



**PHILADELPHIA**  
*FEDERATION of TEACHERS*

**Provider Counsel**



**WILLIG, WILLIAMS &  
 DAVIDSON**

**1-215-814-9200  
 1-866-738-5343**



**PRE-PAID LEGAL PLAN**

**March, 2011**

***SAFEGUARD YOUR CREDIT***

Maybe you are applying for a mortgage and need to obtain financing through your local credit union for the loan? Maybe your automobile needs to be replaced and you need to apply for a car loan? How do these prospective lenders determine your credit worthiness? The lender requests that you consent to their obtaining a credit report. You provide your name, address, social security number and photo identification and the lender disappears into his or her office to obtain a copy of your credit report from one of the major credit reporting agencies.

A credit report lists your current and past creditors and provides a payment history. The lender can review this information to determine if you meet their specific loan qualifications. Your report may contain your credit score or "FICO" score, as developed by the Fair Isaac Corporation, which the lender will use as a basis to predict how likely it is that you will make your monthly payments on time. FICO scores range from 300 to 850. These credit scores affect your ability to get credit. This score is also used to determine the terms of the loan as well as the interest rate you will be given for the particular loan. If you have a high FICO score, your interest rate will be lower than what would be offered to an individual who has a lower FICO score.



Under amendments to the Fair Credit Reporting Act, you can obtain a FREE credit report annually from each of the three nationwide agencies listed below:

Equifax: 1-800-685-1111

[www.equifax.com](http://www.equifax.com)

Experian: 1-866-200-6020

[www.experian.com](http://www.experian.com)

TransUnion: 1-800-888-4213

[www.transunion.com](http://www.transunion.com)

You may also contact the Annual Credit Report Service, which is sponsored by Equifax, Experian, and TransUnion, at 1-877-322-8228, or complete an on-line application at [www.AnnualCreditReport.com](http://www.AnnualCreditReport.com) to request copies of your credit report from each of these agencies. Your report can vary between the agencies and it is recommended that you request reports from each of the three agencies.

It is very important that you remain cautious of agencies who claim to offer "free" credit reports, but lure you into purchasing additional services, which carry hidden monthly fees: i.e. monitoring your report on a monthly basis to discover identity theft. You may not be aware that by accepting the free credit report, you inadvertently signed-up for these additional services. Many consumers do not carefully review their monthly credit card invoices and do not realize that their account has been charged a monthly fee. You may visit the Federal Trade Commission's website at [ftc.gov](http://ftc.gov) and follow their link for "Free Annual Credit Reports," to review additional information with regard to free credit reports to insure that the report you receive is actually free.

It is recommended that you obtain your credit report(s) at least once a year and that you carefully review the information listed on the report(s). If you dispute an item on your credit report, the following steps should be taken:

1. Contact the reporting agencies directly. (Equifax, Experian and TransUnion) Explain that you are disputing an item on your credit report. If available, send them proof to support your position that the entry is inaccurate.

2. Contact the original creditor. Once you report the disputed item to the three major credit reporting agencies, they will contact the creditor. However, it is a good idea for you to alert the original creditor that you are disputing the debt and that you would like them to accurately report the status of the matter to the three agencies.



3. If Equifax, Experian and TransUnion are unable to correct the item on your credit report, prepare a statement explaining that the item is in dispute and why, and send it to the agencies requesting that they list this personal statement on your credit report.

4. Document all of the action you have taken. Write down the names and titles of the people you have spoken to, as well as documenting the date and time of calls. Keep copies of all correspondence for future reference.

5. Request that Equifax, Experian and TransUnion send you an updated copy of your credit report once the item in dispute is corrected.

**Your credit follows you throughout your lifetime. Mistakes on your credit report can affect your credit score and your ability to receive credit. Pay careful attention to your credit report to insure accurate reporting.**

\*\*\*\*\*

## **TAFFIC VIOLATIONS IN PENNSYLVANIA:**

### **PROTECTING YOUR DRIVING PRIVILEGES**

Your PFT Legal Service Plan covers traffic violations for you and your spouse (but not your dependent) for all violations that carry the possibility of license suspension or incarceration on conviction. The most typical citations leading to an immediate suspension for the violation itself (and not just because the points involved will bring you over the 6 point limit) are: Reckless Driving, Leaving the Scene of an Accident with an Occupied Vehicle, Driving Without Insurance, Driving after suspension of Vehicle Registration, and Failure to Stop for a School Bus. Representation at a hearing on these citations is covered under your Plan.

Your Plan entitles you to reduced fees for non-covered citations – for you, your spouse and dependents. To determine whether the citation is covered or not, always call our office. You should be prepared to fax to us a copy of the citations you received. We can then advise you as to coverage or our reduced fee for representation. We can also advise you how to handle non-covered citations yourself in Philadelphia Traffic Court and the Courts in the surrounding Counties. Call our office as soon as possible so we can assist you in determining how to proceed.



Citations that do not lead to jail or suspension, may still lead to points on your license, additional sanctions by PennDOT, and an increase in your insurance rates. Here is a list of the most typical moving violations that do not carry a penalty of suspension of operating privileges (except where noted) or incarceration but do lead to an assessment of points:

<b>Section Number</b>	<b>Offense</b>	<b>Points</b>
3112(a) (3)(i) or (ii)	Failure to stop for a red light.	3
3303 - 3307	Improper passing.	3
3310	Following too closely.	3
3323(b)	Failure to stop for stop sign.	3
3323(c)	Failure to yield at yield sign	3
3324	Failure to yield when entering or crossing roadway between intersections.	3
3332	Improper turning around.	3
3361	Driving too fast for conditions.	2
3362	Exceeding maximum speed. Over Limit:	
	6-10	2
	11-15	3
	16-25	4
	26-30	5
	<b>31-over (and departmental hearing and possible suspension)</b>	<b>5</b>
3542(a)	Failure to yield to pedestrian in crosswalk	2
3714(a)	Careless driving.	3
3745	Leaving scene of accident involving property damage only	4

Often, with a little guidance, you can handle these citations on your own at Philadelphia Traffic Court or before a Magisterial District Judge (District Justice). First, you must respond to the citation within ten (10) days of it being issued. If you fail to

respond, the Court will notify PennDOT and your license will be suspended indefinitely and a warrant may be issued for your arrest. **Do not ignore your citations.** You must enter a plea of NOT GUILTY and request a hearing. You may be required to post collateral in order to get a hearing date. The amount of that collateral will vary depending on the Court, typically somewhere between \$50.00 and the full amount of the citation (and some Courts may not require any money). Collateral is the Court's way of guaranteeing that you will appear for the hearing. If you fail to appear, the hearing will proceed without you and you will be found guilty. The Court will keep your collateral and apply it to the fines and court costs (and you may owe more).



**You must appear for your hearing.** At that time, you will be able to discuss the citation with the officer – in the Counties outside of Philadelphia this will be the officer who issued the citation, in Philadelphia Traffic Court this will be one officer assigned to each Courtroom for all citations being heard that day. These officers will usually be willing to discuss an amendment of the citation that will reduce the violation to one that does not lead to points by PennDOT. The general “Obedience to Traffic Control Devices” violation (Vehicle Code Section 311) or a reduction of a speeding violation to “traveling 5 mph over the speed limit” are the most typical amendments as they both carry a minimal fine and no suspension.

If you are not satisfied with the outcome of your hearing, you must file your appeal within thirty (30) days or lose that right to appeal. If you appeal your conviction and PennDOT still issues a Notice of Suspension, **do not ignore the PennDOT Notice.** You must also appeal that Notice of Suspension within thirty (30) days of its mailing date or you will lose the right to appeal and your license will be suspended while you wait for your appeal of the citation to be heard.

We understand that these are complicated issues. We understand that a citation for what seems to be a minor traffic violation, may lead to the suspension of your driver's license or commercial driver's license, loss of employment and the life-changing events that flow from those losses. Please feel free to call your legal services provider Willig, Williams & Davidson at 215-814-9200 if you are cited require representation or have questions.

\*\*\*\*\*

## **WHAT EVERYONE SHOULD KNOW ABOUT CHILD CUSTODY & CHILD SUPPORT PROCEDURE IN THE PHILADELPHIA FAMILY COURT, DOMESTIC RELATIONS BRANCH**

Whether a family law case centers around the filing of a divorce or whether parties have never married, many couples find themselves having their first experiences with the court system by pursuing their rights to child custody or child support.

In Philadelphia, such matters are generally handled by the *Domestic Relations Branch* of the Family Court located at 34 S. 11<sup>th</sup> Street, Philadelphia, PA. The statistics regarding attorney and non attorney, *pro se*, cases in the *Domestic Relations Branch* reveal that most people choose to go it alone – just by going to court to initiate their action(s) by filing a petition with the establishment unit of the *Domestic Relations Branch*. From the beginning of a Custody or a Support matter, a basic understanding of the procedure(s) followed by the Court is invaluable. The following is a brief summary of the procedure followed in Child Custody and Child Support matters in the *Domestic Relations Branch* of the Family Court. Consulting the services of an attorney is obviously the best course of action before going to court, and nothing in this article should be construed as specific legal advice.

### **Child Custody**

A Child Custody case typically begins with the filing of a Complaint for Custody by a parent or Grandparent. If a case already exists, a party may

find themselves going to court on a Petition for Modification of a Custody Order or a petition for Contempt. At the moment a complaint or petition is filed, the case begins to move through the system.

The first listing of a custody complaint or petition will be a conference or hearing scheduled before a court appointed Master. A Court Master is a full-time employee of the First Judicial District of Pennsylvania and may or may not be an attorney. At this stage, the parties will be required to attend the Master's Conference or hearing without the child or children present. When special circumstances exist, children may be permitted to attend a master's level proceeding, such as when only the child can provide information that is necessary to the case.

At the Master's level a few different things can happen in a Child Custody case. The Master may either; (1) ask the parties to enter into a final or temporary agreement; (2) enter an Interim Order pending a final determination by a judge; or (3) simply schedule a case before a judge. Because of the volume of cases in the Family Court system, it can take many months from filing a petition or complaint to the first case listing and then many more months before you get to a hearing before a judge. For this reason, reaching agreements and mediating basic disputes is normally the focus at the Master's level.



If your case cannot be concluded at the Master's level, it will be scheduled before a judge. The complexity of the issues in your case, (the number of witnesses to be called, whether there will be testimony of expert witnesses, whether the parties are both represented by counsel) will determine "how" your case is listed before a judge and how much time will be given for the trial.

**Hearing:** If your case is listed as a "Hearing" before a judge, your case will generally be placed on a list with 8 - 10 cases, all of which will be heard in a morning or afternoon listing. Typically these are non-complex cases where an attorney is not listed for both parties and/or where no witnesses other than the parties will be heard. These are hearings of very limited duration in the range of 15 – 20 minutes per hearing.

**Trial:** If your case is listed as a "Trial," it will generally be placed on a morning or afternoon list with 3 or 4 other cases. Cases are listed as trials when more complex issues, documents or witnesses to be introduced and/or both parties are represented by counsel. Such cases generally take more time for the judge to hear and to render a decision.

**Semi- Protracted or Protracted listing:** If your case is expected to take a half day or more, parties are required to file a motion with the court to be listed for a "Semi- Protracted," or ½ day trial or for a "Protracted" listing of one whole day or more.

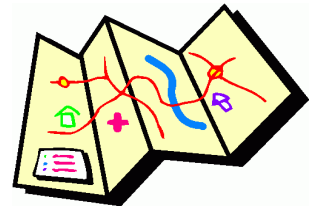
Child Custody cases cannot be permitted to take months to move through the system when emergency issues or time sensitive issues exist, or worse, could result in some harm to a child. In these circumstances, procedures do exist to have your matter heard on the same day as you file your Petition or on an expedited basis. Only the court can decide whether your case presents an emergency or presents issues that should be heard before the regular listing.

**Emergency Child Custody Cases:** If a party can demonstrate that something has just occurred or will occur in the immediate future that places a child in physical danger, the Court may decide to hear your case immediately or schedule a hearing within fourteen (14) days of the filing of an Emergency Custody Petition. A party does not have to allege or prove bodily harm, and the physical danger that is alleged does not have to be considered life threatening. Relocation with the child to another state alone is not considered an emergency.

**Expedited Relief:** In many non- emergency cases, time sensitive issues or scheduling disputes may exist such that a party may be prejudiced in exercising their Child custody rights by having to wait until the next scheduled hearing. In these cases, the court may schedule a hearing within a month of the request for such a hearing and can grant Expedited Relief to a party to "fix" a specific issue or problem until the parties can go to their regular listing before a master or a Judge. Issues that may entitle a party to Expedited Relief are: (1) when a party is being prevented from seeing or visiting with their child; (2) when one party unilaterally changes the

schedule of custody times; (3) when vacation or holiday custody planning is in dispute and the next regular hearing will occur after the vacation or holiday; or (4) any other reason the Court feels entitles a party to Expedited Relief. Relocation with the child to another state is not a valid basis for Expedited Relief.

**Relocation with the Child to Another State:** If a party having primary physical custody wishes to relocate to a different state or jurisdiction, a specialized petition must be filed with the Court and a hearing specifically tailored to relocation with a child will be scheduled. The hearing will generally be scheduled sooner than regular custody listings.



**Contempt for not following a Custody Order:** If a Custody Order has already been entered in a case, and it can be shown that one of the parties is willfully not following the terms of the order, then the other party may file a specialized petition in Family Court seeking to hold the non complying party in *Contempt of Court* for not following the Order. A party held in contempt may face penalties ranging from fines to incarceration. A Petition for Contempt filed by a party will normally be listed first before a Master who will write a report which will be available to the Judge at a subsequent hearing.

### **Child Support**

As in Child Custody cases, a Child Support matter begins with the filing of a Complaint for Support by a parent, guardian or individual who has primary physical custody of a child. As long as the Defendant in the matter lives in Philadelphia, then a party may begin a Child support Case in Philadelphia. If a case already exists, a party may have to go to court on a Petition for Modification of Support or a petition for Contempt. Should a party live out of state and be required to pay support, a special unit in the Domestic Relations Branch which handles "Interstate Cases" will process a case.

When a Complaint for support is filed, the case is immediately scheduled for a Pre-Trial Conference

before a conference officer who is a full-time employee of the court. The "Conference Officer" is not a lawyer and has no authority to decide disputed issues which may exist in a support case. Typically, all the Conference Officer will do is receive and analyze income information and advise the parties of the amount of their respective child support obligation, based on statute. An Interim Order or agreement will be processed and a wage attachment for the party required to pay support will be sent to that party's employer.

At the Pre-trial Conference, parties may: (1) be scheduled for paternity testing with the child; (2) be asked to enter a child support agreement and begin paying after being advised of the support obligation; and/or (3) be scheduled for a second listing of the case before a Court appointed Master. At the Pre-Trial Conference level all parties should have all income and tax information with them as well as all documents proving expenses that they incur for the child. Typical includable expenses are: day care or after school care, out of pocket medical expenses and orthodontics, and expenses for extra curricular activities.

If an Agreement is not made at the Pre-Trial Conference, the parties will be scheduled to appear before a Master who will make findings of fact and conclusions of law and has the authority to enter an Order from which an appeal (an Exception) may be taken. A Support Master is an attorney who is a full-time employee of the court. At a Master's Hearing all documents and evidence must be presented or they cannot be considered when making the Support order and cannot be a basis for an appeal. The Support Master hearing is the equivalent of the trial in Child support cases in Philadelphia.



Generally, judges in Philadelphia do not hear Child Support Matters unless they proceed to the judge as an Exception to a Master's Proposed Order of Support (an appeal from the Master's decision) or in connection with a Contempt of Support Hearing (when a party is not paying as ordered).

Your Legal Services Plan of Benefits provides for representation in Domestic Relations matter such as

Child Custody and Child Support. If you desire a consultation with an attorney regarding representation in Domestic Relations matters, call your PFT legal services provider WILLIG, WILLIAMS & DAVIDSON at 215-814-9200.

**For information regarding benefits provided under the PFT Legal Services Plan, please visit the web at**

[www.pftls.org/benefits.htm](http://www.pftls.org/benefits.htm)

For legal service, contact



Willig, Williams & Davidson  
1845 Walnut Street  
Philadelphia, PA 19103  
215-814-9200 (phone)

or  
866-738-5343 (toll free)  
215-567-2310 (fax)

or  
[www.wwdlaw.com](http://www.wwdlaw.com)

### CAUTION

These articles are not a substitute for individual legal advice from a lawyer. The information presented here is believed to be accurate, but laws vary between states and every legal situation is different.