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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No.

670

Session of

1961

MESSRS. LANE, WEINER, DEVLIN AND SARRAF,
IN PLACE, MAY 23, 1961.

AS AMENDED ON THIRD READING, IN HOUSE OF
REPRESENTATIVES, AUGUST 30, 1961.

AN ACT

Establishing a Family Court Division in the Court of Common Pleas
of Allegheny County imposing certain jurisdiction over actions
and other matters involving the family providing for a chief
judge and board of judges clerk director and professional
and other employes transferring certain duties of the Juvenile
Court of Allegheny County and the domestic relations court of

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through
is to be omitted from bill.
Underscoring indicates new matter added to existing law. [Brackets] indicate matter
stricken from existing law.

the county court to the family court division providing for additional law judges of the Court of Common Pleas in the Fifth Judicial District establishing procedures for reconciliation and providing for the investigation and report of relevant factual information

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 Short Title This act shall be known and may be cited as
2 the "Family Court of Allegheny County Act"

3 Section 2 Purpose Construction and Severability The purposes
4 of this act are to eliminate the present fragmentation of jurisdic-
5 tion over matters involving the family and to provide a proper forum
6 with trained judicial and other professional personnel thereby correlating
7 the knowledgo and techniques available for solution of immediate family
8 problems This act shall be liberally construed so as to fully accomplish
9 these purposes the provisions of this act are severable and if any of
10 the provisions hereof are held to be unconstitutional such decision shall
11 not be construed to impair any other provision of this act It is hereby
12 declared as the legislative intent that this act would have been adopted
13 had such unconstitutional provisions not been included herein

1 Section 3 Family Court Established as division of Court of Com-
2 mon Pleas in Allegheny County There is hereby established in the Court
3 of Common Pleas of Allegheny County a division to be known as the
4 Family Court of Allegheny County which shall have integrated jurisdic-
5 tion over causes and actions involving the family as set out in this act as
6 a division of the Court of Common Pleas the Family Court shall be a
7 court of record and shall have all the powers of a Court of Common
8 Pleas including the powers of a Court of Equity for the adjustment of
9 family problems such as the partition of property between husband and
10 wife and the granting of injunctions to effect compliance with this act
11 and the orders of the Family Court and the protection of the interests
12 of the family the Family Court also shall have criminal jurisdiction
13 where so provided by this act and shall provide for a jury trial in those
14 cases where such is required by law and shall adopt rules of criminal
15 procedure to govern such actions

16 Section 4 Judges at least three judges elected or appointed to the
17 office of Judge of Common Pleas shall be assigned by the President
18 Judge of Common Pleas to the Family Court division and the judges so
19 assigned together with the incumbent judge of the Juvenile Court of

1 Allegheny County at the time this act takes effect shall comprise the
2 Board of Judges of the Family Court the President Judge shall designate
3 one of the assigned judges as Chief Judge the incumbent judge of the
4 Juvenile Court as a member of the Board of Judges shall exercise only
5 those powers presently conferred upon him by the Act of June 3 1933
6 (P L. 1449) known as the "Juvenile Court law of Allegheny County"

7 Section 5 Chief Judge The chief judge shall be the chief adminis-
8 trative and executive officer for the family court and shall

9 (1) Report to and cooperate with the President Judge of Common
10 Pleas

11 (2) Preside at meetings of the Board of Judges of the Family
12 Court

13 (3) Appoint the Masters and Referees of the family court and
14 subject to the approval of the board of judges appoint the director
15 of the administrative and professional staff

16 (4) Supervise the work of the director and employes under his
17 supervision

18 (5) Have all the powers and duties necessary to make the pro-
19 visions of this act effective except in so far as it is otherwise provided.

1 Section 6 Board of Judges The board of judges shall have the
2 power and duty to

3 (1) Approve the director appointed by the chief judge

4 (2) Make promulgate and publish rules and regulations and forms
5 required to carry out the provisions of this act including but not
6 limited to (i) court rules of procedure and practice for Civil Criminal
7 and other cases within the jurisdiction of the family court (ii)
8 rules of procedure for hearings before masters and referees and
9 appeals from their findings and recommendations and (iii) rules as to
10 admissibility of evidence and the use of investigations reports and other
11 findings of the staff or consultants to the court provided all interested
12 parties have due advance notice of all such findings and reports and
13 upon request an opportunity to cross-examine the author thereof

14 (3) Adopt as a seal for the use of the court the present seal of
15 the Court of Common Pleas with the addition of the words "Family
16 Court Division" which seal shall be affixed to all writs processes tran-
17 scripts and other official documents issued by or under the direction of
18 the court

1 (4) Establish the policies for the conduct of the family court

2 (5) Prepare and submit its annual budget to the President Judge

3 of Common Pleas WHO SHALL INCLUDE IT IN HIS BUDGET

4 TO THE COUNTY COMMISSIONERS OF ALLEGHENY COUNTY

5 (6) Prepare and publish reports containing statistical and other

6 data pertaining to the work of the court research studies conducted

7 by the staff and any recommendations for legislation

8 Section 7 Prothonotary clerk court personnel the prothonotary of

9 Allegheny County shall be the clerk of the family court and perform

10 all the duties thereof at the place designated for the holding of said

11 court there shall be established an office in charge of a clerk appointed

12 by the prothonotary with the approval of the board of judges who

13 shall have custody of the seal to be kept at such place as well as of

14 the docket of the court and all papers pertaining to the business of

15 the court at such place the board of judges shall appoint such court

16 personnel including tipstaves as are necessary for the efficient opera-

17 tion of the court The personnel appointed under this section shall be

18 under the supervision of the judge to whom they are assigned if special

19 assignment is made but otherwise under the supervision of the chief judge

1 THE PROTHONOTARY'S FEES SHALL BE AS SET FORTH IN
2 THE PROTHONOTARY'S FEE BILL IN THE ACT APPROVED
3 JULY 12 1961 (ACT NO 277)

4 Section 8 Director of the Administrative and Professional Staff (a)
5 The director of the administrative and professional staff of the family
6 court shall be a professionally qualified probation officer with a graduate
7 degree in social work or behavioral sciences or of equivalent experience
8 and shall have had such work experience as required by the board
9 of judges The director shall be appointed by the chief judge with the
10 approval of the board of judges

11 (b) The director shall have the power and duty to

12 (1) Supervise the work of the administrative and professional staff
13 but not that of the clerk and court personnel provided for in section 7 of
14 this act

15 (2) Conduct such investigations studies reports and services as re-
16 quested by the family court or any judge thereof

17 (3) Appoint or employ WITH THE APPROVAL OF THE
18 BOARD OF JUDGES such assistant directors marriage and family

1 counselors probation officers case workers social workers investigators
2 psychiatrists psychologists statisticians clerks stenographers and other
3 personnel as are required to efficiently carry out the work of the ad-
4 ministrative and professional staff

5 (4) Prepare and make available to the President Judge of Common
6 Pleas the Common Pleas court the chief judge and board of judges pri-
7 vate or public agencies and the general public statistical reports data
8 and analyses of the services of the Staff and court

9 (5) Contract with private or public agencies for services essential
10 to the operation of the family court provided that such contracts shall
11 be approved by the board of judges AND BOARD OF COUNTY COM-
12 MISSIONERS

13 (6) Refer such cases as directed by the court or in his own discre-
14 tion to private or public agencies as are best able to offer the services
15 required

16 (7) Cooperate with colleges universities and community organiza-
17 tions undertaking programs relating to the work of the court

18 Section 9 Professional and Administrative Staff (a) All staff person-
19 nel appointed by the director shall be selected appointed and promoted

1 under a personnel system based on merit and qualification as deter-
2 mined by the board of judges

3 (b) Each member of the staff shall have such education and expe-
4 rience qualifications as set forth by the board for the position to which
5 he or she is to be appointed

6 (c) The salary paid each member of the staff shall be fixed by the
7 Allegheny County salary board

8 (d) Psychiatrists psychologists and other professional personnel
9 may be employed on a part-time or consulting basis AND THE FEES
10 THEREFOR SHALL BE FIXED BY THE ALLEGHENY COUNTY
11 SALARY BOARD

12 (e) In-service training and internships may be provided as approved
13 by the board of judges and college or university students engaged in
14 programs relating to the work of the court may be employed on a part-
15 time basis AT SALARIES FIXED BY THE ALLEGHENY COUNTY
16 SALARY BOARD

17 Section 10 Masters Referees Masters or referees learned in the law
18 or otherwise may be appointed by the Chief Judge to conduct investiga-
19 tions and to hold hearings and to make recommendations and reports in

1 any matters within the jurisdiction of the Family Court where such
2 is permitted by law Appeals from the findings and recommendations of
3 the masters or referees and hearings de novo shall be allowed as provided
4 by law or rule of court Masters and referees shall be compensated at a
5 rate determined by the board of judges and may be assigned from the
6 regular professional staff or specially appointed from outside the staff
7 for a particular matter

8 Section 11 Jurisdictions The family court shall have jurisdiction
9 in Allegheny County in the following cases actions or proceedings

10 (1) Divorce from the bonds of matrimony and from bed and board
11 and annulment of marriage including the disposition of the following
12 issues and matters

13 (i) the determination and disposition of property rights and inter-
14 ests between spouses including any rights created by any antenuptial or
15 postnuptial agreement and including the partition of property held as
16 tenants by the entireties or otherwise and any accounting between them
17 and the order of any alimony maintenance counsel fees costs or other
18 allowance authorized by law

19 (ii) the future care custody and visitation rights as to children of

1 such marriage or purported marriage

2 (iii) support maintenance or assistance for the benefit of any child
3 of such marriage or purported marriage

4 (iv) the approval of any proper settlement involving any of the
5 matters set forth in subclauses (i) (ii) and (iii) as submitted by the parties

6 (v) any other matters pertaining to such marriage and divorce or an-
7 nulment authorized by law and which fairly and expeditiously may be
8 determined and disposed of in such action

9 (2) Pertaining to maintenance or failure to maintain or to desertion
10 and nonsupport of a wife child including a child born out of wedlock or
11 parent

12 (3) Concerning any minor under eighteen years of age as provided
13 for by the act of June 3 1933 (P L 1449) as amended and known as
14 the "Juvenile Court Law of Allegheny County" which act where ap-
15 plicable shall control all juvenile matters before the Family Court

16 (4) Where adults are charged with contributing to or encouraging
17 or tending to cause by any act of omission or commission the delinquency
18 neglect or dependency of any child when such act of omission or commis-

1 sion is a violation of any State law or ordinance of any political sub-
2 division of the Commonwealth

3 (5) Concerning assault and battery by one spouse upon another
4 spouse or by parent upon child or by child upon parent that constitute
5 misdemeanors rather than felonies

6 (6) Concerning bastardy or paternity ~~and which actions may be~~
7 ~~tried by civil procedure rather than as crimes according to rules promul-~~
8 ~~gated by the Family Court CASES~~

9 (7) Concerning charges of surety of the peace between spouses or
10 between parents and children

11 In each of the above cases where the Family Court exercises crimi-
12 nal jurisdiction the right to a jury trial and the constitutional guaran-
13 tees for the protection of those accused of crime shall be held inviolate
14 and any hearing conducted shall be according to rules of criminal pro-
15 cedure the Family Court shall have such equity powers as are necessary
16 for the partition of property between husband and wife and for the
17 effectuation of justice between members of the family and protecting
18 the family from outside interference procedure under the "Juvenile
19 Court Law of Allegheny County" as amended shall be as now provided

1 by law and rule of court subject to such change as may hereafter be
2 made in such law or rule of court

3 Section 12 Declaratory Judgments The family court may grant
4 and issue declaratory judgments as to the validity of any marriage di-
5 vorce or matrimonial causes decree and in such other cases as provided
6 by law

7 Section 13 Conciliation Either spouse may file with the court an ap-
8 plication for conciliation which application shall be forwarded to the
9 director for investigation When the director reports that attempts at
10 reconciliation are practicable and in the interests of the family the family
11 court may issue a conciliation citation to the parties and require their at-
12 tendance and participation in conferences presided over by a member of
13 the staff Upon order of the court any action for support or for the ter-
14 mination of marriage may be stayed for ninety days following a concilia-
15 tion citation during which such conferences shall be held this period may
16 be extended by agreement of the parties If at the end of the ninety days
17 or longer agreed upon period a reconciliation has been effected the con-
18 ciliation department shall prepare a conciliation stipulation for the dis-
19 missal of any pending matrimonial action but if no reconciliation has

1 been effected such fact shall be certified by the director to the court and
2 any pending matter shall be heard without delay The court may order
3 payment of temporary alimony or support and child support during the
4 pendency of the conciliation proceeding and may order the attendance
5 of witnesses at the conferences All statements made by parties during the
6 course of conciliation shall be confidential communications and shall not
7 be admissible in evidence in any proceeding for any purpose Cooperation
8 with conciliation efforts shall not be regarded as condonation of any
9 matrimonial offense During the conciliation period referrals may be
10 made to outside public or private agencies for counseling or other services
11 but in all cases submission to counseling shall be voluntary and not
12 compulsory

13 Section 14 Procedure The procedures before the family court shall
14 be as provided by law rule of the Supreme Court or by rule of the family
15 court

16 Section 15 Miscellaneous Powers of the Family Court In addition
17 to the powers conferred by law upon the Court of Common Pleas and
18 the powers conferred elsewhere in the act the family court shall have
19 the power to

1 (1) Appoint a guardian ad litem to represent and protect the in-
2 terests of any minor child whose parents are adverse parties in an action
3 before the court

4 (2) Require that payments of support or other allowances ordered
5 by the court shall be made directly to the court or other public agency
6 designated by the court

7 (3) Commence upon its own motion contempt proceedings in cases
8 of arrearages in support or other allowances ordered by the court

9 (4) Request detailed reports and recommendations by the director
10 on any relevant aspect of a case before the court

11 (5) Require answers under oath to interrogatories relating to any
12 matter before the court and in support cases such interrogatories may
13 be directed to the financial circumstances of the interrogated party

14 (6) On its own motion require any party to an action before it
15 to appear in court and testify notwithstanding that the party is not
16 within the territorial jurisdiction of the court but is elsewhere in Penn-
17 sylvania or if out of Pennsylvania is a domiciliary of this Commonwealth

18 (7) Dismiss any action and after such dismissal refer the parties
19 to any appropriate agency private or public

1 Section 16 Facilities and Records (a) Separate facilities and a cen-
2 tral repository for all reports and records shall be provided the dockets
3 and records of proceedings of the court shall be kept separate from the
4 dockets and records of the Court of Common Pleas

5 (b) Records may be withheld from indiscriminate public inspection
6 by order of court provided that in any pending proceeding all reports
7 records or other information shall be made available to all interested
8 parties and their counsel

9 Section 17 Appeals Appeals from final orders decisions or judge-
10 ments of the family court shall be directly to the Superior Court

11 Section 18 Pending Litigation All matters within the jurisdiction
12 of the family court pending in any court of Allegheny County when
13 this act takes effect shall continue until concluded in the court with
14 present jurisdiction After the effective date of this act all litigation
15 within the jurisdiction of the family court shall be filed with the family
16 court

17 Section 19 Certain Employes Records Transferred The employes
18 records appropriations and all other matters of the Juvenile Court of
19 Allegheny County and the Domestic Relations Court of the County

1 Court of Allegheny County ~~are hereby~~ SHALL BE transferred to the
2 Family Court of Allegheny County UPON THE REQUEST OF THE
3 BOARD OF JUDGES OF SAID COURT

4 Section 20 Additional Judgeships Authorized (a) In addition to
5 the judges provided for in the Act of January 8 1952 (P L 1844) en-
6 titled "An act to designate the several judicial districts of the Common-
7 wealth as required by the Constitution and to provide for the election
8 and commissioning of judges learned in the law for the said districts"
9 Three additional law judges are hereby authorized and provided for the
10 Court of Common Pleas of the Fifth Judicial District who shall possess
11 the same qualifications which are required by the Constitution and laws
12 for the president judge of the Court of Common Pleas of the district
13 and who shall hold their offices for a like term and by the same tenure
14 and shall have the same power authority and jurisdiction and shall be
15 subject to the same duties restrictions and penalties and shall receive
16 the same compensation provided for by law for judges learned in the
17 law as if the same offices had been established in the time of and
18 subject to the provisions of the Act of June 1 1956 (P L 1959) en-
19 titled "An act fixing the salaries and compensation of the chief justice

1 and judges of the Supreme Court the president judge and judges of the
2 Superior Court the judges of the Courts of Common Pleas the judges
3 of the Orphans' Courts the judges of the Municipal Court of Philadel-
4 phia and the judges of the County Court and Juvenile Court of Alle-
5 gheny County certain associate judges not learned in the law certain
6 State officers and the salary and expenses of the members of the General
7 Assembly and repealing certain inconsistent acts"

8 (b) At the ~~general~~ MUNICIPAL election in November ~~1962~~ 1963
9 the qualified electors of the Fifth Judicial District shall elect in the same
10 manner prescribed by law for the election of the president judge of
11 the Court of Common Pleas of the district three competent persons
12 learned in the law to serve as additional law judges of the Court of
13 Common Pleas of the Fifth Judicial District from the first Monday
14 in January ~~1963~~ 1964 for a term of ten years Vacancies in the offices
15 hereby created whether caused by death resignation expiration of term
16 or otherwise shall be filled in the same manner as is required by law
17 in case of a similar vacancy in the office of president judge of the court

18 (c) Effective upon the end of the present term of the incumbent

1 juvenile court judge or upon vacancy occurring in such office whichever
2 occurs first a fourth additional law judge is hereby authorized and
3 provided for the Court of Common Pleas of the Fifth Judicial District
4 who shall have the qualifications term tenure power authority juris-
5 diction be subject to the same duties and receive the same compensation
6 as provided in subsection (a) of this section

7 Section 21 Juvenile Court Judge Repeal of Juvenile Court Law
8 of Allegheny County At the end of the term of the incumbent Juvenile
9 Court Judge of Allegheny County or if the judgeship should be vacated
10 at any time At the time such vacancy occurs the said judgeship shall
11 cease to exist and the Act of June 3 1933 (P L 1449) known as the
12 "Juvenile Court Law of Allegheny County" is hereby repealed in so
13 far as it is inconsistent herewith such repeal to be effective at the end
14 of the term of the present incumbent judge or upon vacancy occurring
15 in such office whichever occurs first

16 Section 22 Repeals All other acts and parts of acts are repealed
17 in so far they are inconsistent herewith

18 Section 23 Effective Date This act shall take effect February 4

19 ~~1962~~ JULY 1 1962

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

.....
Speaker, House of Representatives

Approved The day of A. D. 1961.

.....
Governor

ECI