

**Rule 1915.3(c)      *Commencement of Action. Complaint. Waiver. Fees. Refunds.***

- i. Prior to the filing of any divorce complaint containing a count for custody or any complaint for custody, shared custody, partial custody or visitation, or any other court papers seeking to initiate or reinstate any proceeding to compel, modify, terminate or otherwise affect contact between children and parties, the moving party shall deliver the original of the court paper initiating the custody action to Generations. Generations shall immediately provide the moving party with an order of court (“Scheduling Order”) setting forth the dates and times when the adults and children shall attend the education programs and Mediation Orientation, a Domestic Violence Waiver form, and program descriptions. The Scheduling Order shall also specify the location for the adult and children’s education programs. The mediation orientation shall always take place in the “Center.” This Scheduling Order is then attached to the original complaint or petition for filing.
- ii. Any custody matter in which there has been no activity, as reflected by the docket, for 120 days shall be deemed a new action for purposes of this rule.
- iii. Parties to an action to modify or enforce a final order of court for custody, partial custody or visitation, as well as parties to an action deemed to be new, must complete the Generations program, if they have not already done so, before they will be permitted to praecipe for any proceeding before the court.
- iv. Notwithstanding the parties previous completion of the Generations program, all parties to actions referenced in (iii) of this local rule shall be required to participate in another mediation orientation, as provided by these rules, before they will be permitted to praecipe for any proceeding before the court.
- v. Prior to the filing of any divorce complaint containing a count for custody or any complaint for custody, shared custody, partial custody or visitation, or any other court papers seeking to initiate any proceeding to compel, modify, terminate or otherwise affect contact between children and parties, the moving party shall deliver the original of the court paper initiating the custody action to Generations. Generations shall immediately provide the moving party with an order of court (“Scheduling Order”) setting forth the dates and times when parties and children shall attend Generations Education and Mediation/Orientation (the “Programs”), a Domestic Violence Waiver form and program descriptions. The Scheduling Order shall also specify the location for the adult and children’s educational programs at Generations. The mediation program, Generations, shall always take place at Generations. This Scheduling Order is then attached to the original complaint or petition for filing.
- vi. Within six days of filing, the moving party shall provide Generations with a time-stamped copy of the court paper initiating the action and the Scheduling Order.

- vii. The moving party shall be solely responsible for insuring that any court paper filed during this process is filed at the same docket number as any previously filed Family Division action involving the same parties, or, if necessary, to consolidate separate cases under the oldest number.
- viii. No party shall be compelled to attend any portion of the Programs with the opposing party, or to participate in the mediation orientation, in cases where either party, or a child of either party, is or has been the subject of domestic violence or child abuse allegedly perpetrated by the opposing party at any time within the past 24 months. In such cases, appropriate arrangements for separate sessions for the education programs should be made with Generations. Generations shall also be notified personally or by mail through the use of a domestic violence waiver form that the victim of abuse elects not to attend the mediation orientation session. The opposing party shall have the opportunity to contest cancellation of the mediation orientation through Motions Court. If mediation does not occur, the case will be set down promptly for a custody/partial custody conciliation before a Domestic Relations Officer.
- ix. All other requests to waive attendance at any portion of the Programs will require an order of court which may be sought through Motions Court. Waivers will be granted only in exigent circumstances. The moving party shall be responsible for filing any order entered in response to such request, and for service upon Generations and the opposing party.
- x. All moving parties who are required to participate in the education and mediation orientation shall pay all fees required for those Programs.
- xi. The moving party shall pay all of his or her fees for the education and mediation orientation programs prior to receiving a Scheduling Order.
- xii. Upon receipt of the Scheduling Order, the responding party shall pay fees seven days prior to the scheduled session.
- xiii. The fee for adult education is \$40 for each party. The fee for children's education is \$30 for each child. Each party shall pay one-half of each child's total fee. The fees for education shall be payable to the Allegheny County Treasurer by certified check or money order. No cash or personal checks will be accepted.
- xiv. The fee for mediation orientation shall be \$100 for each party. The fee for mediation orientation shall be made payable to the Allegheny County Treasurer by cashiers' check or money order. No cash or personal checks will be accepted.
- xv. Under exigent circumstances, the court will consider waiver, reduction or assessment of fees to the other party for those unable to pay. Any such request must be presented through Motions Court and must be accompanied

by a verified affidavit of indigence or other proof of economic hardship in accordance with Pa.R.C.P. 240 and 1920.62.

- xvi. Under no circumstances will any party or child be permitted to participate in any of the Programs absent timely payment of fees.
- xvii. In accordance with the Generations Program Description and Instruction Package, which are available at Generations, fees for the education/mediation program are non-refundable with the following exceptions:
  - 1. The parties are excused from participation in mediation orientation because a Domestic Violence Waiver has been filed by either or both parties.
  - 2. A signed Custody Consent Order of Court is filed and served on Generations seven days before the scheduled education program or the scheduled mediation orientation.
  - 3. Petitioner withdraws the pleading seven days prior to the scheduled education or mediation orientation.
  - 4. Respondent's fees are refunded when Petitioner fails to appear for education and/or mediation.

**Note:** Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.