

SECTION IV MISCELLANEOUS

A. Standby Guardianship

The Standby Guardianship statute, 23 Pa.C.S. §5601 *et seq.*, provides for the designation of a guardian for a person who because of injury or illness anticipates that s/he will be unable to continue to care for his/her minor children.

The Standby Guardianship forms included in this manual (Form IV-1) were developed in cooperation with the Family Support Clinic at the University of Pittsburgh School of Law, and may be used as appropriate in each case and in accordance with the statute.

In order to obtain a standby guardian decree from a judge:

1. Appropriate notice of the petition and the date it will be presented to the Court must be given to the non-custodial parent by providing a complete copy of the petition to him/her (see Section I.K. for the procedural requirements for service).
2. If the non-custodial parent has executed a consent, or fails to appear after receiving appropriate notice, the Court may grant the decree.
3. If the non-custodial parent appears to contest the petition, the matter will be set for hearing.

B. Name Changes

Pursuant to Allegheny County Local Rule A505, all petitions involving a change in name for an individual must originate in the Civil Division of the Court of Common Pleas. When a petition involves the change of name for a minor, and the non-petitioning parent (respondent) either files an objection or appears at the hearing in Civil Division and objects to the name change, the Civil Division motions judge will order the case transferred to the Family Division. Prior to the judge signing the transfer order, the Civil Division motions supervisor will have the petitioner fill out the social data fields in the transfer order. The judge will then sign the order and the litigants will be directed to the Department of Court Records, Civil Division.

The Department of Court Records, Civil Division will check the records to determine if there is a Family Division docket number. If so, the Department of Court Records, Civil Division will mark the docket number on the petition. If there is no Family Division number, a new Family Division docket number will be assigned and placed on the transfer order. In either event, the Family Division docket number and the Civil Division docket number will be cross-referenced by the Department of Court Records, Civil Division.

The Department of Court Records, Civil Division will then send the litigants to the Family Division Judicial Docket Clerk in Room 3020, who will schedule the matter for a half hour hearing before the appropriate judge. In the event that the respondent to the name change petition is not present when the scheduling order is generated, the docket clerk will remind the petitioner that the transfer order directs the petitioner to serve the scheduling order on the respondent.

The Pro Se motions program will not assist litigants in preparing name change petitions. Pursuant to the local rules, all name change petitions must originate in the Civil Division. Should an individual request assistance from the Pro Se motions program for a name change petition, they will be referred to the Department of Court Records, Civil Division, 1st Floor, City County Building, 414 Grant Street, Pittsburgh, PA to obtain the information packet that is available to the public.

C. Waiver of Court Costs and Fees

1. In Forma Pauperis

Pennsylvania Rule of Civil Procedure 240 sets forth the procedure for an individual who is without the financial resources, to request leave to proceed without payment of the costs and/or fees associated with any Family Division case. An individual seeking such status should complete a Petition for Leave In Forma Pauperis (Form IV-2) in its entirety and take it to the Pro Se Department for scheduling before the judge assigned to the case. Please note that the Court decides whether to allow a party to proceed *in forma pauperis* on a case by case basis. If granted, in forma pauperis status expires 45 days after the entry of the order.

Application to proceed in forma pauperis on an appeal to the Superior Court should be presented to the Family Division judge assigned to the case.

NOTE: Rule 240 should always be consulted for any questions regarding In Forma Pauperis petitions and to verify that no recent changes have been made to the rule.

2. Waiver in Pro Bono and Reduced Fee Divorce or Custody Actions

a. Neighborhood Legal Services Association (NLSA), the Allegheny County Bar Foundation's Divorce Law Project, the clinics of the Pittsburgh Pro Bono Partnership, and the YWCA's Legal Resources for Women, are all authorized to issue a Certificate of Financial Eligibility to any person who qualifies as indigent pursuant to NLSA's income and asset eligibility guidelines and who is being referred to an attorney volunteer for pro bono or reduced fee representation in a divorce or custody matter.

b. The attorney volunteer may use the Certificate of Financial Eligibility in a divorce action or a custody action as support for a Praeceptum to Proceed in Forma Pauperis, so long as the praecipe is filed within 60 days of the date of the certificate.

c. If the certification of indigency is filed within 60 days, the Department of Court Records, Civil Division shall waive the indigent person's costs for filing pleadings, for obtaining certified copies, and for issuing up to two subpoenas in the custody or divorce action.

d. Any person who proceeds *in forma pauperis* on the basis of a certificate shall inform the Court promptly, fully, and in writing, if his/her financial situation improves during the course of the case. The Court will then decide whether the person is obligated to pay any of the costs previously waived.