

Rule 1930. Domestic Relations Matters Generally

(a) Family Division Motions.

(1) Family Division motions may be presented to the motions judge at 1:30 p.m. on each court day, unless notice that motions will not be heard, or that motions will be heard at a different time, is published in the *Pittsburgh Legal Journal*.

(2) The party who presents a motion shall include a notice of presentation and certificate of service in the absence of written consent thereto. The notice of presentation and certificate of service shall be contained on a separate page of the motion or petition following the identification sheet. This notice is required even if the opposing party is not represented by counsel. Seven days notice of presentation of any motion is required absent an emergency or consent by the opposing party to a shorter notice of presentation.

(3) On the same date that the motion is presented, the party who presents a motion to the motions judge shall obtain any required hearing or conciliation date from the Family Division docket clerk and file with the Prothonotary the motion and the court order entered by the court. If a party fails to present the motion to the docket clerk as required by this rule the docket clerk shall refuse to give a hearing or conciliation date. If the signed order schedules a conference or hearing before a domestic relations officer, a copy of the pleading and order must be left with the docket clerk.

(4) The *Pittsburgh Legal Journal* publishes a monthly list setting forth the dates that a judge assigned to the Adult Section of the Family Division will hear motions. Unless there are unusual circumstances, where a judge has been actively involved in the matter that is the subject of the motion, counsel should present the motion to the assigned judge.

(5) Any motion which involves support payments that are assigned to the Pennsylvania Department of Public Welfare or in which the plaintiff is not represented by private counsel shall be served on the IV-D Attorney, Fort Pitt Commons Building, Third Floor, 445 Fort Pitt Boulevard, Pittsburgh, PA 15219 as well as on the plaintiff.

(6) Any motion which involves support payments or any other matter which is governed by the Uniform Interstate Family Support Act (UIFSA) or the Intrastate Family Support Act (IFSA) and in which the plaintiff is not represented by private counsel shall be served on the IV-D Attorney, Fort Pitt Commons Building, Third Floor, 445 Fort Pitt Boulevard, Pittsburgh, PA 15219 as well as on the plaintiff.

(7) *Meet & Confer Requirement for Family Division Motions.*

(i) Litigants are to confer prior to the filing and/or presentation of any motion before the Court and are to attempt, in good faith, to reach amicable resolution of the issues involved. (Litigants include: counsel representing a party and parties who are self-represented.) Each motion filed shall contain a certificate of compliance setting forth a brief statement of the extrajudicial means employed to resolve the dispute, in substantially the form set forth below.

(ii) Failure to comply with this rule may result in sanctions. Good faith efforts toward amicable resolution shall be considered as a factor in determining whether or not the requested relief is appropriate, the propriety of sanctions, or in determining the exigency of circumstances, if relevant.

(iii) In the event that any party is self-represented in a matter where any party involved in the matter is either a protected party in a PFA, or has been the subject of domestic violence allegedly perpetrated by the opposing party at any time within the past 24 months, the party must state so in their certificate and said reason shall be sufficient for purposes of this rule in excusing the requirement to confer in advance.

(iv) Certificate of Compliance with Rule 1930(a)(7) Form:

Docket No. _____

CERTIFICATE OF COMPLIANCE WITH RULE 1930(a)(7)

I certify that I have complied with Local Rule 1930(a)(7) as noted below.

Talked by phone _____

(date)

Met in Person _____

(date)

Telephoned/Left message _____

(date)

Emailed _____

(date)

Emergency _____

Other: _____

Domestic Violence Waiver _____

Unable to Confer because: _____

Signature

(b) Procedure for Preliminary Objections and Motions for Judgment on the Pleadings or Summary Judgment.

(1) Preliminary Objections shall be scheduled on the next available Friday Support Exception Argument List occurring more than 13 days after the Preliminary Objections are filed with the Prothonotary and the Exceptions Clerk. Objector shall serve notice on all parties of the time and place of argument. No preliminary objections shall be accepted for filing by the Exceptions Clerk unless accompanied by a brief. Failure to file a brief with the Preliminary Objections shall be cause for dismissal of the Preliminary Objections. If Respondent files a brief it shall be filed with the Exceptions Clerk at least seven days prior to argument. Except as provided by Local Rule 1910.7, the scheduling of Preliminary Objections shall stay all proceedings.

Note: Local Rule 1910.7 relates to support proceedings. Divorce and custody proceedings are stayed upon scheduling of preliminary objections.

(2) Motions for Judgment on the Pleadings or Summary Judgment shall be scheduled on the next available Friday Support Exception Argument List occurring more than 41 days after the motion is filed. Movant shall serve notice on all parties of the time and place of argument. Respondent's Answer, if any, together with any opposing affidavits shall be filed at least 21 days prior to the argument date. Movant shall file a brief at least 14 days prior to argument. Respondent's brief, if any, shall be filed at least seven days prior to argument.

(c) Scheduling Conciliations. Matters that are tried by a judge will not be listed for trial until they have been conciliated by a judge.

The following matters may be scheduled for a conciliation by filing a praecipe with the Docket Clerk: conciliation on 3301(d) divorce claims; custody claims with order of court attached, see Pa.R.C.P. 1915(a) and (c); partition and equity claims and equitable distribution and alimony claims (provided that both parties have filed an inventory, appraisal, income and expense statement and that either (a) the parties are divorced, (b) both parties have filed an affidavit under § 3301(c) of the Divorce Code or (c) both parties agree that they have lived separate and apart for at least two years and that the marriage is irretrievably broken).

Note: A detailed description of the procedures, as well as the necessary forms, can be found in the Family Division Court Manual, see (g) of this Rule.

For other matters a party may present a petition to the motions judge which contains the factual background, the relief sought, and a request for conciliation.

(d) Continuances. Rescinded.

Note: Procedure of obtaining a continuance in Family Division matters is set forth in detail in the Family Division Court Manual.

(e) Enforcement of and Equitable Distribution Award. A party seeking to enforce an equitable distribution award shall present to the motions judge a petition for enforcement with a proposed order requesting the court to schedule a conciliation or a contempt hearing before a hearing officer. No petition shall be presented unless notice of its presentation is given to the respondent. If the court enters an order permitting the petitioner to proceed, the petitioner shall obtain immediately from the Docket Clerk a date for the conciliation or contempt hearing, file the original copy of the petition with the Prothonotary, serve the respondent with the court order and file proof of service.

(f) Case Numbers. Suffixes.

(1) All pleadings filed with the Adult Section of the Family Division shall be filed under the originally assigned case number for the involved family. After an original case number has been assigned to all pleadings, regardless of the caption or nature of the case, all pleadings shall be filed under the originally assigned number. The caption shall reflect the appropriate party initiating each original action as the plaintiff.

(2) If counsel or a party believes that there may be a previously assigned case number, but the number is not known, the information may be obtained from the Prothonotary's Office.

(3) In addition to the docket number assigned to all matters involving the family, the Prothonotary shall assign a three digit suffix designating the judge to whom the case is assigned. All pleadings must include the suffix as well as the docket number.

(4) All motions, exceptions, conciliations, hearings and other matters shall be listed only before the judge to whom the case is assigned, absent a compelling emergency or the long term unavailability of the designated judge.

(5) Cases in which the initial pleading was filed before May 1, 1997, may be amended to add the suffix of the judge most familiar with the case.

(6) In the event that a defendant in a support matter has more than one case, the captions of all of the cases shall be amended to assign them to the judge assigned to the case filed first in time. If there is no judge assigned to the case filed first in time, the cases will be assigned to the next judge in the rotation for assigning suffixes.

(g) Family Division Court Manual. Except as otherwise provided by the Pennsylvania Rules of Civil Procedure (Pa.R.C.P.) or by local rule adopted by the Court of Common Pleas of Allegheny County (Local Rules), practice in the Adult Section of the Family Division shall be governed by the Court Manual for the Adult Section of Family Division of the Court of Common Pleas of Allegheny County. Current copies of the Court Manual shall be available at the office of the Administrator, Adult Section of the Family Division.