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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

No.

**670**

Session of

1961

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INTRODUCED BY MESSRS. LANE, WEINER, DEVLIN AND  
SARRAF, MAY 23, 1961.

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REFERRED TO COMMITTEE ON JUDICIARY GENERAL,  
MAY 23, 1961.

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**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 branch of the county court to the family court division providing for subdivisions in the family court division establishing procedures for reconciliation

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.

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 The purposes of this act are to  
4 eliminate the present fragmentation of jurisdiction over matters involv-  
5 ing the family and to provide a proper forum with trained judicial and  
6 other professional personnel thereby correlating the knowledge and tech-  
7 niques available for solution of immediate family problems this act shall  
8 be liberally construed so as to fully accomplish these purposes

9 Section 3 Family Court Established as Division of Court of Common  
10 Pleas in Allegheny County There is hereby established as a division of  
11 the Court of Common Pleas of Allegheny County a separate and distinct  
12 court to be known as the Family Court of Allegheny County As a division  
13 of the common pleas court the family court shall be a court of record and  
14 shall have all the powers which may be exercised by the common pleas  
15 court including the powers of a court of equity

1       Section 4 Judges At least three judges elected or appointed to the  
2 office of judge of common pleas shall be assigned by the President Judge  
3 of common pleas to the family court and the judges so assigned together  
4 with the incumbent judge of the Juvenile Court of Allegheny County  
5 at the time this act takes effect shall comprise the Board of Judges  
6 of the Family Court The judges assigned by the President Judge may  
7 be assigned on a permanent basis The President Judge shall designate  
8 one of the assigned judges as chief judge

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

11       (1) Report to and cooperate with the President Judge of common  
12 pleas

13       (2) Preside at meetings of the Board of Judges of the Family  
14 Court

15       (3) Appoint the clerk of the family court and subject to the ap-  
16 proval of the board of judges appoint the director of the administrative  
17 and professional staff

18       (4) Supervise the work of the director and employes under his  
19 supervision

20       (5) Have all the powers and duties necessary to make the pro-

1 visions of this act effective except in so far as it is otherwise provided

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

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

5 (2) Make and promulgate all rules regulations and forms required  
6 to carry out the provisions of this act including (i) court rules of pro-  
7 cedure and practice (ii) rules of procedure for hearings before masters  
8 and referees and appeals from their findings and recommendations and  
9 (iii) rules as to admissibility of evidence regarding the reports and other  
10 findings of the administrative staff of the court

11 (3) Adopt a seal for the use of the court which seal shall be affixed  
12 to all writs processes transcripts and other official documents issued by  
13 or under the direction of the court

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

15 (5) Prepare and submit its annual budget to the President Judge  
16 of common pleas

17 (6) Prepare and publish an annual report of the work of the family  
18 court which report shall include relevant statistical and other data per-  
19 taining to the work and services of the court research studies conducted  
20 by the staff and any recommendations for legislation

1 Section 7 Clerk of the Court Court Personnel The chief judge  
2 of the family court shall appoint a clerk who shall perform such duties  
3 as the chief judge shall direct The clerk shall appoint such court person-  
4 nel including tipstaves as are necessary for the efficient operation of the  
5 court The personnel appointed under this section shall be under the  
6 supervision of the clerk and chief judge

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

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

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

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

19 (3) Appoint or employ such assistant directors marriage and family  
20 counselors probation officers case workers investigators psychiatrists

1 psychologists statisticians clerks stenographers and other personnel as are  
2 required to efficiently carry out the work of the administrative and pro-  
3 fessional staff

4 (4) Prepare and make available to the court the President Judge  
5 of common pleas private or public agencies and the general public  
6 statistical reports data and analyses of the services of the staff and court

7 (5) Contract with private or public agencies for services essential  
8 to the operation of the family court provided that such contracts shall  
9 be approved by the board of judges

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

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

15 Section 9 Professional and Administrative Staff (a) All staff person-  
16 nel appointed by the director shall be selected appointed and promoted  
17 under a personnel system based on merit and qualification as deter-  
18 mined by the board of judges

19 (b) Each member of the staff shall have such education and expe-  
20 rience qualifications as set forth by the board for the position to which

1 he or she is to be appointed

2 (c) The salary paid each member of the staff shall be at least com-  
3 mensurate with that paid by Commonwealth agencies for persons of  
4 similar qualifications

5 (d) Psychiatrists psychologists and other professional personnel  
6 may be employed on a part-time or consulting basis

7 (e) In-service training and internships may be provided as approved  
8 by the board of judges and college or university students engaged in  
9 programs relating to the work of the court may be employed on a part-  
10 time basis

11 Section 10 Masters Referees Masters or referees learned in the law  
12 may be appointed by the chief judge to hear testimony and make findings  
13 of fact and recommendations in any matters within the jurisdiction of the  
14 court Appeals from the findings and recommendations of the masters or  
15 referees shall be allowed as provided by law Masters and referees shall  
16 be compensated at a rate determined by the board of judges

17 Section 11 Jurisdictions The family court shall have exclusive juris-  
18 diction in Allegheny County in the following cases actions or proceed-  
19 ings

1 (1) Divorce from the bonds of matrimony and from bed and board  
2 and annulment of marriage including the disposition of the following  
3 issues and matters

4 (i) the determination and disposition of property rights and inter-  
5 ests between spouses including any rights created by any antenuptial or  
6 postnuptial agreement and including the partition of property held as  
7 tenants by the entireties or otherwise and any accounting between them  
8 and the order of any alimony maintenance counsel fees costs or other  
9 allowance authorized by law

10 (ii) the future care custody and visitation rights as to children of  
11 such marriage or purported marriage

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

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

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

19 (2) Pertaining to maintenance or failure to maintain or to desertion  
20 and nonsupport of a wife child including a child born out of wedlock or

1 parent

2 (3) Concerning any minor under eighteen years of age which were  
 3 previous to this act within the jurisdiction of the Juvenile Court of  
 4 Allegheny County

5 (4) Where adults are charged with contributing to or encouraging  
 6 or tending to cause by any act of omission or commission the delinquency  
 7 neglect or dependency of any child when such act of omission or commis-  
 8 sion is a violation of any State law or ordinance of any political sub-  
 9 division of the Commonwealth

10 (5) Concerning assault and battery by one spouse upon another  
 11 spouse or by parent upon child or by child upon parent

12 (6) Concerning bastardy or paternity

13 (7) Concerning charges of surety of the peace between spouses or  
 14 between parents and children

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

1 Section 13 Conciliation Either spouse may file with the court an ap-  
2 plication for conciliation which application shall be forwarded to the  
3 director for investigation When the director reports that attempts at  
4 reconciliation are practicable and in the interests of the family the family  
5 court may issue a conciliation citation to the parties and require their at-  
6 tendance and participation in conferences presided over by a member of  
7 the staff Upon order of the court any action for support or for the ter-  
8 mination of marriage may be stayed for ninety days following a concilia-  
9 tion citation during which such conferences shall be held this period may  
10 be extended by agreement of the parties If at the end of the ninety days  
11 or longer agreed upon period a reconciliation has been effected the con-  
12 ciliation department shall prepare a conciliation stipulation for the dis-  
13 missal of any pending matrimonial action but if no reconciliation has  
14 been effected such fact shall be certified by the director to the court and  
15 any pending matter shall be heard without delay The court may order  
16 payment of temporary alimony or support and child support during the  
17 pendency of the conciliation proceeding and may order the attendance  
18 of witnesses at the conferences All statements made by parties during the  
19 course of conciliation shall be confidential communications and shall not  
20 be admissible in evidence in any proceeding for any purpose Cooperation

1 with conciliation efforts shall not be regarded as condonation of any  
2 matrimonial offense During the conciliation period referrals may be  
3 made to outside public or private agencies for counseling or other services  
4 but in all cases submission to counseling shall be voluntary and not  
5 compulsory

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

9 Section 15 Miscellaneous Powers of the Family Court In addition  
10 to the powers conferred by law upon the court of common pleas and the  
11 powers conferred elsewhere in the act the family court shall have the  
12 power to

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

16 (2) Require that payments of support or other allowances ordered  
17 by the court shall be made directly to the court or other public agency  
18 designated by the court

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

1 (4) Request detail reports and recommendations by the director  
2 on any relevant aspect of a case before the court

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

6 (6) On its own motion require any party to an action before it  
7 to appear in court and testify notwithstanding that the party is not  
8 within the territorial jurisdiction of the court

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

11 Section 16 Facilities and Records (a) Separate facilities and a cen-  
12 tral repository for all reports and records shall be provided The dockets  
13 and records of proceedings of the court shall be kept separate from the  
14 dockets and records of the court of common pleas

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

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

1       Section 18 Pending Litigation All matters within the jurisdiction  
2 of the family court pending in any court of Allegheny County when  
3 this act takes effect shall continue until concluded in the court with  
4 present jurisdiction After the effective date of this act all litigation  
5 within the jurisdiction of the family court shall be filed exclusively with  
6 the family court

7       Section 19 Certain Employes Records Transferred The employes  
8 records appropriations and all other matters of the Juvenile Court of  
9 Allegheny County and the Domestic Relations Section of the County  
10 Court of Allegheny County are hereby transferred to the Family Court  
11 of Allegheny County

12       Section 20 Juvenile Court Judge Repeal of Juvenile Court Law  
13 of Allegheny County At the end of the term of the incumbent juvenile  
14 court judge or if the judgeship should be vacated at any time at the time  
15 such vacancy occurs the judgeship of the Juvenile Court of Allegheny  
16 County shall cease to exist and the act of June 3 1933 (P L 1449) known  
17 as the "Juvenile Court Law of Allegheny County" is hereby repealed  
18 such repeal to be effective at the end of the term of the present incum-

- 1 bent judge or upon vacancy occurring in such office whichever occurs
- 2 first
- 3 Section 21 Repeals All other acts and parts of acts are repealed in
- 4 so far they are inconsistent herewith
- 5 Section 22 Effective Date This act shall take effect immediately

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

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Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1901.

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Governor