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COMMITTEES
JUDICIARY, CHAIRMAN

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

AGENDA

Public Hearing regarding House Bill 1260--Divorce Mediation

Thursday, April 16 10:00 AM Room 140 Main Capitol

Representative George E. Saurman,
Prime Sponsor

Stanley S. Clawar, Ph.D., C.C.S. & Brynne V. Rivlin, M.S.S.,
L.C.S.W.

Co-authors of
Children Held Hostage:
Dealing with Programmed and Brainwashed Children
published by Section of Family Law American Bar Association

William T. Reil
Divorced Citizen

Lee Meliska
Christian Mediation Group

Donald Middleman
Divorce Reform Group

Dr. Steve Levicoff, Director
Institute on Religion and Law

Lorraine Bittner, Esq.
Pennsylvania Coalition Against Domestic Violence

Michael Fingerman, Esq.
Philadelphia Bar Association
Family Law Section

Mary Cushing Doherty, Esq.
Member, American Academy of Matrimonial Lawyers

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1260 Session of
1991

INTRODUCED BY SAURMAN, FARGO, BUNT AND LEE, APRIL 23, 1991

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 23, 1991

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for the dissolution
3 of marriages and for mediation services.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 23 of the Pennsylvania Consolidated
7 Statutes is amended by adding sections to read:

8 § 3324. Dissolution of marriages.

9 (a) Persons other than court.--In addition to the court, it
10 shall be lawful for any person qualified to solemnize marriages
11 pursuant to section 1503 (relating to persons qualified to
12 solemnize marriages) and trained in family counseling to grant a
13 divorce where both parties have determined that the marriage is
14 irretrievably broken and where both parties request the court to
15 use this procedure. Such person may also assist the parties in
16 resolving any controversy involving the issues of equitable
17 distribution, spousal support, child support, child custody,
18 alimony and alimony pendente lite. Issues unresolved between the

1 parties under this subsection may be resolved through mediation
2 or directly by the court.

3 (b) Status of communications.--All oral or written
4 communications relating to proceedings under this section shall
5 be confidential and inadmissible as evidence in any subsequent
6 legal proceeding, unless both parties agree otherwise.

7 (c) Approval of agreement.--Any agreement reached by the
8 parties shall be reduced to writing, shall be signed by the
9 parties and shall be presented to the court for approval as a
10 court order.

11 § 3325. Family mediation services.

12 (a) Establishment.--

13 (1) A court may establish a family mediation service to
14 assist parties in resolving any controversy involving the
15 issues of divorce, equitable distribution of marital
16 property, spousal support, child support, child custody,
17 alimony and alimony pendente lite.

18 (2) The court of common pleas, on its own motion or on
19 the motion of any party, may refer parties to mediation.

20 (b) Qualification of mediator.--

21 (1) A mediator, for the purposes of this section, shall
22 have the following qualifications:

23 (i) One or more of the following:

24 (A) A license to practice psychology in this
25 Commonwealth or a master of arts degree in
26 counseling, social work or marriage and family
27 counseling.

28 (B) Not less than five years of experience in
29 family counseling.

30 (C) Completion of a mediation training program

1 approved by the American Arbitration Association or
2 like organization and at least one year of experience
3 in mediation.

4 (ii) Knowledge of the court system of this
5 Commonwealth and the procedures used in domestic
6 relations matters.

7 (iii) Knowledge of other resources in the community
8 to which the parties to a domestic relations matter can
9 be referred for assistance.

10 (iv) Ongoing participation in a program of
11 continuing education or training in mediation approved or
12 offered by the American Arbitration Association or like
13 organization.

14 (2) Mediators shall be selected and compensated
15 according to rules adopted by the court. Compensation shall
16 not exceed \$200 per day. Mediators shall have judicial
17 immunity in the same manner and to the same extent as a
18 judge.

19 (c) Approval of agreement.--

20 (1) Any agreement reached by the parties through
21 mediation shall be reduced to writing, shall be signed by the
22 parties and shall be presented to the court for approval as a
23 court order.

24 (2) When agreement through mediation services is not
25 reached on the issues subject to mediation, the court must
26 determine that the parties made a good faith effort to
27 mediate before returning the case to its regular docket
28 unless both parties request additional periods of mediation.
29 If the court finds that either party failed to make a good
30 faith effort to mediate, the court may refer the parties to

1 additional periods of mediation or find either party in
2 contempt of court.

3 (3) All oral or written communications in mediation
4 proceedings shall be confidential and inadmissible as
5 evidence in any subsequent legal proceeding unless both
6 parties agree otherwise.

7 (d) Mediation procedures.--The court shall, by local rule,
8 provide for the procedures of its mediation service.

9 Section 2. This act shall take effect in 60 days.