

NOTICE TO THE DEPENDENCY BAR

SUBJECT : **PROTOCOL FOR CONTESTED GOAL
CHANGE/TERMINATION HEARINGS**
DATE : **June 11, 2008**

In measured response to the day to day growth of the number of contested Goal Change/Termination Hearings whose resolution continue to be unreasonably delayed, the following protocol is established to ensure the readiness of the matters for hearing.

Effective immediately, in matters involving contested goal change/termination of parental rights the Court is to issue (2) listing dates: (1) Trial date and (2) Case Management Conference date. The Case Management Conference is to convene in 1801 Vine Street, room 149-MA [mezzanine level above Courtroom "I"]. The Case Management Conference will be managed by a designated Master and scheduled in (15) minute intervals. A Case Management Order will issue at the close of Case Management Conference.

The Case Management Order will set forth deadlines relating to the management of the captioned matter and shall include the scheduling of a mandatory Pre-trial Conference. All counsel will be expected to participate meaningfully at the Case Management Conference and shall be required to provide notice of their availability in connection with the scheduling of a mandatory Pre-trial Conference.

The mandatory Pre-trial Conferences will be convened in Room 149-MA and scheduled in (30) minute intervals. The Pre-trial Conference will serve to determine compliance with the Case Management Conference Order and to establish the readiness of the matter to proceed to hearing as scheduled.

Issues arising relating to noncompliance with the Case Management Order will be managed by Administrative Judge Kevin M. Dougherty or his designee. A copy of a proposed Case Management Order is attached.

Presently, Master Christine Adair (215-686-4296) and Master Donna Woelpper (215-86-7425) will preside and manage the conferences.

Steven F. Marino, Esquire
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215-686-7970

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY
FAMILY COURT DIVISION
DEPENDENCY BRANCH

In re: _____ : D #
: J #

CASE MANAGEMENT ORDER

AND NOW, this _____ day of _____, 2008, it is Ordered

that:

1. The case management and time standards set forth shall be applicable to the instant matter.
2. A contested Goal Change / Termination Hearing is scheduled to convene the _____ day of _____, 2008, at _____ am/pm, in courtroom _____ 1801 Vine Street, Philadelphia, PA.
3. Counsel for the Department of Human Services shall file a goal change petition to terminate parental rights on or before the _____ day of _____, 2008 in the event that the parents have not executed a petition for voluntary relinquishment.
4. Discovery shall be completed on or before the _____ day of _____, 2008.
5. A mandatory Pre-Trial Conference is scheduled to convene the _____ day of _____, 2008, at _____ am/pm, in room 143 MA , 1801 Vine Street, Philadelphia, PA.
6. Counsel for the Department of Human Services shall request forthwith a Parent Locator Service to determine the whereabouts of a party whose address is unknown. In the event that a party's whereabouts is determined, counsel for the Department of Human Services shall notify the party's counsel.
7. All counsel shall submit a Pre-Trial Memorandum at the Pre-Trial Conference. The Pre-Trial Memorandum shall include the following:
 - (i) A list of witnesses who may be called to testify at trial by name and address and notice as to whether the witness will appear personally or via telephone;

- (ii) A list of all exhibits the party intends to offer into evidence; and
- (iii) Curriculum vitae and expert reports, or a summary of the expert's proposed testimony in the event no expert report has been generated, of all expert witnesses expected to testify during the course of the proceedings.

Note: All counsel and *pro se* litigants shall expect that any witnesses, exhibits or reports not listed in the Pre-Trial Memorandum shall be precluded from use in the proceeding.

8. All requests for continuance for good cause shown shall be made on or before (30) days prior to the contested Goal Change / Termination Hearing date. Counsel shall complete the "Request for Case Listing" form provided by Court Listings to perfect a request for continuance. Counsel and *pro se* litigants should expect that a failure to file timely motions to continue the matter will result in the motion being denied.

9. In the event of a party's incarceration, counsel for the incarcerated party shall be responsible for making the appropriate arrangement to permit the party to participate in the proceeding by telephone or other acceptable manner.

10. Counsel shall be prepared to discuss stipulations and evidentiary issues at the Pre-Trial Conference.

11. Counsel for the parent shall provide notice to the parent of the parent's right to voluntarily relinquish their parental rights within (60) days of the date of the issuance of this order.

12. If the parents sign consent forms to terminate their parental rights, counsel for the Department of Human Services shall file a Petition for Voluntarily Relinquishment and/or a Petition to Confirm Consent no later than _____ days prior to the contested Goal Change / Termination Hearing.

13. All counsel shall expect that their failure to appear and participate meaningfully in the Pre-Trial conference shall result in counsel's removal from the Family Court Dependency Certified Attorney Court Appointment Wheel and/or the issuance of Rule to Show Cause as to why counsel should not be held in contempt of court.

BY THE COURT:

A.J.