

**L1915.4-3 Custody Conciliation Conference Consents and Recommendations, Unexcused Failure to Attend Conference.**

- (a) All parties named in an action for custody shall be present at the custody conciliation conference unless excused by the custody conciliator or by agreement of counsel. Failure of a party to appear at the conference may result in the entry of a custody or partial custody order by the court on the recommendation of the conciliator in the absence of that party. Unless ordered by the court for good cause shown, children shall not be brought to the conciliation and shall not be heard on the issues by the conciliator.
- (b) To facilitate the conciliation process and to encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties or their attorneys at the conference shall not be admissible as evidence at a later custody hearing. The custody conciliator shall not be a witness for or against any party.
- (c) The court-appointed custody conciliator shall encourage consent agreements on the custody issues pending between/among the parties. If agreements are reached, they shall be reduced to writing and submitted to the court for adoption as an order. The parties will also be encouraged to equitably divide the custody administrative fee.
- (d) If no consent agreement is reached, the conciliator shall file a report with the court within five days of the conference which may contain the following:
  - (1) recommendations that custody evaluations be undertaken in cases where shared physical or primary physical custody is at issue and either the conciliator identifies circumstances warranting said evaluation or the parties agree to said evaluation; physical or mental evaluations, home studies, drug and alcohol evaluations, counseling, education seminars, appointment of a guardian ad litem, as well as equitable divisions of costs for any of the fees above. The order directing studies and evaluations, expert reports and seminar attendance shall provide that the conciliator allocate relevant fees subject to reallocation at a later stage, as provided by Rule L1915.4(c). A non-paying or non-participating party shall be subject to the contempt powers of the court;
  - (2) conciliator's review of jurisdiction, venue, standing and relocation issues;
  - (3) progress, if any, on issues before the conciliator, as well as any recommendations for temporary custody/partial custody orders, including the need for an expedited hearing in emergency cases;
  - (4) recommendations concerning an equitable division of the custody administrative fee among the parties;
  - (5) recommendations that a case be diverted to counseling;

(6) scheduling of pre-trial conferences or requesting trial dates.

(e) In those cases where evaluations are ordered, a pre-trial conference will be scheduled within 120 days from the order scheduling the evaluations. In cases when custody evaluations are not ordered, a pre-trial conference will ordinarily be scheduled after thirty days but within ninety days from the date of the conciliation. The initial conciliation order shall also provide that the costs of any evaluations, home studies or tests, including the cost of in-court testimony needed to authenticate and explain expert reports of the results thereof, shall be shared by the parties, initially as allocated by the court in the post-conciliation order, but subject to reallocation as part of the pre-trial conference order and the final order in the case as the equities in the case may dictate. A copy of the order scheduling the pre-trial conference shall be mailed to the custody evaluator by the Prothonotary, to insure that the evaluator's report is available to counsel for the parties at least 15 days prior to the pre-trial conference.

(f) Upon receipt of evaluation reports, the conciliator's office will make the same available to counsel of record, or *pro se* litigants where applicable.