

**SUPREME COURT OF PENNSYLVANIA  
DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE**

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Amendment of Pa.R.Civ.P. 1915.10 and 1915.15**

The Domestic Relations Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pennsylvania Rules of Civil Procedure 1915.10 and 1915.15 to provide forms for the use of non-professional custody supervisors for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
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Harrisburg, PA 17106-2635  
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All communications in reference to the proposal should be received by **November 22, 2024**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Domestic Relations Procedural Rules Committee,

Carolyn Moran Zack, Esq., Chair

**Rule 1915.10. Decision. Order.**

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- (b) The court shall enter a custody order as a separate written order or in a separate section of a written opinion.

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**(5) If the court orders supervised custody by a non-professional custody supervisor, the court shall require the non-professional custody supervisor to execute an affidavit of accountability using the form located in Rule 1915.15(d) after the court makes a finding on the record that the individual is capable of promoting the safety of the child. The party requiring supervision shall file the completed form with the court and serve a time-stamped copy on all other parties prior to the start of supervised visits.**

**(6) A non-professional custody supervisor may revoke an affidavit of accountability by using the form located in Rule 1915.15(e) and providing the completed form to the parties. The party requiring supervision shall file the completed form with the court and serve a time-stamped copy on all parties prior to the end of supervised visits. The party requiring supervision may, contemporaneous with filing the completed form or thereafter, petition the court to designate another custody supervisor.**

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**Rule 1915.15. Form of Complaint. Caption. Order. Petition to Modify a Custody Order. Non-Professional Custody Supervisor.**

<The following rule text is entirely new.>

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- (d) The affidavit of accountability of a non-professional custody supervisor pursuant to 23 Pa.C.S. § 5323(e.1)(2) shall be substantially in the following form:

(Caption)

**AFFIDAVIT OF ACCOUNTABILITY OF NON-PROFESSIONAL  
CUSTODY SUPERVISOR**

I, \_\_\_\_\_, hereby agree to serve as a non-professional custody supervisor of \_\_\_\_\_ (name of party) during any and all time that he/she will exercise periods of supervised custody with the following child(ren):

<b>NAME</b>	<b>AGE</b>	<b>D.O.B.</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The supervised physical custody is provided for in an Order dated \_\_\_\_\_. A copy of the Order is attached to this Affidavit as Exhibit "A."

My relationship to the aforesaid minor child(ren) is that of \_\_\_\_\_.

I agree to abide by and fulfill the following requirements and conditions of the role of supervisor: (Check boxes of all those that apply)

- I am aware that circumstances have arisen showing a need for supervised physical custody.
- I will not, under any circumstances, allow the minor child(ren) and the person to be supervised to be alone at any time.

- I understand that the role of a supervisor requires my constant physical presence with the child(ren) and the person to be supervised for the period of time that supervision is required pursuant to the custody order, i.e., the whole visit, overnight only.
- I understand that I must accompany the minor child(ren) and the person to be supervised on any and all excursions, no matter how short or long in duration, as required by the custody order and if such excursions are permissible in this case.
- I will make prompt notations of any behavior of the person to be supervised which I believe to be harmful to the best interest of the child(ren) in this matter and I will make a prompt report of those observations, in writing via email or text message, to counsel for both parties or to any self-represented party within 24 hours.
- I agree to immediately terminate any period of custody where the supervised party appears to be under the influence of alcohol, illegal drugs, or unprescribed or excessive prescription medication. I will make a prompt report of the ended visit and the circumstances requiring the termination of the visit, in writing via email or text message, to counsel for both parties or to any self-represented party as soon as practicable.
- I will not permit the person to be supervised to drive a motor vehicle after having consumed alcoholic beverages or controlled substances, or while under the influence of alcohol or controlled substances, with the child(ren) present in the motor vehicle. At all times, I shall ensure that the child(ren) are securely fastened in an appropriate passenger restraint.
- I will not permit the person to be supervised to operate dangerous machinery, including any firearms or weapons, in the presence of the children whether or not he or she has consumed alcoholic beverages or controlled substances, or while under the influence of alcohol or controlled substances.
- I understand that I cannot delegate my responsibility as a supervisor to anyone else without the prior approval of the Court.
- I understand that my obligation as a supervisor remains in effect as long as I am authorized or until I sign a Revocation of Supervision and provide it to all the parties.

Additional provisions:

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I agree to be fully accountable to the Court as a supervisor in this matter. I further verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Supervisor

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Home Telephone

\_\_\_\_\_  
Cellular Telephone

\_\_\_\_\_  
Email Address

The affiant has been found capable of promoting the child's safety.

Date Colloquized: \_\_\_\_\_

\_\_\_\_\_  
J.

NOTICE: THE PARTY SUBJECT TO SUPERVISION SHALL FILE THE COMPLETED AND SIGNED AFFIDAVIT OF ACCOUNTABILITY WITH THE COURT AND SERVE A TIME-STAMPED COPY ON ALL OTHER PARTIES PRIOR TO THE START OF SUPERVISED VISITS.

- (e) The revocation of the affidavit of accountability by a non-professional custody supervisor shall be substantially in the following form:

(Caption)

**REVOCATION OF AFFIDAVIT OF ACCOUNTABILITY OF NON-PROFESSIONAL CUSTODY SUPERVISOR**

I, \_\_\_\_\_, hereby revoke the Affidavit of Accountability of Supervisor, executed on \_\_\_\_\_. The revocation is effective on \_\_\_\_\_ and I have notified \_\_\_\_\_, Plaintiff and \_\_\_\_\_, Defendant of my intention to revoke my Affidavit of Accountability on \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Supervisor

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Home Telephone

\_\_\_\_\_  
Cellular Telephone

\_\_\_\_\_  
Email Address

NOTICE: THE PARTY SUBJECT TO SUPERVISION RECEIVING THE COMPLETED AND SIGNED REVOCATION OF AFFIDAVIT OF ACCOUNTABILITY SHALL FILE IT WITH THE COURT AND SERVE A TIME-STAMPED COPY ON ALL OTHER PARTIES PRIOR TO THE END OF SUPERVISED VISITS.

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**SUPREME COURT OF PENNSYLVANIA  
DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE**

**PUBLICATION REPORT**

**Proposed Amendment of Pa.R.Civ.P. 1915.10 and 1915.15**

The Domestic Relations Procedural Rules Committee (Committee) is considering proposing the amendment of Pennsylvania Rules of Civil Procedure 1915.10 and 1915.15 to provide forms for the use of non-professional custody supervisors.

Following the Act of April 15, 2024, P.L. 24, No. 8, colloquially known as “Kayden’s Law,” the Committee was asked to propose a statewide form for a non-professional custody supervisor’s affidavit of accountability. If a non-professional custody supervisor is “designated” by the court, the non-professional custody supervisor is required to execute an affidavit of accountability. See 23 Pa.C.S. § 5323(e.1)(2). At present, there are various local forms being used to satisfy the affidavit of accountability requirement.

Initially, the Committee considered whether to propose an appointment order form to facilitate the court’s “designation” of a non-professional custody supervisor. An appointment order was thought necessary to be able to hold a non-professional custody supervisor in contempt for not fulfilling the role of custody supervisor. However, the Committee concluded that it would be the party requiring supervision, and not the supervisor, who should be sanctioned if that person exercised custody in conflict with the custody order. Further, the custody order itself will have the requirement for a supervisor and, therefore, another order would be redundant. Instead, the non-professional custody supervisor would be designated by an affidavit of accountability, as well as identified on the record pursuant to 23 Pa.C.S. § 5323(e.1)(2).

Concerning the applicability of the affidavit of accountability requirement, the Committee considered expanding the requirement to include professional custody supervisors but ultimately favored retaining the scope required by statute, *i.e.*, non-professional custody supervisors. Presumably, a custody supervisor deemed a “professional” would understand and be obligated to fulfill the role of a custody supervisor without the necessity of an affidavit.

After reviewing several different local forms, the Committee crafted a proposed affidavit of accountability form for non-professional supervisors to be located in Pa.R.Civ.P. 1915.15(d). The form identifies the supervisor, the party to be supervised, the children with whom custody is to be supervised, the relationship between the supervisor and the children, and a series of checkboxes setting forth the requirements and conditions of the supervision. There is a place for the court to record the date of the colloquy and the judge’s signature to satisfy the requirement of the statute. The affidavit

would also have the custody order attached. While titled as an “affidavit” for consistency with the statute, the form only requires the supervisor’s signature subject to 18 Pa.C.S. § 4904. See Pa.R.Civ.P. 76 (defining “affidavit”); 42 Pa.C.S. § 102 (same).

Pa.R.Civ.P. 1915.10(b)(5) will require the use of the affidavit of accountability. The party subject to the supervised custody will be responsible for filing the completed form with the court and serving the other parties with a time-stamped copy prior to the start of supervised visits. This procedure is also described at the bottom of the form in Pa.R.Civ.P. 1915.15(d).

The Committee next discussed whether to propose a procedure and form for a non-professional custody supervisor to revoke an affidavit of accountability. Circumstances would likely arise when a non-professional custody supervisor is either unable or unwilling to continue in that role. The Committee concluded that the best interest of the child would be furthered with a procedure that requires notice by the non-professional custody supervisor to be given to the parties prior to the end of supervised visits.

Pa.R.Civ.P. 1915.10(b)(6) will require the use of a form by a non-professional custody supervisor to revoke an affidavit of accountability. The revocation form, to be located in Pa.R.Civ.P. 1915.15(e), solicits an effective date for the revocation and the date on which the parties have been notified. Like the affidavit of accountability, the party subject to the supervised custody would be responsible for filing the completed form with the court and serving the other parties with a time-stamped copy prior to the end of supervised visits.

Pa.R.Civ.P. 1915.10(b)(6) also states that the party requiring supervision “may” also seek the designation of another custody supervisor. The use of “may” is not intended to foreclose the party from seeking a review of the risk of harm and need for continued supervision pursuant to 23 Pa.C.S. § 5323(e)(2). The language is intended to signal that it is the party requiring supervision, not the court, who is to initiate the designation of another custody supervisor. The rule does not specify whether the new custody supervisor sought to be designated should be a professional or non-professional custody supervisor – that is a matter to be decided anew by the court based on the availability of a professional supervisor and the party’s ability to pay for a professional supervisor.

All comments, concerns, and suggestions concerning this rule proposal are welcome.