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Time of final adjudicatory hearing Scope of child abuse and neglect rules These rules set forth procedures for circuit courts in child abuse and neglect proceedings instituted pursuant to W. If these rules conflict with other rules or statutes, these rules shall apply. These rules are not to be applied or enforced in any manner which will endanger or harm a child. These rules are designed to accomplish the following purposes: To provide fair, timely and efficient disposition of cases involving suspected child abuse or neglect; To provide for judicial oversight of case planning; To ensure a coordinated decision-making process; To reduce unnecessary delays in court proceedings through strengthened court case management; and To encourage the involvement of all parties, including children, in the litigation as well as the involvement of all community agencies and resource personnel providing services to any party. Definitions As used in these rules, these terms are defined as follows: The hearing shall be conducted in accordance with Rule 36a; "Disposition hearing" shall mean the hearing contemplated by W. The petition has been dismissed and the child has been returned to the home or to a relative with no custodial supervision by the Department; The child has been placed in the permanent custody of a non-abusive parent; or A permanent out-of-home placement of the child has been achieved following entry of a final disposition order. A permanent out-of-home placement has been achieved only when the child has been adopted, placed in a legal guardianship, placed in another planned permanent living arrangement APPLA , or emancipated; and "Persons entitled to notice and the right to be heard" are persons other than parties who include the CASA when appointed, foster parents, preadoptive parents, or custodial relatives providing care for the child. If a circuit court, based upon a review of the written referral from family court, determines that the allegations or other information present reason to believe a child may be in imminent danger, the circuit court may shorten the time for the Department to act upon the referral and appear before the circuit court. A show-cause order shall issue by the court setting a prompt hearing to determine whether the respondent Department has a duty to file a civil petition under the particular circumstances set forth in the written referral and investigation report. If it is determined by the court that the Department has a nondiscretionary duty pursuant to W. Copies of such orders shall also be delivered to the prosecuting attorney. If the case in family court that gave rise to the referral to the Department was a domestic violence proceeding, staff from any involved licensed family protection program is entitled access to circuit court proceedings under this rule to the same extent such access is afforded under statutes and rules pertaining to domestic violence proceedings. Transfer of Administrative Proceedings. Unless the court finds the basis for the motion to be clearly unreasonable under the particular circumstances presented, the administrative proceedings shall be transferred as requested. The circuit clerk shall send certified copies of the order granting or denying the transfer motion to the referring family court and the prosecuting attorney. If the order grants the motion, certified copies shall also be sent to the circuit court and prosecuting attorney in the county where the administrative proceeding is transferred. Transfer and consolidation A circuit court before which a civil petition is filed pursuant to W. Venue Pursuant to W. Under no circumstances may a party file a petition in more than one county based on the same set of facts. Contemporaneous civil, criminal, and other proceedings Under no circumstances shall a civil child abuse and neglect be delayed pending the initiation, investigation, prosecution, or resolution of any other proceeding, including, but not limited to, criminal proceedings. The court retains exclusive jurisdiction over placement of the child while the case is pending, as well as over any subsequent requests for modification, including, but not limited to, changes in permanent placement or visitation, except that 1 if the petition is dismissed for failure to state a claim under Chapter 49 of the W. Attendance at all proceedings brought pursuant to W. All records and information maintained by the courts in child abuse and neglect proceedings shall be kept confidential except as otherwise provided in W. Code, Chapter 49 and this rule. In the interest of assuring that any determination made in proceedings before a family court arising under W. Code, Chapter 48, or W. Code, Chapter 49, family courts and staff shall have access to

all circuit court orders and case indexes in this State in all such related Chapter 49 proceedings. Time Computation; extensions of time and continuances Time frames prescribed in these rules shall be computed in accord with Rule 6 a of the W. Rules of Civil Procedure. Except as provided for in Rule 5, extensions of time and continuances beyond the times specified in these rules or by other applicable law shall be granted only for good cause, regardless of whether the parties are in agreement. If a continuance is granted in accordance with this rule, the court shall set forth in a written order its reasons for finding good cause. Testimony of children; inclusion of children in hearings and multidisciplinary treatment team meetings Restrictions on the testimony of children. Procedure for taking testimony from children. When attorneys are not allowed to be present for in camera interviews of a child, the court shall, unless otherwise agreed by the parties, have the interview electronically or stenographically recorded and make the recording available to the attorneys before the evidentiary hearing resumes. Under exceptional circumstances, the court may elect not to make the recording available to the attorneys but must place the basis for a finding of exceptional circumstances on the record. Under these exceptional circumstances, the recording only will be available for review by the Supreme Court of Appeals. When attorneys are present for an in camera interview of a child, the court may, before the interview, require the attorneys to submit questions for the court to ask the child witness rather than allow the attorneys to question the child directly, and the court may require the attorney to sit in an unobtrusive manner during the in camera interview. Ordered by the court for good cause shown; or For purposes of appeal. A child subject to a case may attend all or portions of hearings, unless the court deems such attendance inappropriate, and may attend all or portions of multidisciplinary treatment team meetings, unless the multidisciplinary treatment team deems such participation inappropriate. Use of closed circuit television testimony In any case governed by these rules in which a child eleven 11 years old or less is to be a witness, the court, upon order of its own or upon motion of a party, may permit the child witness to testify through live, one-way, closed-circuit television whereby there shall be no transmission into the room from which the child witness is testifying. In any case in which a child over the age of eleven 11 years is to be a witness, the court, upon order of its own or upon motion of a party, and upon a finding of good cause, shall permit the child witness to testify through live, one-way, closed-circuit television whereby there shall be no transmission into the room from which the child witness is testifying. The testimony of the child witness shall be taken in any room, separate and apart from the courtroom, from which testimony of the child witness can be transmitted to the courtroom by means of live, one-way, closed-circuit television. The testimony shall be deemed as given in open court. The judge, the attorneys for the parties, and any other person the court permits for the purpose of providing support for the child in order to promote the ability of the child to testify shall be present in the testimonial room at all times during the testimony of the child witness. The judge may permit liberal consultation between counsel and the parties by adjournment, electronic means, or otherwise. The image and voice of the child witness, as well as the image of all other persons present in the testimony room, other than the operator, shall be transmitted live by means of live, one-way, closed-circuit television in the courtroom. The courtroom shall be equipped with monitors sufficient to permit the parties to observe the demeanor of the child witness during his or her testimony. The operator shall place herself or himself and the closed-circuit television equipment in a position that permits the entire testimony of the child witness to be transmitted to the courtroom. The child witness shall testify under oath, and the examination and cross-examination of the child witness shall, in all other respects, be conducted in the same manner as if the child witness testified in the courtroom. When the testimony of the child witness is transmitted from the testimonial room into the courtroom, the court stenographer shall record the testimony in the same manner as if the child witness testified in the courtroom. Under all circumstances, the image of the child witness transmitted shall include the entirety of his or her person ordinarily subject to observation by the human eye, subject to such limitations as may be unavoidable by reason of standard courtroom furnishings. Should it be required, for the purposes of identification that the person to be identified and the child witness be present in the courtroom at the same time, the court shall ensure that this meeting takes place after the child witness has completed his or her testimony; and this confrontation shall, to the extent possible, be accomplished in a manner that is nonthreatening to the child witness. Discovery The attorney for the child shall have access to the file kept by the Department and the file

kept by the attorney for the petitioner, including all information set forth in W. The disclosure provided for in this rule is not intended to limit the amount or nature of disclosure in these cases. This rule merely establishes the minimum amount of disclosure required. If, prior to or during any hearing, a party discovers additional evidence or material that should have been disclosed, that party shall promptly notify all other parties and their counsel, persons entitled to notice and the right to be heard, and the court of the existence of the additional evidence or material. Motion to compel, limit, or deny discovery Any party receiving a written request to make information, documents, records, or evidence available for inspection, testing, copying, or photographing shall, within two 2 days, excluding weekends and holidays, comply with the request or provide a written explanation of the reasons for noncompliance to the parties and the court; A party whose request for discovery is not fully complied with may file a motion for an order compelling discovery. A motion to compel discovery shall set forth the request for discovery, describe why the items or information sought are discoverable, and specify how the request was not in compliance; A party receiving a discovery request may file a motion to deny discovery or permit a limited response. The motion shall set forth the request for discovery and set forth reasons why the discovery should be denied or the response should be permitted to be limited or subject to conditions; and The court shall hear and rule on a discovery motion within seven 7 days after it is filed. Among other things, the court may: Grant the requested discovery and specify the time within which it must be provided; Order reciprocal discovery; Order appropriate sanctions for any clear misuse of discovery or arbitrary delay or refusal to comply with a discovery request; and Deny, limit, or set conditions on the requested discovery. Judicial management of discovery Upon its own motion or upon the request of a party, the court may limit discovery methods and specify its overall timing and sequence provided that each party shall be allowed a reasonable opportunity to obtain information needed for the preparation of his or her case. Any party moving for a continuance on the ground that discovery is likely to delay a hearing set by the court shall promptly send written notice to the court stating the need for the discovery and the extent of the likely delay. Preservation of records and exhibits The proceedings shall be recorded and transcripts produced according to the provisions of W. Telephone or video conferences The court may hear motions and conduct conferences relating to discovery, service of process, or case scheduling by telephone or video conference call. By agreement of the parties or motion filed in accord with Rule 17 c , the court may hear testimony by telephone or video conference call. The person requesting visitation shall set forth his or her relationship to the child and the degree of personal contact previously existing with the child. The visitation order of the circuit court shall be enforceable upon entry unless a stay of execution of said order is issued by the circuit court or the Supreme Court of Appeals. The effect of entry of an order of termination of parental rights shall be, inter alia, to prohibit all contact and visitation between the child who is the subject of the petition and the parent who is the subject of the order and the respective grandparents, footnote 1 unless the Court finds the child consents and it is in the best interest of the child to retain a right of visitation. Visitation between the child and his siblings shall continue, and a plan for regular contact between siblings, where they are not placed together, shall be incorporated into the permanent plan for the child whenever possible, unless the court finds it is not in the best interest of both the child and his siblings to retain a right of visitation. Footnote 1 This rule is intended to neither increase nor decrease any rights of the grandparents as set forth in W. Emergency custody Emergency custody pending filing of petition. Continuation or transfer of emergency custody upon filing of petition. Transfer of custody following filing of petition. If custody has been taken pursuant to this provision after the conclusion of the final adjudicatory hearing, custody of the child may continue in the Department or a responsible person pending conclusion of the final disposition hearing. Requirement of hearing on emergency custody taken during the pendency of child abuse and neglect proceeding. Findings in removal order. The Guidelines may be disregarded, or the calculation of an award under the Guidelines may be adjusted, only if the court makes specific findings that use of the Guidelines is inappropriate. An order granting modification of a support obligation must use the Guidelines for Child Support Awards found in W. Transfer to family court prohibited. Pleadings allowed, Form of motions and other papers Pleadings. If one of the petitioners is a parent, then that parent shall be appointed counsel pursuant to W. The Department, a parent, or reputable person may move to be joined as a co-petitioner after the filing of the initial petition. No other pleading shall

be allowed except by permission of the court. The petition shall not be taken as confessed. Other than in a criminal prosecution for false swearing, evidence shall not be given against an accused of any statement made by him in any pleadings filed pursuant to these rules. The child or children are not required to file or serve an answer. Each answer shall admit or controvert the allegations of the petition, state the relationship of the child or children to the respondent and respond to such other matters as are alleged therein. No preliminary hearing need be continued because an answer has not been served nor shall any appearance at a preliminary hearing or the service or contents of any answer filed prevent a respondent from raising in the answer or by timely motion any issue formerly raised by special appearance or by a pleading filed before an answer. Motions and other papers. The requirement of writing is fulfilled if the motion is made in a written notice of the hearing on the motion. The rules applicable to captions and other matters of form of pleadings apply to all motions and other papers provided for by these rules. All motions shall be signed in accordance with Rule 11 of the Rules of Civil Procedure. All motions must be accompanied by or contained within a notice of hearing setting forth the date and time of hearing on the motion. No portion of the case may be transferred or remanded to family court for this purpose. Contents of petition The petition shall be verified in accordance with W. Appointments; responsibilities of guardian ad litem Appointment.

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Family Court Rules of Procedure and Practice I. Title and Scope of Rules FCRPP 1 Title and Scope (1) Pursuant to KRS , these rules constitute a separate section of the civil rules and shall be.

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Wherefore, plaintiff requests the court to grant (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the child.