Establish minimum qualifications for instructors.

10 (3) Consult, cooperate and contract with universities,  
11 colleges, law schools and mental health and health care  
12 professionals regarding the development of courses in the  
13 program and the teaching of those courses.

14 Section 9. This act shall apply to all family actions filed  
15 on or after the effective date of this section.

16 Section 10. The Secretary of the Commonwealth shall transmit  
17 to the Legislative Reference Bureau, for publication in the  
18 Pennsylvania Bulletin, notice of adoption of an amendment to the  
19 Constitution of Pennsylvania which deals with all of the  
20 following:

21 (1) The procedure in each judicial district for family  
22 litigation.

23 (2) The establishment in each judicial district of a  
24 family resource center.

25 (3) The Judicial Conduct Board having jurisdiction over  
26 family law masters with respect to ethics.

27 (4) The establishment of judicial education  
28 requirements.

29 Section 11. This act shall take effect as follows:

30 (1) Section 10 and this section shall take effect

1 immediately.

2 (2) The addition of 42 Pa.C.S. §§ 7201, 7202, 7203,  
3 7204, 7205, 7207, 7208 and 7226 shall take effect upon  
4 publication in the Pennsylvania Bulletin of the notice under  
5 section 10.

6 (3) The remainder of this act shall take effect 180 days  
7 after publication of the notice under section 10.