

Rule *5001. Proceedings for Support.

(a) Each original proceeding hereafter brought for the enforcement of support initiated under the Crimes Code, the Uniform Reciprocal Enforcement of Support Law and Pennsylvania Civil Procedural Support Law, or the Aid for Dependent Children Act, and proceedings brought for the enforcement of existing orders of support shall be filed with the Clerk of Courts. Proceedings brought pursuant to the Divorce Code shall be filed in the Office of the prothonotary. In each such original proceeding and in each proceeding for the modification, termination or enforcement of arrearages of any subsisting order for support now in effect or hereafter entered, a mandatory conference shall be scheduled and conducted by a domestic relations officer in the Domestic Relations Division, prior to the scheduling and conducting of a hearing thereon before the Court. A form of preliminary order fixing the time of such conference shall be endorsed upon each such application.

(b) Any order fixing a time and place at which a defendant or any other party may be directed by the Court to appear before the Court or a domestic relations officer of the Domestic Relations Division for a hearing or conference on a complaint for support, or on a petition to modify, terminate, or enforce an order for support, shall contain a cautionary warning of the likelihood of the issuance of an attachment of the person, and the possibility of an adjudication of contempt, upon the failure to appear as so directed.

(c) The preliminary order shall state that where no agreement is reached at the conference, the presiding officer may, in his discretion, request an immediate hearing before the judge to whom the case has been assigned, or in the event that such judge is unavailable, then before any other available judge for the purpose of entering such interim order of support or enforcement of arrearages as may be just, which order shall be fully enforceable. Absence or non-availability of counsel shall not be grounds for failure to proceed with the entry of an interim order at the discretion of the Court.

(d) A conformed copy of each complaint, petition, answer or other pleading filed with respect to any such proceeding for support, for arrearages or for modification or termination of an order for support, shall be delivered to the Domestic Relations Division at the time of filing the original with the clerk.

(e) The conference with the domestic relations officer shall be informal in style, and conducted with a view toward a realistic and complete development of the

facts relevant to liability for support (if contested, or if properly still in issue), the reasonable needs of the party seeking support, the fair measure of the ability to pay of the party against whom support is sought, the changed circumstances relied upon if modification or termination of an order for support is involved and such other matters in particular cases as may be appropriate. Each party shall submit a written statement of his or her financial condition, including income, expenses, assets, outstanding indebtedness and any other information pertinent to the issues and shall bring to the conference supporting documentation, including but not limited to copies of income tax returns and pay stubs. Failure to attend the conference or to bring financial information shall be grounds for contempt of court. The respective parties may be represented by counsel, but absence or non-availability of counsel shall not be grounds for failure to proceed at a scheduled conference unless the domestic relations officer in his/her discretion shall have specifically provided otherwise in response to a prior written request setting forth meritorious reasons for modification of the time of the scheduled conference.

(f) If the conference results in agreement of the parties with respect to the complete disposition of the pending proceeding, the same shall be forthwith reduced to writing and submitted to the judge to whom the case has been assigned. Upon written approval of the judge, the original of such writing and approval shall be filed with the Clerk of Courts - Criminal, and shall have the same legal effect as an order of the Court entered in due course in open Court after a full and adversary hearing.

(h) At the hearing before the Court, the matters set forth in the report of the domestic relations officer shall be regarded as advisory only, and subject to contradiction by appropriate testimony, documentary evidence, argument or such other factors as the circumstances of the case may provide. In the absence of contradiction, however, the statement or outline in such report of undisputed facts and the opinions and recommendations which may be reasonably concluded or deduced therefrom, may be taken as established without necessity for further proof thereof.

(i) Whenever an attachment is issued, the person named as having failed to appear shall be brought before the judge to whom the case has been assigned, if available, or if unavailable, then before any other judge forthwith, but in any event, within 48 hours or two court working days, whichever is the longer from the time the person is taken in custody of law pursuant to the attachment; at which time, if the Court

shall find, after hearing, that the person named having been duly required to appear, willfully failed to appear, the Court may adjudge such person in contempt of court and in its discretion, may commit such person to the county jail or house of correction for a period not exceeding six months.