

## **SUMMARY PREPARED BY LISA A. SICILIANO, BERKS COUNTY FAMILY COURT ADMINISTRATOR**

### Electronic Filing and Service of Legal Papers

**AMENDED** – B.R.C.P. 205.4 Electronic Filing and Service of Legal Papers. The document format requirements is changed so that if the document format changes from PDF to PDF/A or other formats, the rule will still be accurate; a section is added to file documents seeking judicial attention as separate documents within an e-filing (ex. Filing a proposed order as a separate PDF when filing a motion/petition); the service section is updated to indicate that the filing party and not the e-filing system is responsible for serving subsequent pleadings other than orders on all parties; and reference is added for the Public Access Policy.

### Public Access Policy

**ADDED** - B.R.J.A. 510 is added to alert filers of the need to file a Confidential Information Form or a Confidential Document Form, as appropriate, to comply with the Public Access Policy that went into effect on January 6, 2018. B.R.C.P. 205.2(a) Physical Characteristics of Pleadings and Other Legal Papers is amended to add a requirement to comply with the Public Access Policy. B.R.C.P. 4014 is added to notify court reporters and transcriptionists to redact confidential information from transcripts and orders.

### Entry of Appearance

**ADDED** – B.R.C.P. 1012 Entry of Appearance is added to so an attorney who files legal papers also files an entry of appearance to be entered into the Case Management System or the Domestic Relations Section PACSES system as the attorney of record.

### Support

**RESCINDED** - Former B.R.C.P. 1910.4 Commencement of Action and 1910.5 Order Directing Party to Appear are rescinded. These were either deemed no longer necessary or are covered in a different rule.

**ADDED** – B.R.C.P. 1910.19(1) Termination of Alimony *Pendente Lite* and Spousal Support Orders Upon Entry of a Divorce Decree; 1910.19(2) Alimony-Only Orders Collected Through the Domestic Relations Section; 1910.34 Continuances; and 1930.5 Designation of a Support Case as Complex. A new rule sets forth the procedure to be followed by the party finalizing the divorce action for termination of allocated or unallocated spousal support or APL orders upon entry of a divorce decree, including a proposed termination order to be submitted to the assigned divorce judge when finalizing the divorce; a procedure for alimony-only orders to be collected through the DRS is added; the new support continuance policy using the designated application form requires 25 days or earliest possible advance request and applies to DRS establishment or compliance conferences, hearings before the support hearing officers and hearings before the Judges; and a new rule is added setting forth the procedure to designate a support case as complex at the first hearing before the assigned support hearing officer.

**AMENDED** – B.R.C.P. 1910.10 Office Conference and Hearing Procedure; 1910.12 Office Conference. Hearing. Record. Exceptions. Transcripts. Failure to Appear. Support Master was changed to hearing officer. Procedures for scheduling hearings when there is no agreement or a party fails to appear at a support conference, for filing exceptions to a hearing officer's report and recommendation, and for requesting a transcript upon filing exceptions are added.

### Custody

**RESCINDED** – Former B.R.C.P. 1915.18 Form of Order Directing Expert Examination and Report is rescinded since it is the same as the State Rule.

**ADDED** – B.R.C.P. 1915.17 Relocation. Information is added to require the relocating or non-relocating party as appropriate to file a scheduling order to set the matter before the Court for an expedited hearing.

**AMENDED** – B.R.C.P. 1915.3 Commencement of Action; 1915.8 Physical and Mental Examination of Persons; 1915.15 Forms; 1915.26 Conciliation Conference; 1915.15.27 Nonappearance at Hearing Before Custody Conciliator; 1915.32 Appendix; and 1915.33 Continuance Requests. Filing of multiple copies is eliminated due to e-filing; notification to include CUSTODY in the caption for Custody cases is added; notification that a list of experts will be on the Court's website instead of maintained by the Prothonotary; Custody Master was changed

to Custody Conciliator; visitation language was removed; plaintiff was changed to plaintiff/petitioner and defendant was changed to defendant/respondent as appropriate; and the court's website address is corrected.

#### Divorce

**ADDED** – B.R.C.P. 1920.3 Caption. Notification to include DIVORCE in the caption for Divorce cases is added.

**AMENDED** – B.R.C.P. 1920.31(a)(1) Filing Claims for Alimony *Pendente Lite*, Child Custody, Child Support or Paternity; 1920.31(a)(2) Sanctions; 1920.31(b) Disposition of Alimony *Pendente Lite*, Child Support and Paternity Claims; 1920.32 Disposition of Child Custody Claims; 1920.42 Filing of Praeceptum to Transmit; 1920.51 Divorce Masters to be Appointed; 1920.51.4 Motion and Order for Appointment of Divorce Master; 1920.51.5 Deposit of Costs to Accompany Motion for Appointment of Divorce Master; 1920.53 Hearing by Divorce Master; and 1920.74 Form of Motion for Appointment of Divorce Master. Visitation language is removed; a spelling error and typos were corrected; reference to new rule 1910.19(1) regarding termination of spousal support or APL orders upon entry of divorce decree is added; the need to file multiple copies is deleted due to e-filing; will is changed to may in the rule regarding procedural defects after a praecipe to transmit is filed; a checklist for court administration to review before the appointment of a divorce master is added; and language noting the divorce master's discretion to apportion the \$825 fee in their report is added.

#### Mediation

**RESCINDED** – Former B.R.C.P. 1940.11 Certificate of Compliance. The rule is inaccurate and no longer needed.

#### Civil

**RESCINDED** – Former B.R.C.P. 239 Notice of Adoption of Local Rules – this was changed to state rule 103, so this local rule is no longer needed.

**AMENDED** – B.R.C.P. 211 Schedule for Arguments; 211.6 Assignment of Cases for Argument; 211.9 Argument Court Procedures for Support Argument; 212.1 Filing of Certificate of Readiness and Scheduling of Pretrial Conferences; 1028(c) Preliminary Objections; 1034(a) Motion for Judgment on Pleadings; and 1035.2(a) Motion for Summary Judgment. Most of these amendments were correcting the Court's website address or changing Support Master to Hearing Officer.