

Rule 1920.51

Hearing by the Court. Appointment of Master. Notice of Hearing. Contested and Uncontested Divorce Claims Under §§3301(a) and 3301(b) of the Divorce Code.

- (f) (1) All contested actions for divorce or annulment shall be first conciliated by the court. A conciliation date may be obtained from the Family Division Docket Clerk. If the case cannot be settled at the conciliation, the following rules will apply.
- (2) In all contested actions for divorce or annulment the case shall be heard by a master in the absence of a court order to the contrary. Unless the court directs otherwise, the moving party shall be preliminarily responsible for paying the master's fee for trial and preparation of the master's report, the reporter's fees and any costs or poundage due the Prothonotary; all of said sums shall be paid to the Prothonotary prior to the hearing before the master.
 - (3) Within 10 days after the fees are paid into court the master shall give written notice to the parties of a hearing to be held not more than 30 days thereafter. At the time and place set forth in the notice, the master shall begin the hearing and, unless the court directs otherwise, shall continue the same from day to day until completed.
 - (4) All testimony shall be taken stenographically by one of the reporters of this court or a judge's secretary, and a transcript thereof shall be filed of record within 30 days. Any additional costs of the transcript over the amount deposited shall be paid by the moving party. Any delay in this payment shall be grounds for dismissal of the proceedings unless adequate cause is shown for the delay.
 - (5) Within 30 days of receipt of the transcript, the master shall file a report making findings of fact and conclusions of law and suggesting a form of decree; the master shall serve copies of the report on the parties and shall file an affidavit of service.
 - (6) Exceptions to the master's report may be filed by the parties within 10 days after receiving notice of the filing of the master's report. Copies of the exceptions shall be served on the opposing party. The exceptant shall, on the date of filing of the exceptions, give a copy of the exceptions to the docket clerk in order to obtain an argument date.
 - (7) The master's fee and transcript costs shall be taxed as part of the costs and paid as directed in the final decree.
 - (8) The master appointed by the court to hear a contested divorce case shall, after prior notice to both parties, petition the Motions Judge to award the master's fees. The petition shall state that the master has filed a report with the

Prothonotary and given notice to counsel of the filing thereof and that the master has no further duties to perform and the master shall include a detailed list of the services provided and the amount which the master considers to be reasonable compensation.

(g) ***Uncontested Actions Under §§3301(a) and (b) of the Code.***

- (1) Actions for divorce or annulment which are uncontested shall be listed for hearing upon filing a praecipe for hearing and, except as otherwise provided by Rule 1920.62, depositing with the Prothonotary the appropriate fees. The amount deposited shall be taxed as costs.
- (2) The praecipe for hearing shall be in the following form:

Praecipe for Hearing Date

(Caption

No. _____)

1. Kindly list the above-captioned action for hearing.

2. Defendant was served under Rule 412 or 403. Serve notice of hearing upon Defendant by ordinary mail addressed as follows:

(address)

or

2. Defendant was served under Rule 430. Serve notice of hearing upon defendant by registered mail at defendant's last known address:

(address)

with a copy by ordinary mail to each of the following:

(list names and addresses of persons named in the investigation affidavit under 430 as likely to know the present whereabouts of the defendant.)

or

2. An appearance has been entered for Defendant. Serve notice of hearing upon Defendant's attorney of record.

Attorney for Plaintiff

- (3) All notices of hearing shall be mailed by the Prothonotary at least 20 days before the hearing date, and proof of notice shall be filed of record in the form of a statement of the names and addresses of the persons notified.

- (4) Notice of hearing shall be in the following form:

Notice of Hearing

Note: If a party is confined in prison and desires to appear, application may be made to the court for a writ of habeas corpus and testificandum.

To _____

You are notified that the case of _____ vs. _____, no. _____ Term _____ will be heard on _____ at _____ o'clock ____m. (prevailing time) at Room No. _____, _____, Pittsburgh, PA, when and where you may appear and be heard if you desire.

Prothonotary

- (5) The daily list of uncontested actions shall be heard by one or more masters appointed by the Administrative Judge of the Family Division.
- (6) The attorney of record for plaintiff must be available and ready to proceed at the time for which the hearing is scheduled or arrange to have a substitute appear for him, unless (1) the action has become contested or (2) upon cause shown by written motion, the hearing has been continued by court order.
- (i) If the action is contested, the procedure for contested actions shall apply.
- (ii) If the hearing is continued, it will not be relisted for hearing until another praecipe for hearing is filed together with payment to the Prothonotary to be applied toward the expenses of new service of notice of hearing.
- (7) If the action has not become contested or the hearing has not been continued by court order and the plaintiff does not appear at the hearing, the master will be paid from the funds deposited and the action will not be relisted for hearing until another praecipe for hearing is filed and an additional sum is deposited with the Prothonotary.
- (8) The testimony shall be transcribed and filed within 10 days of the hearing. Within five days after the testimony has been transcribed and filed, the master shall file a report and recommendations and serve notice thereof on all interested parties. The record, including the master's report and recommendations, shall be submitted to the court for disposition.

- (9) In the event the moving party does not wish to file exceptions to the master's report and recommendations, the moving party shall submit a proposed decree in divorce to the court. In the event a party wishes to file exceptions to the master's report and recommendations, the party shall do so within 10 days from the filing thereof. The exceptions shall be filed in the office of the Prothonotary with notice to the court and the opposing party. Also the exceptant shall provide a copy of the exceptions to the Docket Clerk in order to obtain an argument date.

Note: Adopted May 15, 1981, effective immediately; amended January 5, 1996, effective February 26, 1996; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.