

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, AUGUST 15, 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 the county court to the family court DIVISION providing for subdivisions in the family court ADDITIONAL LAW JUDGES

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

OF THE COURT OF COMMON PLEAS IN THE FIFTH
JUDICIAL DISTRICT establishing procedures for reconcilia-
tion 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 knowledge 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

14 Section 3 Family Court Established AS DIVISION OF COURT

1 OF COMMON PLEAS IN ALLEGHENY COUNTY There is hereby
2 established IN THE COURT OF COMMON PLEAS OF ALLE-
3 GHENY COUNTY A DIVISION TO BE KNOWN AS the Family
4 Court of Allegheny County which shall have integrated jurisdiction
5 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
7 Court shall be a court of record and shall have ALL the powers of a
8 Court of COMMON PLEAS INCLUDING THE POWERS OF A
9 COURT OF Equity for the adjustment of family problems such as the
10 partition of property between husband and wife and the granting of
11 injunctions to effect compliance with this act and the orders of the
12 Family Court and the protection of the interests of the family the
13 Family Court also shall have criminal jurisdiction where so provided by
14 this act and shall provide for a jury trial in those cases where such
15 is required by law and shall adopt rules of criminal procedure to govern
16 such actions

17 Section 1 Judges The Family Court shall consist of at least four
18 Judges three of whom shall be appointed by the Governor upon the
19 effective date of this act and who shall serve until they or their successors
20 are elected to such office at the next regular judicial election in Allegheny

1 County the incumbent Judge of the Juvenile Court of Allegheny County
2 shall be a Judge of the Family Court All Family Court Judges shall be
3 learned in the law and shall hold office for the period of ten years if
4 they shall so long behave themselves well The Judges of the Family
5 Court including the Juvenile Court Judge shall comprise the
6 Board of Judges of the Family Court and one of their number
7 shall be designated by them as Chief Judge to serve for such
8 term as the Board by rule shall provide Judges of the Family
9 Court shall receive the same compensation as that paid to the
10 Judges of the Court of Common Pleas of Allegheny County and the
11 Chief Judge shall receive the same compensation as that paid to the
12 President Judge of the Court of Common Pleas of Allegheny County
13
14 AT LEAST THREE JUDGES ELECTED OR APPOINTED TO THE
15 OFFICE OF JUDGE OF COMMON PLEAS SHALL BE ASSIGNED
16 BY THE PRESIDENT JUDGE OF COMMON PLEAS TO THE
17 FAMILY COURT DIVISION AND THE JUDGES SO ASSIGNED
18 TOGETHER WITH THE INCUMBENT JUDGE OF THE JUVENILE
19 COURT OF ALLEGHENY COUNTY AT THE TIME THIS
20 ACT TAKES EFFECT SHALL COMPRISE THE BOARD OF

1 JUDGES OF THE FAMILY COURT THE PRESIDENT JUDGE
2 SHALL DESIGNATE ONE OF THE ASSIGNED JUDGES AS
3 CHIEF JUDGE THE INCUMBENT JUDGE OF THE JUVENILE
4 COURT AS A MEMBER OF THE BOARD OF JUDGES SHALL
5 EXERCISE ONLY THOSE POWERS PRESENTLY CONFERRED
6 UPON HIM BY THE ACT OF JUNE 3 1933 (P L 1449) KNOWN
7 AS THE "JUVENILE COURT LAW OF ALLEGHENY COUNTY"

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

10 (1) ~~Issue an annual report as to the operations and problems of~~
11 ~~the family court which report shall be made public and shall be de-~~
12 ~~livered to the commissioners of Allegheny County the Governor the~~
13 ~~General Assembly and any other Government Agencies requesting such~~
14 ~~report~~ (1) REPORT TO AND COOPERATE WITH THE PRESI-
15 DENT JUDGE OF COMMON PLEAS

16 (2) Preside at meetings of the Board of Judges of the Family
17 Court

18 (3) Appoint the Masters and Referees of the family court and
19 subject to the approval of the board of judges appoint the director
20 of the administrative and professional staff

1 (4) Supervise the work of the director and employes under his
2 supervision

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

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

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

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

18 (3) Adopt AS a seal for the use of the court THE PRESENT
19 SEAL OF THE COURT OF COMMON PLEAS WITH THE ADDI-
20 TION OF THE WORDS "FAMILY COURT DIVISION" which seal

1 shall be affixed to all writs processes transcripts and other official docu-
2 ments issued by or under the direction of the court

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

4 (5) Prepare and submit its annual budget to the ~~Commissioners of~~

5 ~~Allegheny County~~ PRESIDENT JUDGE OF COMMON PLEAS

6 (6) Prepare and publish reports containing statistical and other
7 data pertaining to the work of the court research studies conducted
8 by the staff and any recommendations for legislation

9 Section 7 Prothonotary clerk court personnel the prothonotary of
10 Allegheny County shall be the clerk of the family court and perform
11 all the duties thereof at the place designated for the holding of said
12 court there shall be established an office in charge of a clerk appointed
13 by the prothonotary with the approval of the board of judges who
14 shall have custody of the seal to be kept at such place as well as of
15 the docket of the court and all papers pertaining to the business of
16 the court at such place the board of judges shall appoint such court
17 personnel including tipstaves as are necessary for the efficient opera-
18 tion of the court The personnel appointed under this section shall be
19 under the supervision of the judge to whom they are assigned if special
20 assignment is made but otherwise under the supervision of the chief judge

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

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

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

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

14 (3) Appoint or employ such assistant directors marriage and family
15 counselors probation officers case workers social workers investigators
16 psychiatrists psychologists statisticians clerks stenographers and other
17 personnel as are required to efficiently carry out the work of the ad-
18 ministrative and professional staff

19 (4) Prepare and make available to the PRESIDENT JUDGE OF
20

1 COMMON PLEAS THE COMMON PLEAS court the chief judge
2 and board of judges private or public agencies and the general public
3 statistical reports data and analyses of the services of the Staff and court

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

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

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

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

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

19 (c) The salary paid each member of the staff shall be at least com-
20 mensurate with that paid by Commonwealth agencies for persons of

1 ~~similar qualifications~~ FIXED BY THE ALLEGHENY COUNTY SAL-
2 ARY BOARD

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

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

9 Section 10 Masters Referees Masters or referees learned in the law
10 or otherwise may be appointed by the Chief Judge to conduct investiga-
11 tions and to hold hearings and to make recommendations and reports in
12 any matters within the jurisdiction of the FAMILY Court where such
13 is permitted by law Appeals from the findings and recommendations of
14 the masters or referees and hearings de novo shall be allowed as provided
15 by law or rule of court Masters and referees shall be compensated at a
16 rate determined by the board of judges and may be assigned from the
17 regular professional staff or specially appointed from outside the staff
18 for a particular matter

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

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

1 and nonsupport of a wife child including a child born out of wedlock or
2 parent

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

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

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

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

18 (7) Concerning charges of surety of the peace between spouses or
19 between parents and children

20 In each of the above cases where the Family Court exercises crimi-

1 nal jurisdiction the right to a jury trial and the constitutional guaran-
2 tees for the protection of those accused of crime shall be held inviolate
3 and any hearing conducted shall be according to rules of criminal pro-
4 cedure the Family Court shall have such equity powers as are necessary
5 for the partition of property between husband and wife and for the
6 effectuation of justice between members of the family and protecting
7 the family from outside interference procedure under the "Juvenile
8 Court Law of Allegheny County" as amended shall be as now provided
9 by law and rule of court subject to such change as may hereafter be
10 made in such law or rule of court

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

15 Section 13 Conciliation Either spouse may file with the court an ap-
16 plication for conciliation which application shall be forwarded to the
17 director for investigation When the director reports that attempts at
18 reconciliation are practicable and in the interests of the family the family
19 court may issue a conciliation citation to the parties and require their at-
20 tendance and participation in conferences presided over by a member of

1 the staff Upon order of the court any action for support or for the ter-
2 mination of marriage may be stayed for ninety days following a concilia-
3 tion citation during which such conferences shall be held this period may
4 be extended by agreement of the parties If at the end of the ninety days
5 or longer agreed upon period a reconciliation has been effected the con-
6 ciliation department shall prepare a conciliation stipulation for the dis-
7 missal of any pending matrimonial action but if no reconciliation has
8 been effected such fact shall be certified by the director to the court and
9 any pending matter shall be heard without delay The court may order
10 payment of temporary alimony or support and child support during the
11 pendency of the conciliation proceeding and may order the attendance
12 of witnesses at the conferences All statements made by parties during the
13 course of conciliation shall be confidential communications and shall not
14 be admissible in evidence in any proceeding for any purpose Cooperation
15 with conciliation efforts shall not be regarded as condonation of any
16 matrimonial offense During the conciliation period referrals may be
17 made to outside public or private agencies for counseling or other services
18 but in all cases submission to counseling shall be voluntary and not
19 compulsory

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

4 Section 15 Miscellaneous Powers of the Family Court In addition
5 to the POWERS CONFERRED BY LAW UPON THE COURT OF
6 COMMON PLEAS AND THE powers conferred elsewhere in the
7 act the family court shall have the power to

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

11 (2) Require that payments of support or other allowances ordered
12 by the court shall be made directly to the court or other public agency
13 designated by the court

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

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

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

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

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

7 Section 16 Facilities and Records (a) Separate facilities and a cen-
8 tral repository for all reports and records shall be provided THE
9 DOCKETS AND RECORDS OF PROCEEDINGS OF THE COURT
10 SHALL BE KEPT SEPARATE FROM THE DOCKETS AND
11 RECORDS OF THE COURT OF COMMON PLEAS

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

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

18 Section 18 Pending Litigation All matters within the jurisdiction
19 of the family court pending in any court of Allegheny County when

1 this act takes effect shall continue until concluded in the court with
2 present jurisdiction After the effective date of this act all litigation
3 within the jurisdiction of the family court shall be filed ~~exclusively~~ with
4 the family court ~~except where concurrent jurisdiction exists by law~~

5 Section 19 Certain Employees Records Transferred The employees
6 records appropriations and all other matters of the Juvenile Court of
7 Allegheny County and the Domestic Relations Court of the County
8 Court of Allegheny County are hereby transferred to the Family
9 Court of Allegheny County

10 SECTION 20 ADDITIONAL JUDGESHIPS AUTHORIZED
11 (A) IN ADDITION TO THE JUDGES PROVIDED FOR IN THE
12 ACT OF JANUARY 8 1952 (P L 1844) ENTITLED "AN ACT TO
13 DESIGNATE THE SEVERAL JUDICIAL DISTRICTS OF THE
14 COMMONWEALTH AS REQUIRED BY THE CONSTITUTION
15 AND TO PROVIDE FOR THE ELECTION AND COMMISSION-
16 ING OF JUDGES LEARNED IN THE LAW FOR THE SAID
17 DISTRICTS" THREE ADDITIONAL LAW JUDGES ARE HERE-
18 BY AUTHORIZED AND PROVIDED FOR THE COURT OF

1 COMMON PLEAS OF THE FIFTH JUDICIAL DISTRICT WHO
2 SHALL POSSESS THE SAME QUALIFICATIONS WHICH ARE
3 REQUIRED BY THE CONSTITUTION AND LAWS FOR THE
4 PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS OF
5 THE DISTRICT AND WHO SHALL HOLD THEIR OFFICES
6 FOR A LIKE TERM AND BY THE SAME TENURE AND SHALL
7 HAVE THE SAME POWER AUTHORITY AND JURISDICTION
8 AND SHALL BE SUBJECT TO THE SAME DUTIES RESTRIC-
9 TIONS AND PENALTIES AND SHALL RECEIVE THE SAME
10 COMPENSATION PROVIDED FOR BY LAW FOR JUDGES
11 LEARNED IN THE LAW AS IF THE SAME OFFICES HAD
12 BEEN ESTABLISHED IN THE TIME OF AND SUBJECT TO
13 THE PROVISIONS OF THE ACT OF JUNE 1 1956 (P L 1959)
14 ENTITLED "AN ACT FIXING THE SALARIES AND COMPEN-
15 SATION OF THE CHIEF JUSTICE AND JUDGES OF THE SU-
16 PREME COURT THE PRESIDENT JUDGE AND JUDGES OF
17 THE SUPERIOR COURT THE JUDGES OF THE COURTS OF
18 COMMON PLEAS THE JUDGES OF THE ORPHANS' COURTS
19 THE JUDGES OF THE MUNICIPAL COURT OF PHILADEL-

1 PHIA AND THE JUDGES OF THE COUNTY COURT AND
2 JUVENILE COURT OF ALLEGHENY COUNTY CERTAIN AS-
3 SOCIATE JUDGES NOT LEARNED IN THE LAW CERTAIN
4 STATE OFFICERS AND THE SALARY AND EXPENSES OF
5 THE MEMBERS OF THE GENERAL ASSEMBLY AND REPEAL-
6 ING CERTAIN INCONSISTENT ACTS”

7 (B) AT THE GENERAL ELECTION IN NOVEMBER 1962
8 THE QUALIFIED ELECTORS OF THE FIFTH JUDICIAL DIS-
9 TRICT SHALL ELECT IN THE SAME MANNER PRESCRIBED
10 BY LAW FOR THE ELECTION OF THE PRESIDENT JUDGE
11 OF THE COURT OF COMMON PLEAS OF THE DISTRICT
12 THREE COMPETENT PERSONS LEARNED IN THE LAW TO
13 SERVE AS ADDITIONAL LAW JUDGES OF THE COURT OF
14 COMMON PLEAS OF THE FIFTH JUDICIAL DISTRICT FROM
15 THE FIRST MONDAY IN JANUARY 1963 FOR A TERM OF TEN
16 YEARS VACANCIES IN THE OFFICES HEREBY CREATED
17 WHETHER CAUSED BY DEATH RESIGNATION EXPIRATION
18 OF TERM OR OTHERWISE SHALL BE FILLED IN THE SAME
19 MANNER AS IS REQUIRED BY LAW IN CASE OF A SIMILAR

1 VACANCY IN THE OFFICE OF PRESIDENT JUDGE OF THE
2 COURT

3 (C) EFFECTIVE UPON THE END OF THE PRESENT TERM
4 OF THE INCUMBENT JUVENILE COURT JUDGE OR UPON
5 VACANCY OCCURRING IN SUCH OFFICE WHICHEVER OC-
6 CURS FIRST A FOURTH ADDITIONAL LAW JUDGE IS HERE-
7 BY AUTHORIZED AND PROVIDED FOR THE COURT OF
8 COMMON PLEAS OF THE FIFTH JUDICIAL DISTRICT WHO
9 SHALL HAVE THE QUALIFICATIONS TERM TENURE POWER
10 AUTHORITY JURISDICTION BE SUBJECT TO THE SAME
11 DUTIES AND RECEIVE THE SAME COMPENSATION AS PRO-
12 VIDED IN SUBSECTION (A) OF THIS SECTION

13 Section 20 21 Juvenile Court of Allegheny County section of
14 family court all statutes pertaining to the juvenile court of Allegheny
15 County shall continue in force and effect except as modified or changed
16 by the provisions of this act the juvenile court shall be a section of the
17 family court and the regularly elected judge of the juvenile court shall
18 be the executive and administrative head of such section and shall have
19 the primary responsibility for the enforcement of laws pertaining to
20 juveniles and the operation of the section when need arises the juvenile

1 court judge may request other judges of the family court to hear juvenile
2 matters and the chief judge may request the juvenile court judge to sit
3 on other domestic relations matters the staff of the juvenile court shall
4 serve the juvenile court section of the family court and in addition shall
5 perform such other services for the family court as directed by the
6 board of judges with the concurrence of the juvenile court judge in-
7 cluding the training of professional staff for the family court JUDGE
8 REPEAL OF JUVENILE COURT LAW OF ALLEGHENY COUN-
9 TY AT THE END OF THE TERM OF THE INCUMBENT JU-
10 VENILE COURT JUDGE OF ALLEGHENY COUNTY OR IF THE
11 JUDGESHIP SHOULD BE VACATED AT ANY TIME AT THE
12 TIME SUCH VACANCY OCCURS THE SAID JUDGESHIP
13 SHALL CEASE TO EXIST AND THE ACT OF JUNE 3 1933 (P L
14 1449) KNOWN AS THE "JUVENILE COURT LAW OF ALLE-
15 GHENY COUNTY" IS HEREBY REPEALED IN SO FAR AS IT
16 IS INCONSISTENT HERewith SUCH REPEAL TO BE EFFEC-
17 TIVE AT THE END OF THE TERM OF THE PRESENT IN-
18 CUMBENT JUDGE OR UPON VACANCY OCCURRING IN
19 SUCH OFFICE WHICHEVER OCCURS FIRST

- 1 Section ~~21~~ 22 Repeals All other acts and parts of acts are repealed
- 2 in so far they are inconsistent herewith
- 3 Section ~~22~~ 23 Effective Date This act shall take effect **immediately**
- 4 **FEBRUARY 1 1962**

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

.....
Chief Clerk, Senate

.....
President pro tempore, Senate

.....
Speaker, House of Representatives

Approved The day of A. D. 1961.

.....
Governor