

## CUSTODY PROCESS IN CLARION COUNTY

As per PA Rule of Civil Procedure 1915.3 a custody action is commenced with the filing of a complaint for custody or with the filing of an action of divorce, which includes a count for custody. So long as all proper procedure has been followed, a conciliation conference will be scheduled, usually within four to six weeks of the filing date. At the conciliation conference, which is held at the Clarion County Court House, the parties and their counsel meet and try to reach an agreement with regard to custody and visitation. It is expected that counsel and the parties will put forth a good faith effort to reach an agreement. If an agreement is reached, Court staff is usually available to prepare a consent order, which is signed by the parties, their attorneys and the Judge. If no agreement can be reached, the case generally moves on to mediation.

If there is no rule or law that prevents the court from ordering mediation, the parties sign an Eligibility for Mediation form and the case is scheduled for mediation, which is generally held before a psychologist. Mediations are held at the Clarion County Court House, usually on Mondays. Each party will also receive a mediation questionnaire which they are to complete and submit to the mediator within ten days.

Each party must pay the \$200 mediation fee no later than seven days prior to the scheduled mediation. If a party cannot afford the \$200 fee, they may complete an in forma pauperis petition and, if they are found eligible, their fee is reduced to \$50.00. Please note that, if the mediation is continued or cancelled less than seven days before the scheduled date, the fee is **not** refundable. Additionally, mediations lasting longer than three hours may incur additional expense to the parties.

The mediation is attended by the parties, their child(ren) and counsel. Upon completion of the child's participation in the mediation process (generally by the end of the first hour), they may be excused and the custodial parent should have someone available to attend to them or take them home. Child care services are **not** provided.

The mediator will work with the parties to come to an agreement. If they are able to reach an agreement, an order will be entered. If they cannot reach an agreement, the mediator will issue a report to the judge which describes the disagreement. If no agreement is reached, a Pre Trial Conference will be scheduled before the judge. Counsel or self represented litigants are required to file a Pre Trial Statement seven days prior to the scheduled Pre Trial. The Pre Trial Statement shall include a statement of the factual and legal issues and citations to legal authority, and an explanation of the party's plan or proposal for resolution of all the issues, including a specific schedule of times and places and conditions of partial custody or visitation. If a resolution can be reached at the Pre Trial Conference an order will be entered by the court. If no resolution can be reached, a custody hearing will be scheduled.