

SECTION II SUPPORT AND PATERNITY

A. Initiating Actions for Spousal Support, Child Support, Counsel Fees and Alimony *Pendente Lite*

The term "support", as used in this section, includes child support, medical support, spousal support, and alimony *pendente lite* (APL).

1. Filing a Support Complaint If Not Represented by an Attorney:

a) Filing in person

An unrepresented person, who is not receiving cash assistance from the Department of Human Services (DHS) and wishes to file for support, should go to the Intake Office, Fifth Floor, Manor Building, 564 Forbes Avenue, Pittsburgh, PA 15219 or the South Hills Office, Suite 200, 250 Mt. Lebanon Blvd., Pittsburgh, PA 15234 or the Penn Hills Office, 12000 Frankstown Road, Pittsburgh, PA 15235 Monday through Friday, between 8:00 a.m. and 2:00 p.m., to meet with a member of the intake staff, who will assist with filing, serving the complaint and obtaining a date for the conference/hearing.

The person filing for support must provide the following information: his/her Social Security number; a copy of any medical insurance cards; if possible, photo identification and if known, an address for the defendant in the action.

If the person filing for support is not a resident of the United States and/or does not have a Social Security number, the person must complete a form stating that they do not have a Social Security number (Form II-1).

Additionally, if both parties live in Allegheny County, an unrepresented person can file for support on Wednesdays, between 4:30 p.m. and 7:00 p.m. at the Family Court Facility, 440 Ross Street, Pittsburgh, PA 15219.

If appearing in person to file for support, bringing a completed Intake Information Questionnaire/Data sheet (Form II-2), in addition to the requested documentation, will expedite processing time.

b) Filing for support by mail

An unrepresented person may also file for support via mail, by submitting the information requested above, with all of the required forms listed below. For complaints filed by mail, retroactivity will be from the date the support complaint is processed by the Intake Office.

To file by mail, the following forms must be submitted in their entirety--

Intake Information Questionnaire/Data Sheet (Form II-2)

Application for Child/Spousal Support (Form II-3)

or

Non-custodial Parent Application for Child/Spousal Support (Form II-4)*

Complaint for Support (Form II-5)

or

Non-custodial Parent Complaint for Support (Form II-6)*

**These forms should be used if the person filing for support is the NonCustodial Parent*

(i.e. the parent who does not have primary custody of the child(ren)).

All documentation and forms should be mailed to the following address:

Allegheny County Family Division
Attention: Intake
Fifth Floor, Manor Building
564 Forbes Avenue
Pittsburgh, PA 15219

Information on filing for support by mail may also be obtained by calling the Family Division at 412-350-5600 Monday-Friday between the hours of 8:00 AM – 2:00 PM.

c) Online via the Child Support Website

An unrepresented person may also file for support online via the Child Support Website at www.childsupport.state.pa.us. After the request is submitted and reviewed, the Family Division will contact the requesting party to provide additional direction. For complaints filed on-line, retroactivity will be from the date the support complaint is processed by the Intake Office.

d) Welfare recipients

Persons currently receiving cash assistance through the Department of Human Services (DHS) do not need to take any action whatsoever to initiate a support action. All of the information necessary to file a support case is forwarded automatically to Family Division by the DHS. You will be notified when your case is scheduled for a conference and hearing. There is no need to come to Family Division before the conference/hearing, unless you receive a notice requesting that you do so. If you receive a notice requiring your appearance, you **must** appear with the information requested or you will be reported to DHS as "non-cooperative" and may lose benefits as a result.

e) If a petition will be filed pursuant to the Intrastate Family Support Act (IFSA) or the Uniform Interstate Family Support Act (UIFSA)

The person applying for support must provide his/her Social Security number, photo identification, copy of any medical insurance cards, child(ren)'s birth certificate(s), divorce decree if applicable, proof of child care costs if applicable, proof of income if applicable (e.g. pay stubs for past three months; W-2 or IRS form 1040) and if possible, an address for the defendant in the action.

Clients filing a support complaint involving another state or Pennsylvania county should make an intake appointment by calling 412-350-5600 to speak with a customer service representative. The request for an appointment will be referred to the Intergovernmental Department (IGD) and a return call will be made to the client to schedule an appointment date and time. Required paperwork, along with instructions, will be mailed in advance so the complaint may be prepared and filed the same day as the appointment. Failure to provide the paperwork as instructed may result in the client being required to return a second time.

Also see No. 4 below for additional information on filing a complaint/petition to another state or Pennsylvania county.

f) Case Assignment

Cases are assigned for conference/hearing to the appropriate office based on the defendant's zip code. You will be notified of where you must appear at the time your case is scheduled.

2. Filing a Support or APL Complaint If **Represented** by an Attorney
 - a) Counsel may obtain an Intake Information Questionnaire Data Sheet from the Intake Office or online (Form II-7) OR may file a support only complaint online via the Child Support Website at www.childsupport.state.pa.us .
 - b) If filing a support or APL complaint by completing hard copy documents (not online) once the attorney completes the entire Intake Information Questionnaire/Data Sheet, and the client signs the form in the three places indicated, the completed form should be delivered to the appropriate Family Division office with a completed Praeceptum for Appearance (Form I-3), which must include the attorney's Supreme Court number. Counsel must provide the plaintiff's social security number. However, if the client is not a resident of the United States and/or does not have a Social Security number, the client must complete a form stating that he/she does not have a Social Security number (Form II-1).
 - c) If there is an existing Family Division case between the parties, the attorney shall provide the existing Family Division docket number on the upper right hand corner of the information packet.
 - d) The Intake Office will reject an Intake Information Questionnaire/Data Sheet or on-line submission that is incorrectly completed or incomplete.
 - e) If the Intake Information Questionnaire/Data Sheet or on-line submission is in proper form, it will be accepted and processed by Family Division's Intake Office.
 - f) Family Division will generate all appropriate forms, schedule the conference/hearing, and attempt to serve the complaint and notice on the defendant by mail.
 - g) Plaintiff's counsel will be provided with two copies of the complaint, the notice of hearing and related documents, one for his/her own records and one for original service on the defendant or his/her counsel.
 - h) A copy of the complaint, the notice of hearing and related documents will also be sent to the plaintiff directly.
3. Filing a Support or APL Complaint **with a** Consent Order if **Represented** by an Attorney
 - a) Counsel may obtain an Intake Information Questionnaire/Data Sheet from the Intake Office or online (Form II-7).
 - b) Once the attorney completes the entire Intake Information Questionnaire/Data Sheet, and the client signs the form in the three places indicated, the completed form should be delivered to the appropriate Family Division office with a completed praecipe for appearance (Form I-3), which must include the attorney's Supreme Court number. Counsel must provide the Social Security number for plaintiff and defendant. A signed and completed four (4) page monetary consent order (Form II-16) with a copy of the front and back of medical cards, if medical coverage is available and ordered, is required. If either client is not a resident of the United States and/or does not have a Social Security number, the client must complete a form stating that he/she does not have a Social Security number (Form II-1).
 - c) If there is an existing Family Division case between the parties, the attorney shall provide the existing Family Division docket number on the upper right hand corner of the information packet.

- d) The Family Division will reject an Intake Information Questionnaire/Data Sheet and monetary order that are incorrectly completed or incomplete.
- e) If all required information is in proper form, it will be accepted by Family Division and a PACSES case will be created and the consent order will be entered.
- f) Family Division will mail a copy of the entered support order to the defendant.
- g) The attorney will be provided with two copies of the entered support order, one for his/her own records and one for his/her client.

4. Intergovernmental

Receiving a Complaint/Petition from another State or Pennsylvania County

Cases referred to Allegheny County from other jurisdictions pursuant to the Uniform Interstate Family Support Act (UIFSA) and Intrastate Family Support Act (IFSA), 23 Pa. C.S.A. §7101 *et seq.*, will be scheduled for conference before a DRO. If a hearing is required, it will be scheduled at a later date to permit the Allegheny County Solicitor's Office to represent the non-resident plaintiff. If the plaintiff is represented by private counsel, and there is no agreement at conference, the case may proceed to hearing the same day.

Filing a Complaint/Petition to another State or Pennsylvania County

- a) Interstate actions: When a defendant does not reside within the state of Pennsylvania and the plaintiff seeks support, an attempt will be made to pursue the support complaint via long-arm jurisdiction. If long-arm jurisdiction cannot be exercised over the nonresident defendant, the plaintiff must file a UIFSA petition to the state where the defendant resides. UIFSA petitions are processed by the Intergovernmental Department's intake unit. The plaintiff or plaintiff's counsel must provide the following documents at the time of filing: photo identification, the child(ren)'s birth certificate(s), marriage license or divorce decree (if applicable), proof of plaintiff's income, and verification of child care and/or private school tuition (if applicable). The plaintiff or plaintiff's counsel must provide the information requested above in 1 e.

The plaintiff must complete a General Testimony form which must be notarized. If paternity is not established, an Affidavit in Support of Establishing Paternity is also required. The Intergovernmental Department can notarize the plaintiff's signature if the plaintiff is present to sign all required forms and has proper identification—there is no fee for the notary service.

The General Testimony (<http://www.acf.hhs.gov/programs/css/resource/uniform-support-petition-and-instructions>) and Affidavit in Support of Establishing Paternity (<http://www.acf.hhs.gov/programs/css/resource/affidavit-in-support-of-establishing-paternity>) are federally mandated forms and may be obtained from the Intergovernmental Department or on-line using the links provided.

- b) Intercounty actions: When a defendant does not reside within Allegheny County, but lives within the state, Pennsylvania Rules of Civil Procedure 1910.2 and 1920.2-1 determine the appropriate venue for filing. An intake worker will discuss with plaintiff the appropriate filing when necessary, after which plaintiff will be required to complete the Full Disclosure and Informed Consent form indicating the filing choice (i.e. file locally or IFSA). If the plaintiff files an IFSA petition, the petition will be processed by the Intergovernmental Department's intake department. The plaintiff must complete the General Testimony form

and Affidavit in Support of Establishing Paternity if paternity is not established (see above for link to forms). The plaintiff must provide information requested above in 1 e.

5. Reinstating Support

In situations where **plaintiff** now wishes to “reinstate” a support complaint previously dismissed or a support order previously suspended, the following process may be followed:

If there is no current order for payment towards arrears:

- a) The plaintiff may appear in person during regular “walk-in” hours to see a Domestic Relations Officer; or
- b) The plaintiff may call the Client Information Call Center at 412-350-5600 during regular hours to request a return call from a Domestic Relations Officer to complete the process via telephone; or
- c) The plaintiff may complete the “Complaint for Support” template (Form II-5) and the “Request to Reinstate Complaint for Support” template (Form II-10) and mail both forms to: Family Division, 440 Ross Street, Pittsburgh, PA 15219. Upon receipt of the fully completed and signed complaint for support and request form, if there is not already a pending support complaint or need for an amended complaint to be filed, the case will be scheduled for court to address the request for support; or
- d) The plaintiff may reinstate support by filing a complaint online via the Child Support Website at www.childsupport.state.pa.us. Upon receipt of the online submission, if there is not already a pending support complaint or need for an amended complaint to be filed, the case will be scheduled for court to address the request for support.

If there is a current order in effect for payment towards arrears:

- a) The plaintiff may appear in person during regular “walk-in” hours to see a Domestic Relations Officer to file for modification; or
- b) The plaintiff may obtain more information on doing so by calling or writing the Family Division; or
- c) The plaintiff may file a petition for modification online via the Child Support Website at www.childsupport.state.pa.us.

In situations where the **non-custodial parent** now wishes to reinstate a support complaint previously dismissed or a support order previously suspended in order to pay support, the non-custodial parent may appear in person during regular “walk-in” hours to see a Domestic Relations Officer.

If there is a current order in effect for payment towards arrears:

- a) The non-custodial parent may appear in person during regular “walk-in” hours to see a Domestic Relations Officer to file for modification; or
- b) The non-custodial parent may obtain more information on doing so by calling or writing the Family Division; or

- c) The non-custodial parent may file a petition for modification online via the Child Support Website at www.childsupport.state.pa.us.

6. Pleadings

The defendant in a support action is not required to file any pleading or response to the support complaint. If preliminary objections challenging venue or jurisdiction are filed, the proceedings shall NOT be stayed automatically. A party or counsel must present a motion requesting a stay pending decision on the preliminary objections.

7. Conference and Hearing

Family Division utilizes the procedure set forth in Pennsylvania Rule of Civil Procedure 1910.12, which requires an office conference before a DRO and, if necessary, a non-protracted evidentiary hearing before a hearing officer. This rule may be found in the published Pennsylvania Rules of Civil Procedure, available in the County Law Library, or by accessing the relevant website contained in Section I. Q. of this manual.

When appearing for the support conference, it is the responsibility of the attorney or party to provide copies of all documents, i.e. pay stubs, tax returns, 1099's, medical cards, to the other side and the DRO.

Attorneys on all cases which have been declared complex due to discovery and time needs should report to Room 4050 on the date of the scheduled conference, even if the conference was originally scheduled for the Manor Building. All other provisions set forth in letter K. below apply.

Unless a court order obtained from the motions judge directs otherwise OR the case is intergovernmental, the hearing will be held on the same day as the conference. Continuances requested at the conference will only be granted in emergency situations. If the hearing officer determines that a case should have been designated complex, s/he may continue that hearing to a suitable date.

8. Collecting a Payment at an Initial Support Conference

At the initial support conference, the Domestic Relations Officer (DRO) will request that the defendant make a payment for the first month of support at the conclusion of the conference, in an effort to provide plaintiff with needed support funds and to potentially prevent the initiation of any automatic enforcement remedies against the defendant, should there be a delay by defendant's employer in implementing the wage attachment. The defendant may make a payment with cash (not available in the regional offices), a personal check, or a credit card, in accordance with Family Division internal procedures. Checks must be made payable to PA SCDU. The defendant will be responsible for monitoring his/her case to make sure the payment posts properly and would need to contact SCDU directly with any payment issues.

9. Confidential Case

Should a party wish to make his/her PACSES support case confidential, an Order must be obtained through Motions Court directing that the support file be confidential. The Order must be processed through the Client Services Center, 1st Floor, Civil Division to become effective. Note: obtaining an Order sealing the Department of Court Records file DOES NOT seal the support file.

B. Preliminary Objections to a Support Complaint

1. Preliminary objections shall be heard by the judge to whom the case is assigned, in accordance with the "one judge/one family" rule. In the instance where the electronic docket does not indicate a Judge of Record, parties shall obtain a judicial assignment from the Judicial Docket Clerk prior to filing the Preliminary Objections.
2. The original preliminary objections and brief shall be filed with the Department of Court Records, Civil Division, and a copy served on all parties and the Judge of Record.
3. Once the preliminary objections and brief are filed, the moving party shall present a Praecipe to Schedule Argument Date on Preliminary Objections (Form II-33) to the Judicial Docket Clerk, Room 3020, for scheduling of the argument date. The Judicial Docket Clerk will schedule the argument on the next available exceptions argument list for the Judge of Record, and forward a copy of the Praecipe to the judge.
4. The person filing the objections must serve notice on all parties of the time and place of argument.
5. If the plaintiff does not have counsel, a copy of the preliminary objections, brief, and notice of the argument date and time must be served on the Title IV-D Attorney, 300 Fort Pitt Commons Building, 445 Fort Pitt Boulevard, Pittsburgh, PA 15219.
6. Failure of petitioner to file a brief may be cause for dismissal of the preliminary objections. If respondent (the person responding to the preliminary objections) chooses to file a brief, it shall be filed with the Department of Court Records, Civil Division, at least seven days before argument and a copy served on all parties and the Judge of Record.
7. The filing of preliminary objections to a support complaint WILL NOT automatically stay the support proceedings. Party or counsel may present a motion requesting a stay pending decision on the preliminary objections.

C. Paternity Procedures

1. Genetic Testing. If paternity has not been established at the time of the establishment conference/hearing (whether through an in-hospital acknowledgment, or via presumption of paternity or the doctrine of paternity by estoppel), defendant may request genetic testing to determine paternity. Every attempt will be made to have the testing done the day of the initial conference. In a situation where paternity is likely to be raised, Plaintiff should bring the child(ren) to Court at the time of the scheduled conference/hearing and enroll him/her in the Children's Room, 1st floor, 440 Ross Street. If the child(ren) is not present and paternity testing is ordered, the plaintiff and child(ren) will be scheduled to return to the facility at a future date/time for genetic testing.

At the time of the conference/hearing, the parties will be ordered to return to Court for the results of the paternity testing, approximately four weeks later. At the conference for the paternity results, if defendant is found to be the father of the child(ren), a support order will typically be entered. Parties should appear with wage and income information, as directed in the scheduling order, so another conference does not become necessary. If income is disputed at the conference, the parties did not prepare for the support conference pending the paternity results, or the income issue is of a complex nature, the parties may request a onetime continuance. The case will be continued to a specific date on the docket, which will give the parties/attorneys time to obtain a complex designation, if necessary.

In accordance with Family Division and testing lab procedures, a parent or guardian must be present when the plaintiff or defendant to the support action is a minor and is subject to genetic

testing. If a parent or guardian is not present, testing will be scheduled for a subsequent date/time, and notice will be sent to the minor's parent or guardian.

2. Updating Child's Birth Certificate to Add Legal Father's Name. When paternity has been established through the Court, whether by voluntary acknowledgment before or after genetic testing, or by a default order of court, it is mother's responsibility to have the father's name added to the child's birth certificate. Both parties will receive a copy of the acknowledgement of paternity or of the paternity order establishing the defendant as the legal father. Mother must forward a certified copy of the paternity order/ acknowledgement, along with a written request to add the father's name to the child's birth certificate, to the Bureau of Vital Records, (BVR), P.O. Box 1528, New Castle, PA 16103-1528. This request must be made directly by mother, since the Bureau of Vital Records will not accept this request from anyone other than the mother of the child. **Family Division cannot make the request.**

To add the father's name to the birth certificate. The mother must do the following:

- a) Mother **must** allow two weeks after the father signs the acknowledgement of paternity, or six weeks after a default paternity order is entered, to ensure that the paternity order has been processed and docketed.
 - b) Take a copy of the paternity order/acknowledgement to the Department of Court Records (DCR), Fifth Floor, Manor Building, 564 Forbes Avenue, Pittsburgh, PA 15219 and have it certified as a true copy of the original. If you misplace your copy, you may request a second copy through the DCR.
 - c) Mail a certified copy of the paternity order/acknowledgement, along with a written request to add the father to the birth certificate, to: Bureau of Vital Records (BVR) P.O. Box 1528, New Castle, PA 16103-1528 (1-877-724-3258). The BVR will not accept requests from the father of the child.
3. Petition to Rescind Acknowledgement of Paternity, Disestablish Paternity, and Request Genetic Testing. A father who has signed an Acknowledgment of Paternity (AOP) and is now attempting to rescind the AOP alleging fraud, duress, or material mistake of fact, after the 60 day grace period provided by the statute, must meet with a Client Services Center, Domestic Relations Officer (DRO) at the Family Division Central Office, 1st floor, 440 Ross Street, Pittsburgh, PA, during normal business hours (Monday –Friday, 8:00 a.m. – 2:00 p.m.).

The DRO will provide a form packet to the Petitioner, as well as instructions and assistance in completing the Petition. The DRO will also check for any pending custody or support actions involving the child named in the complaint, and provide the AOP Record Number.

The Petition should never be presented in motions court simply to obtain a hearing date. Hearing dates are assigned by the Support Docket Clerk, after the filing of the Petition, pursuant to the procedures contained in the packet.

D. Complaint to Establish Paternity and Petition for Genetic Testing

Pennsylvania state law (23 Pa.C.S. § 4343) allows a putative father to request genetic tests to determine the paternity of a child born out of wedlock. This action is not necessary if the father has signed an in-hospital Acknowledgment of Paternity (AOP) filed with the Department of Human Services.

Family Division will assist a putative father with the process of filing a Complaint to Establish Paternity and for Genetic Testing. The putative father must meet with a Client Services Center

Domestic Relations Officer (DRO) at the Family Division Client Services Center, Central Office, 1st floor, 440 Ross Street, Pittsburgh, PA, during normal Client Services Center hours (Monday – Friday, 8:00 a.m. – 2:00 p.m.) The DRO will provide a form packet to the putative father, as well as instructions and assistance in completing the Complaint. The DRO will also check for any pending custody or support actions involving the child named in the complaint, and enter any relevant information to the complaint before the putative father completes the remainder of the Complaint.

A Complaint to Establish Paternity and Petition for Genetic Testing should never be presented in motions court simply to obtain a conciliation date. Conciliation dates are assigned upon request by the Judicial Docket clerk, following the procedures contained in the packet.

E. Preparing and Executing Proposed Consent Support Orders

1. A consent order cannot be entered until a support complaint has been filed by the party to whom support will be paid (see Section II. A.).
2. All parties or counsel presenting a proposed monetary consent support order must use the Family Division standardized Consent Support Order of Court (Form II-16), and follow the instructions provided. **Orders which do not conform with the procedural and substantive requirements of case law, state and local procedural rules, and the instruction sheet will be rejected.**
3. The proposed Consent Support Order must be clear and concise and must adhere to all lawful requirements. Orders with complicated payment terms and/or orders open to more than one interpretation may be rejected.
4. The proposed Consent Support Orders of Court will not be effective until they have been reviewed by a DRO. All proposed consent orders must be taken to the Client Services Center at the Central Office or to any regional office for processing and entered on PACSES. **The proposed order should not be taken to the motions judge for signature.** Family Division will secure a judge's signature on the proposed support order after reviewing it to ensure that all issues are addressed.
5. The proposed Consent Support Order of Court must direct that all payments be made through the Pennsylvania Statewide Collection and Disbursement Unit (PA SCU). Proposed Consent Support Orders of Court that provide for direct payments to the plaintiff will be rejected.
6. The proposed Consent Support Order of Court **must set forth that all support payments are due the first day of the month.** Proposed Consent Support Orders of Court that provide for any other date will be rejected.
7. The actual dollar amount of arrears, if agreed to by the parties/attorneys, must be entered on the Consent Order of Court. If no amount is included, the DRO will calculate the case balance on PACSES and enter that amount in the designated space and then parties/attorneys must initial that entry. (See #16 on instruction sheet, Form II-16). Unless the arrears are a specific amount, there must be language included in the Consent Order of Court stating: "Parties agree to arrears as calculated by PACSES". No amount should be entered on the order until the PACSES calculation is determined.
8. The parties cannot consent to set the case balance to any amount in excess of twice the APA and/or if counsel/parties agree to allow PACSES to set case balance and PACSES calculates an overpayment that exceeds twice the APA. The proposed Consent Order can be rejected until such overpayment is addressed by counsel/parties in the order (See Section II.J. Overpayments).

9. The proposed Consent Order of Court must also provide an arrears payment, even if no arrears exist on the case. It is recommended to have an arrears payment equal to 10% of the APA; however, parties may agree to an amount no less than \$5.00 per month toward arrears. The arrears payment will not be included in the wage attachment if no arrears exist, but will permit the Court to automatically increase the order should there be a default in payment of the monthly support obligation. Failure to address an arrears payment in the proposed Consent Order of Court will be reason for the court to reject the order.
10. If the Consent Order of Court provides for child support, it must include a provision indicating which party will provide health care coverage for the child(ren), pursuant to the provisions of 23 Pa.C.S.A. § 4326. In the event that neither party has health care coverage available at a reasonable cost, the plaintiff has medical assistance (i.e. Gateway) or plaintiff has no cost CHIP, the order must state: *"Neither party currently has medical insurance available to them at a reasonable cost. Plaintiff/Defendant/Both parties are ordered to provide medical insurance, if it becomes available at a reasonable cost."* Failure to address the health care coverage in the proposed Consent Order of Court will be reason for the court to reject the order.
11. Where the proposed Consent Order of Court requires a party to provide health insurance for the other party and/or the child(ren), a legible copy of both sides of the insurance card(s) must be provided with the proposed Consent Order of Court. Failure to provide legible copies of both sides of the insurance cards will be reason for the court to reject the order.
12. If both parties agree to waive the requirement for an immediate income attachment, the arrears must be set at zero (both retroactive and normal), and the defendant must make a 'first payment' and pay what is owed for the month in which the order is entered. Under these conditions, an Agreement Waiving Immediate Attachment of Income (Form II-17) may be submitted along with the proposed consent order. Please note that regardless of the agreement of the parties, if the defendant is late or pays less than the required monthly amount just once, the system will issue a wage attachment which will remain in effect permanently.
13. Orders signed in motions court, which address support payments (e.g., suspend a support order, cancel support arrears, dismiss a wage attachment), must be processed through the client Services Center, 1st Floor at the Central Office or at any regional office. The **original order must be submitted within 24 hours of when the order was signed** by a judge. Failure to do so will mean that the order has not been entered on PACSES.
14. Parties may consent to a "general" continuance; however, the order must contain the following language: "The plaintiff consents to the Title IV-D case being closed on PACSES. The case may be reopened upon request for services through the Court. Retroactivity is preserved to the original date of filing."

F. Processing Proposed Consent Support and Alimony Pendente Lite Orders

Proposed consent support orders that comply with Section II. E. and which are prepared before the case is scheduled in Family Division may be processed in any of the following two ways:

1. Before the date set for conference/hearing, parties or counsel may check in to the Client Services Center, 1st Floor at the Central Office or at any regional office, with a consent support order on the Family Division standardized Consent Support Order of Court (Form II-16). The Consent Order of Court must be completed correctly and in full, signed by all of the parties and/or counsel, and include language canceling the scheduled court date. The receptionist will refer the case to the next available DRO with whom the parties and/or counsel can meet to review and process the proposed consent order.

2. On the day of the scheduled conference/hearing, if counsel arrives at the time set for the conference, counsel should check in as usual for the court date and process the consent order of court with the court list DRO who would otherwise have conducted the conference. At that time, the court list DRO will review the consent order and run a set of support guidelines (if necessary). If counsel arrives before the time set for the conference, they may check in through the Client Services Center, 1st Floor at the Central Office or at any regional office where the conference is scheduled, with the consent support order on the Family Division standardized Consent Support Order of Court (Form II-16). To be processed through the Client Services Center, 1st Floor at the Central Office or at any regional office on the day of the scheduled conference, both parties must be represented by counsel, both attorneys must have a praecipe filed with the Family Division, and the order must not include income for either party. The Consent Order of Court must be completed correctly and in full and signed by all of the parties and/or counsel. If the Consent Order of Court is rejected for any reason by the DRO the parties and/or counsel(s) should attend their scheduled court conference/hearing for that day. Unrepresented parties are not able to enter a consent through the Client Services Center, 1st Floor at the Central Office or any regional office on the day of their scheduled conference/hearing and must appear at their scheduled time.

In order to be processed as a consent order, the agreement of the parties must address all issues, effective date, APA and OOA, including the Amount of arrearages or overpayments (See Section II.J.) and the manner in which they are to be paid, medical insurance, unreimbursed medical expenses and a legible copy of both sides of the insurance card(s). If all issues are not addressed in the agreement, the case cannot be given preference as a consent order. Oral agreements or partial agreements cannot be given preference. **Orders which do not conform with the procedural and substantive requirements of case law, state and local procedural rules will be rejected.**

Although attorneys and parties are free to scan Form II-16 electronically, be advised that the printed language of the order CANNOT be changed, as the resulting order will not be able to be entered on PACSES. Terms not already included in the order can be added in the section preceded by the words "Other Conditions".

G. Modification and/or Termination of a Support or Alimony Pendente Lite Order (Petitions to Modify)

1. Petitioner not represented by counsel - An unrepresented person who wishes to modify (increase, decrease or terminate) a support order can appear at the Client Services Center, 1st Floor at the Central Office or at any regional office, and will be directed to the first available DRO to discuss the case(s), OR a petition for modification may be filed online via the Child Support Website at www.childsupport.state.pa.us. Upon review, if the DRO determines that there are legally sufficient grounds for modification of the existing order, the DRO will prepare, file, and serve the petition and obtain a date for the conference/hearing. If the DRO determines that sufficient legal grounds do not exist for modification of the existing support order, and petitioner still believes that modification is appropriate, petitioner must obtain an order through Motions Court permitting a conference/hearing to be scheduled on the issue of modification.
2. Petitioner represented by counsel – Counsel may obtain a date for the conference/hearing by proceeding in the manner outlined in paragraph G.1. above or by presenting a petition for modification to the motions judge. The standard form utilized by Family Division to modify a support obligation is the Petition for Modification of Support (Form II-18). The petition must have attached a proposed order requesting that a conference/hearing be scheduled. No petition shall be presented without seven days notice to the respondent and/or respondent's counsel. The petition for modification is retroactive to the date notice of presentation is given.

Divorce action pending - When there is a divorce action pending, any petition to modify an *Alimony Pendente Lite* order, spousal support order or unallocated spousal/child support order may be processed by a DRO, as described in paragraph G.1. above; however, the petition will be filed only to preserve the retroactivity and **will NOT be set for a conference/hearing** unless an order is obtained through motions court. The Court ordinarily will not schedule a conference/hearing on modification if the parties will be in a position to request conciliation on alimony and/or equitable distribution within a short period of time.

If the Court enters an order permitting counsel to proceed to conference/hearing, the petitioner will obtain a date for the conference/hearing from the Support Docket Clerk, Room 3024.2, and will: 1) leave a copy of the petition with the docket clerk; 2) file the original copy with the Department of Court Records, Civil Division; 3) serve a complete copy of the petition and the order on the respondent; and 4) file the proof of service with the Docketing Office, Suite 200, Allegheny Building, 429 Forbes Avenue. **PRO SE LITIGANTS MUST FOLLOW PRO SE MOTIONS PROCEDURES.**

A respondent who wishes to modify the support order is not required to file a separate petition, although s/he may choose to do so. Pennsylvania Rule of Civil Procedure 1910.19(c) provides that the hearing officer may modify or terminate an existing support order in any appropriate manner based on the evidence presented. Thus, if a petitioner requests that an order be decreased, but the evidence indicates that an increase is appropriate, the hearing officer may increase the order. Petitions to modify a support are scheduled for a conference before a DRO and a hearing before a hearing officer in the same manner as a new support case. **A modification proceeding may be scheduled as a complex proceeding only by order of court, even if the case had been designated complex for a previous hearing.**

Modification by Mail/Fax/OnLine – A client and/or attorney of record may submit a completed petition for modification for review via mail or fax to the appropriate office or via the child support website at www.childsupport.state.pa.us. Once received, the petition for modification will be reviewed by a Domestic Relations Officer (DRO). If the DRO determines there are sufficient legal grounds to file the petition for modification, the case will be scheduled for court and parties will receive notice via mail; however, if the DRO determines there are not sufficient legal grounds to file the petition for modification, the party requesting the modification will be notified via mail. Note: Per Section M. Telephone Testimony, the plaintiff or defendant may also be given the opportunity to participate in the modification conference/hearing by telephone.

Termination of an order when the youngest child is 18 and has graduated from high school - Where the petitioner wants to modify a support order because the youngest child is 18 years old and has graduated from high school, the DRO may place a hold on payments at the time the petition is filed, if appropriate. The respondent will receive notice that the payments are on hold, and has the right to contest this action by presenting a Motion for Special Relief in motions court (See Section I. E., F. and G. of this manual for information about motions court). The petition may be filed prior to the child's 18th birthday or high school graduation, as long as the conference/hearing does not occur while the child is still 17 or before graduation from high school, whichever is later. In cases in which the 18th birthday or graduation have not yet occurred, a hold will only be placed on the case if the account is overpaid in an amount equal to what would be owed until the date of emancipation.

H. Modification and Enforcement of Support Provisions of a Marriage Settlement Agreement

1. Marriage Settlement Agreements Entered in Pennsylvania

-Actions to enforce or modify any monetary support and/or medical provision of a Marriage Settlement Agreement (i.e. child support, medical coverage) may be initiated through the Client Services Center, 1st Floor at the Central Office or at any regional office.

-Actions to enforce or modify non-child support provisions, whether contained in a court order or marriage settlement agreement, must proceed through motions (See Section III.P. for specific procedures).

- a) Through Client Services Center- When requesting enforcement or modification through the Client Services Center, 1st Floor at the Central Office or at any regional office, the person seeking to enforce or modify the support provisions of a settlement agreement must check in with the receptionist. The party/attorney making the request must provide: (a) a copy of the divorce complaint; (b) a complete copy of the settlement agreement; (c) a copy of the divorce decree; (d) a completed Support/Alimony *Pendente Lite*/Alimony Information Sheet (Form II-8). The party/attorney will then be directed to a DRO, who will review the documentation provided.

If the DRO determines that there are sufficient legal grounds for modification of the existing order, the DRO will obtain a date for the conference/hearing, then prepare, file, and serve the petition. If the DRO determines that it is more appropriate for the court to decide whether there are sufficient legal grounds for modification, or if the case involves Alimony *Pendente Lite* (Section II.G.), the petitioner must proceed through motions court to request a modification conference/hearing.

For Enforcement of Marriage Settlement Agreement, the petitioner will be required to fill out the Petition for Enforcement of Alimony/Support Provisions of Separation/Marital Settlement Agreement (Form II-19), including the amount that the respondent is allegedly in default. If the petitioner is seeking enforcement of medical provisions, the petitioner must complete a Summary-Medical and/or Dental Bills (Form II-20). It must be accompanied by a copy of the original bill(s), copy of the receipts and/or verification of insurance payment(s) and proof these documents were sent to the other party.

- b) Through Motions Court - An unrepresented party who is not permitted to file a modification through the Client Services Center, or an attorney who chooses to proceed through motions court, must present a petition/motion requesting a conference/hearing to the motions judge, after providing the opposing party at least seven days' notice of the presentation (See Section I., E. F. and G. for motions practice information). At a minimum, a copy of the divorce complaint, a complete copy of the settlement agreement, a copy of the divorce decree, a completed Support/Alimony *Pendente Lite*/Alimony Information sheet (Form II-8), and the names and addresses of the employers of the parties (if known) must be attached to the petition.

Once an order is obtained through motions court and a date scheduled through the Support Docket Clerk or the case is scheduled by a DRO, the matter shall be processed in the same way as a support modification or enforcement case.

2. Marriage Settlement Agreements Entered Outside of Pennsylvania

- a) If you are seeking to enforce alimony or equitable distribution provisions of an agreement/decreed not entered in Pennsylvania, you must do so pursuant to 23 Pa.C.S.A. §3705. You must proceed via motions court by presenting a Petition to Register a Foreign Decree and/or Marriage Settlement Agreement for Enforcement (Form II-34). You must attach a copy of the decree or settlement agreement to the Petition. The party seeking enforcement will be required to pay a non-refundable fee of \$250 for a one-half day hearing, subject to reallocation by the Master at the scheduled hearing. Once the order is signed, the moving party responsible for advancing payment for the hearing must take the order to the Docket Clerk, Room 3024.2, 440 Ross Street, Pittsburgh, Pa 15219, to schedule the hearing.
- b) If you are seeking to enforce or modify support provisions of an agreement/decreed/order not entered in Pennsylvania, the agreement/decreed/order must be registered following the process outlined in 23 Pa.C.S.A. § 7602 through § 7610. Assistance with this procedure can be provided by the Intergovernmental Department located Fifth Floor, Manor Building, 564 Forbes Avenue during normal walk-in hours. A certified copy of the agreement/decreed is needed along with the following completed forms - Intake Information Questionnaire/Data Sheet (Form II-2), Affidavit of Arrears (Form II-35) and a Registration Statement (Form II-36).

I. Suspension or Termination of a Support Order

There are several ways a support obligation can be suspended or terminated;

Suspension/Termination Agreement Form - If parties agree that there should no longer be an obligation to pay support, they may complete a Suspension/Termination Agreement (Form II-21); forms are also available through the Client Services Center, 1st Floor, 440 Ross Street or any regional office. Once the form is properly completed and signed by the parties and/or their counsel, and the agreement is reviewed and accepted by a DRO, the current order can be suspended/terminated without a conference/hearing.

If there are support arrears that are not owed to welfare, the parties may agree to 1) cancel the arrears owed to the plaintiff or 2) have the court enter an order setting a monthly amount the defendant will pay toward those arrears. **The parties, however, cannot cancel any welfare arrears.** In those situations where welfare arrears exist at the time of suspension, an order will be entered by the Court for defendant to pay the welfare arrears in the same monthly amount as the suspended support obligation.

Submit a Written Consent Order – If parties agree that there should no longer be an obligation to pay support, parties' counsel(s) may submit a written consent order to suspend/terminate the support order. The consent order must address the following issues; date order is to be suspended/terminated, how to address arrears/overpayments (i.e. any arrears and/or overpayment can be set to zero, any arrears can be paid at a determined amount per month, or any overpayment can be removed from PACSES and preserved on note per Rule 1910.16-2(g) allowing the defendant one year to request recoupment of the overpayment), cancel any upcoming court date, agree to close case on PACSES system. **The parties, however, cannot cancel any welfare arrears.** In those situations where welfare arrears exist, parties must enter into an arrears only order. Parties without counsel may appear together at the Client Services Center, 1st Floor, 440 Ross Street or at any regional office with a verbal consent to have assistance in preparing a written suspension/termination consent order.

Filing a Petition for Modification of Support – If parties do not agree, the party who wishes to modify the order must proceed as described in Section II.G. Modification and/or Termination of a support or Alimony Pendente Lite Order (Petitions to Modify).

J. Overpayments

To comply with the requirements of Rule 1910.19(g), all modified support orders must address any overpayment in excess of two months of the Annualized Periodic Amount (APA), at the time a modified order is entered. The Court will utilize the below procedures when entering modified orders where an overpayment exists on the case. Parties and/or attorneys who present a consent order may agree to a rate other than the twenty percent (20%) included in the Rule, but must include some reduction of the overpayment in the provisions of any modified order where there is an overpayment on the case.

1. Overpayments when the obligation is terminating in the near future:

a) Petitions for Modification

1. If a party petitions for modification and it is clear that the order will be terminated and no further payments will be owed, the DRO will place a hold on the case and the appropriate distribution of those payments will be determined at the conference/hearing.
2. If a petition for modification is presented in motions court, and the court order includes a 'hold', the docket clerk will forward a copy of the order to a designated DRO so a hold can be placed on the case as soon as possible.
3. The DRO will then send a form notice to plaintiff that the payments will be held pending the conference/hearing. In the event that the modification is filed alleging emancipation and plaintiff subsequently presents proof at the Client Services Center, 1st Floor, 440 Ross Street or at any regional office that payments should not be held because the child will not become emancipated as alleged, the 'hold' will be removed and a form letter will be sent to the defendant advising him/her that the hold was removed.

b) Order is terminated at hearing

1. If an overpayment exists at the time an obligation is terminated and is to be recovered from the plaintiff, a reverse caption will be entered, and the child(ren) removed from the order and from PACSES.

The order will be entered as an "Arrears only order".

The order entered will state "Effective xx/xx/xxxx, the defendant is to pay \$xxx per month on arrearages of \$xxxx.xx due plaintiff, based upon an overpayment in the reverse captioned case (Case ID xxxxxxxxx). These monies are not to be considered as taxable income or a tax deduction to either party."

A wage attachment will be issued, unless waived by both parties, and all enforcement remedies will apply to the reverse caption case.

2. If the parties agree to suspend an order, but want the overpayment to stand, the order will state "Overpayment is set at \$xxxx.xx. The IV-D case is closed by agreement of the parties and the case is closed on the PACSES system. Either party may request the re- listing of the case to collect the overpayment."

NOTE: *This situation will not apply when TANF arrears are owed by defendant, as they must be collected.*

2. Overpayment after order is terminated

If an overpayment existed at the time a support obligation was terminated, you may petition for recovery of the overpayment within one year of the termination of the support obligation per Rule 1910.19(g)(2). A petition may be filed by appearing in person at a Family Division Office during walk-in hours or online via the Child Support Website at www.childsupport.state.pa.us.

3. Overpayments when there continues to be a charging order:

a) Walk-in and Phone Calls

A defendant may appear at the Client Services Center, 1st Floor, 440 Ross Street or at any regional office or call the court phone line to address an overpayment. The staff person will review whether the overpayment is due to a wage attachment (WA) issue (for example, one employer is deducting more than the WA amount, or two employers are deducting the full amount) and, if so, the employer(s) will be contacted and the matter resolved. Any money on hold will be refunded to defendant unless defendant owes arrearages on other cases, in which case the held monies will be applied to defendant's other cases to satisfy any existing arrears prior to any excess funds being released to defendant. If an overpayment was already applied to the case on PACSES, **in non-TANF cases**, that money has already been sent to plaintiff and no order can be entered to have plaintiff repay defendant, although recoupment of the overpayment may be possible via a modification petition, as detailed below. In **both TANF and non-TANF cases**, to avoid future overpayments, the defendant should file a petition for modification. At the conference/hearing, the order can then be modified in any appropriate manner and any existing overpayment can be addressed.

b) Petitions for Modification

If, at the time an order is being modified, there is an overpayment in excess of two months of support (or the Annualized Periodic Amount "APA") on the case, the procedure for recouping that overpayment is as follows:

1. If the overpayment was made to the Department of Human Services (TANF case), a refund request will be made to DHS. Any refund made on the particular case will first be applied to arrears owed on defendant's cross reference cases before being returned to the defendant.
2. If an overpayment was made to the Plaintiff, the Defendant may choose to address the overpayment in the future when the obligation is terminated or may request that the overpayment be addressed at the modification proceeding. Overpayments which are 'offset' against a current obligation will be handled in the following manner:
 - a) Determine the amount of the overpayment;
 - b) Determine the number of months over which the overpayment is to be recouped;
 - c) Divide the overpayment by the number of months for recoupment;
 - d) Reduce the on-going monthly obligation or APA by the amount calculated in step (c) above, for the specified number of months and set the obligation at that amount for the recoupment period with a specific 'end date' for the reduced-monthly obligation or APA;
 - e) Set the overpayment to zero

K. Scheduling Complex Support and Alimony *Pendente Lite* Hearings

1. If counsel or a party to the support action believes there is a need to conduct discovery in a support case, but the case does not involve complex questions of law and/or fact and will not require a protracted hearing, permission must be sought to engage in discovery through motions court. The case, however, should remain scheduled for the original date unless additional time is required for completion of discovery. If additional time is required to complete discovery, then counsel or the party, if unrepresented, should also request a continuance to a date certain, at the same time permission is sought to engage in discovery.
2. If a support case involves complex issues of law and/or fact or requires a protracted hearing, counsel or a party should present a Motion to Declare Case Complex to the assigned judge in motions court, no less than seven days prior to the scheduled conference/hearing date, requesting the designation of “complex” status. The draft order should include the statement: “The case is currently scheduled for (date), which will become the date for conciliation if no order is in effect.” Should the parties or attorneys have a conflict regarding the date the case is scheduled, the order should also request a continuance to another date.

Attorneys/parties may not consent to a “complex” designation at the scheduled conference before the DRO; rather, the case will proceed that day to a hearing officer for a possible continuance and “complex” designation.

3. If an order is obtained through motions court declaring a case complex, counsel or the party **MUST** present the signed order to the Support Docket Clerk, Room 3024.2. If a support order is in effect (which would be the situation where modification is sought or an interim order is in place), the docket clerk will directly schedule the case for a complex two-hour hearing and cancel the originally scheduled date.
4. If there is not an active support order in effect, the docket clerk will note the designation on the docket and the conciliation before a hearing officer will take place during the date/time originally scheduled for the conference/hearing. Parties and/or counsel are to report to Room 4020 at the scheduled time.
5. If the parties and/or counsel fail to designate a case complex before the scheduled conference/hearing date/time or fail to deliver a copy of the order designating a case complex to the Support Docket Clerk, Room 3024.2, in advance of the scheduled conference/hearing date/time, the case will proceed before a Domestic Relations Officer and then to a Hearing Officer, to be heard in rotation with the other cases scheduled for conference/hearing that day. The Hearing Officer may refuse to hear the case, enter an interim order, and schedule the case for a complex hearing on the next available date.
6. Once the HO enters an interim order, parties/attorneys will be given a blank pre-trial order and directed to the Support Docket Clerk to schedule the complex hearing. The Support Docket Clerk will issue a pre-trial order in the case, allowing the parties/attorneys an opportunity to coordinate the hearing date at that time.
7. If the parties/attorneys elect to proceed with a full day paid hearing before a Master, they will be directed in the interim order to proceed to the Support Docket Clerk, Room 3024.2, 440 Ross Street to make payment by a date certain. If a complex case is referred to a master and the master’s fee is not paid by the date specified in the HO’s recommendation, the below provisions will apply:

- a) If there is no order on PACSES, the case will be closed on PACSES.
 - b) If there is an existing interim order on PACSES, the interim order will be made final.
 - c) If there is an existing final order on PACSES, the Petition for Modification will be dismissed.
8. If a complex case is settled in advance of a scheduled conciliation or hearing date, the parties/attorneys are to appear with the proposed consent order for processing at the Client Services Center, 1st Floor, 440 Ross Street or at any regional office. The proposed order must indicate the date of the complex conciliation or hearing, and that it is cancelled.
9. If the parties/attorneys appear on the date of the complex support hearing with either a written or unwritten consent order, the Hearing Officer/Master will enter the order/information on PACSES. If the parties/attorneys are continuing settlement negotiations, the parties/attorneys will be directed to appear at the Client Services Center at the Central Office or at any regional office with the written consent order (utilizing the form and directions contained in Section II-F, above) within seven (7) days, or the provisions described in (a) through (c) below will apply:
- a) If there is no order on PACSES, the case will be closed on PACSES.
 - b) If there is an existing interim order on PACSES, the interim order will be made final.
 - c) If there is an existing final order on PACSES, the petition for modification will be dismissed.

If an agreement is presented beyond the seven (7) days, the parties/attorneys must appear at the Client Services Center, 440 Ross Street or at any regional office to reinstate the complaint, where there is no order in effect.

10. If parties need to continue a 2-hour complex support hearing, the following procedures apply: (parties are referred to Section III.N of the Court Manual regarding all day hearings before a Master):
- a) *Case Continued to a Specific Date* – If a complex case is continued by court order through Motions to a new date prior to the scheduled hearing date, the parties/attorneys will deliver the original order to the Support Docket Clerk, Room 3024.2. The case will be scheduled for a half-day hearing before a Master at one-half rate set forth in Section III.N. of the Court Manual. The Order should indicate which party must advance the Master’s fees.

In the event payment is not made within the specified time, the following will apply:

- i. If there is no order on PACSES, the matter will be dismissed and the case closed on PACSES.
 - ii. If there is an existing interim order on PACSES, the interim order will be made final.
 - iii. If there is an existing final order on PACSES, the petition for modification will be dismissed.
- b) *Case Continued Generally* - If a complex case is continued by court order through Motions without rescheduling for a specific date, the order is to be submitted to the Support Docket Clerk, Room 3024.2.

- i. If there is no order on PACSES, the Title IV-D case will be closed on PACSES and the case may be reopened upon the request for services through the Court. Retroactivity is preserved to the original date of filing.
 - ii. If there is an existing order or interim order on PACSES, said order will remain in effect.
- c) *Rescheduling a Former 2-Hour Complex Case Continued Generally*- When rescheduling a formerly designated complex case that was continued generally, the parties/attorneys must appear at the Client Services Center, 440 Ross Street or at any regional office to obtain a new court date. The case will be listed on the regular docket and the parties/attorneys advised that if the case still involves complex issues of law and/or fact or requires a protracted hearing, the parties/attorneys should follow Section II.K. of the Court Manual to obtain a new complex case designation.

- 11. If neither the parties nor counsel appears for the complex case, the Hearing Officer/Master will proceed to enter a recommendation. If there is no current PACSES order in existence, pending matter will be closed on PACSES. If there is an existing order in effect, the petition for modification will be dismissed. If there is an interim order in effect, the order will be made final.
- 12. If the parties/attorneys allege a legitimate emergency and there is no time to file a Motion for Continuance, the Hearing Officer/Master may grant a continuance to a date specific for a 2 hour complex hearing.

L. Enforcement of Support and Alimony *Pendente Lite* Orders; Contempt Proceedings

- 1. Unrepresented parties - A party may request that Family Division enforce a support, medical support or alimony *pendente lite* order. Either the party to whom the support is owed, or his/her attorney, may initiate enforcement by contacting the Family Division.

Requests for enforcement are accepted in person, by mail or telephone. Written requests must include the names of the parties, the PACSES case ID number, the current address of the defendant, defendant's Social Security number, name and address of the defendant's current employer, and defendant's telephone number, if available.

In addition, Family Division enforces orders which are identified as being delinquent or in which the defendant's employer is not complying properly with a wage attachment order. When an enforcement request is made to Family Division, the enforcement team will determine the most efficient procedure for enforcing the court order. Enforcement methods may include wage attachments, unemployment compensation intercept, telephone calls to the defendant, and/or delinquency notices. In most situations, the case will be scheduled for a conference/hearing after these procedures prove unsuccessful.

- 2. Represented parties - When the petitioner is represented, counsel may request enforcement of a support, medical support or alimony *pendente lite* order by making a request through the Client Services Center or any regional office. All requests must include the names of the parties, the PACSES case ID number, the current address of the defendant, defendant's Social Security number, name and address of the defendant's current employer, and defendant's telephone number, if available.

Counsel may also obtain a date for the conference/hearing by presenting a Petition for Contempt to the motions judge, with a proposed order requesting that the Court schedule a conference/

hearing. No petition may be presented unless seven days' notice of its presentation has been provided to the respondent.

If the Court enters an order permitting the petitioner to proceed to conference/hearing, the petitioner will: 1) immediately obtain a date from the support docket clerk in Room 3042.2; 2) leave a copy of the petition and order with the support docket clerk; 3) file the original petition and order with the Docketing Office, Fifth Floor, Manor Building, 564 Forbes Avenue; 4) serve the respondent with a complete copy of the petition and order; and 5) file the proof of service with the Docketing Office.

If the Court enters an order stating that one party may praecipe for a hearing if the other party does or fails to do a particular action, the praecipe for the hearing must have attached to it an affidavit, executed by the party's attorney, verifying that the condition set by the Court has not been met.

In the event that the parties wish to cancel the compliance conference or contempt hearing prior to the scheduled date, counsel may present a consent order addressing resolution of the contempt through the Client Services Center or any regional office. This is only possible where all arrears are owed to the plaintiff and there are no TANF arrears owed by defendant.

3. Conferences and hearings in contempt cases - A petition for civil contempt to enforce a support, alimony *pendente lite*, or a counsel fee order will be scheduled for a conference/hearing before a DRO. If an agreement is not reached on the issue of contempt, the case may proceed to a hearing officer or contempt judge. If both parties consent to a modification of the underlying support order, that order may be processed.

At the contempt hearing, the hearing officer is not required to consider a request to modify the existing order unless a Petition for Modification has been filed in that case and scheduled to be heard the same day. Even if both parties consent to the hearing officer's consideration of either party's request for modification, if the modification was not formally listed for consideration that day, the hearing officer has the discretion to refuse to hear that issue if time does not permit, the parties have not provided adequate documentation, or for other good cause.

If the defendant is required to return for a compliance review, the case will be scheduled for a conference/hearing, and, if the defendant has not complied with the purge conditions set forth in the order, the defendant may be sent for a hearing before the contempt judge for possible incarceration that same day.

4. Enforcement of health care coverage or payment of unreimbursed medical expenses - Requests for enforcement of Court ordered health care coverage and/or payment of unreimbursed medical expenses are normally made by contacting the Family Division

Information Specialists at (412) 350-5600, or writing or faxing a request for enforcement to (412) 350-6471(Central Office) or (412) 344-1459 (South Hills Office) or (412) 793-8325 (Penn Hills Office). Notice is then sent by the Case Management Department to the opposing party to comply with the Court ordered medical provision(s). If the party fails to comply after notice is sent, the Case Management Department will schedule a contempt conference/hearing. The party requesting enforcement must complete the Summary of Medical and/or Dental Bills (Form II-20), and return it with copies of the relevant receipts/bills to the Case Management Department before a contempt hearing will be scheduled. Attorneys are encouraged to utilize the form as well, so relevant documents are organized and ready for a hearing, should one become necessary.

M. Telephone Testimony

A party who wishes to testify, or have a witness testify, by telephone or other electronic means, must follow the provisions of Pennsylvania Rule of Civil Procedure 1930.3, by obtaining the written consent of the opposing party OR an order of court permitting telephonic testimony, in advance of the scheduled conference/hearing.

In certain support proceedings, Allegheny County will permit qualifying parties, who reside outside of Allegheny County, to participate in a conference/hearing via electronic testimony. The party will be notified of that option at the time s/he files a pleading through the Client Services Center or at any regional office and/or receives an application with the scheduling order. Provided that the party fully completes the application form, complies with the requirements contained with the application (e.g. forwarding evidentiary documentation by the designated date), and there is no objection by the opposing party, the party will be able to testify by telephone at the conference/hearing.

N. Wage Attachments

Federal and state law require mandatory income withholding on all support orders entered by the Court unless the parties agree to waive the immediate income attachment and satisfy the requirements under Section II.E.12 above, or by separate Court order. Parties who wish to waive the attachment must do so in writing and on the Family Division form (Form II-17). Regardless of any agreement, if the payor owes support in an amount equal to one month's support, the Court will enter an attachment even though the parties have previously agreed to a waiver.

Should the defendant have more than one employer at the time of the conference/hearing, s/he may request that a wage attachment not issue to the secondary employer, if the full amount of the support obligation can be met by the primary employer. If this is not addressed at the initial conference/hearing and a wage attachment is subsequently issued to a secondary employer through the automated 'new hire' interface, the defendant can call the Family Division and request that the secondary wage attachment be rescinded, provided that the obligation is being met by the wage attachment with the primary employer.

O. Bench Warrants

Pursuant to Pennsylvania Rule of Civil Procedure 1910.13-1, if a party fails to appear for a conference or hearing as ordered, a bench warrant may be issued authorizing the Allegheny County Sheriff's Department, or any other law enforcement official, to arrest the person who failed to appear.

Pursuant to Administrative Order 178-2000, the Court is available to consider contempt matters on the same day that the defendant is arrested or surrenders on a bench warrant, if defendant appears in Family Division by noon of the day the Court is in session. The Court is not available to hear these matters during night court hours. If the Court is unavailable, the defendant may be lodged in the county jail and the bench warrant addressed by the Court during the next business day.

P. Exceptions to a Recommendation of a Hearing Officer

1. Exceptions to a Recommendation Establishing, Modifying or Terminating a Support Order -It is advisable to obtain the assistance of an attorney to help you with filing exceptions. Procedures for filing exceptions to a Hearing Officer's recommendation, including briefing requirements, are found in Pennsylvania Rule of Civil Procedure 1910.12. If you are a pro se litigant, you may obtain a copy of the relevant rule, as well as other important information regarding the filing of exceptions, from the exceptions clerk in Room 4050. In addition to the requirements contained in Rule 1910.12, Allegheny County requires the following:
 - a) Time for filing: Any party may, within twenty days after the date of receipt or the date of mailing of the recommendation, whichever occurs first, file written exceptions to the recommendation of the hearing officer with the Domestic Relations Section at the Docketing Office, Fifth Floor, Manor Building, 564 Forbes Avenue, Pittsburgh, Pennsylvania. If any party files exceptions, any other party may file cross-exceptions within twenty days of the date of service of the original exceptions.
 - b) Form of Exceptions: Each exception shall set forth a separate objection, precisely and without discussion. Matters not covered by exceptions are deemed waived.
 - c) Hearing Officer's Recommendation: A copy of the hearing officer's recommendation from which the exceptions are filed must be attached to the exceptions.
 - d) Transcript of testimony: When filing exceptions, a transcript must be ordered from the Court Reporters' Office, Room 415, County Office Building, 542 Forbes Avenue, Pittsburgh, PA. A \$50.00 deposit is required at the time the transcript is ordered. The original request form (white sheet) should be attached to the original exceptions pleading. The only time a transcript is not necessary is if the exceptions are not based on the testimony contained in the record. A party intending to file a Petition for Waiver of Transcript Costs/*In Forma Pauperis* through Pro Se Motions may file a Certification of Intent to Seek Transcript Fee Waiver (Form II-22).
 - e) Filing Exceptions: The original and one copy of the exceptions must be filed and time stamped at the Docketing Office, Fifth Floor, Manor Building, 564 Forbes Avenue, Pittsburgh, PA. The filing party should have several additional copies of the exceptions, which should also be time stamped by the Docketing Office.
 - f) Service of Exceptions: The party filing exceptions must serve a time-stamped copy on the opposing party and, if represented, that party's counsel of record. If the opposing party is the plaintiff in the support action and does not have counsel of record, a time stamped copy of the exceptions must be served on the Title IV-D Attorney, 300 Fort Pitt Commons Building, 445 Fort Pitt Boulevard, Pittsburgh, PA 15219. The docketing office will send a time-stamped copy to the hearing office.
 - g) Custodial Parent/Support Plaintiff: A support plaintiff who elects to file exceptions in a support or paternity action may seek legal representation by submitting a request for assistance and a copy of the filed exceptions to the Manager, Title IV-D Legal Services, 300 Fort Pitt Commons Building, 445 Fort Pitt Boulevard, Pittsburgh, PA 15219. The Title IV-D Attorney shall provide notice to both parties and the exceptions clerk in any cases in which the Title IVD Attorney will serve as legal counsel. The discretion to accept or decline legal representation on behalf of the requesting party lies completely within the powers of the Manager of Title IV-D Legal Services.

- h) Briefs and other pleadings: All original pleadings pertaining to exceptions, such as briefs in support, briefs in opposition, transcripts, etc. shall be filed and time stamped at the Docketing Office, Fifth Floor, Manor Building, 564 Forbes Avenue.
- i) Scheduling the argument: Exceptions shall be placed on the next available exceptions argument list for the assigned judge, once filed with the Docketing Office. The Court will issue a Scheduling Order and serve on all parties and/or counsel of record. If the respondent files a brief, the original must be filed with the Docketing Office at least fourteen calendar days prior to argument. If Cross- Exceptions are filed, the cross-exceptant may file a brief at least seven calendar days prior to the argument, which may respond to the first exceptant's brief. The party filing the first exceptant's brief may file a second brief, in response to the cross-exceptant's brief, at least four calendar days prior to argument.

No brief for either party shall exceed 10 pages. All original briefs must be filed with the Docketing Office. A time-stamped copy of any filed brief must also be delivered to the exceptions clerk in Room 4050, and served on the opposing party, if unrepresented, the opposing party's counsel of record, or the Title IV-D Attorney where notice has been provided that the Title IV-D Attorney will serve as legal counsel for a party.

- j) Motions/Orders on Exceptions: If subsequent to the filing of Exceptions, either party obtains an order with regard to pending Exceptions, a copy of the order must be provided to the Exceptions Clerk, Room 4050, Family Court Facility, 440 Ross Street, Pittsburgh, PA.
2. Contempt Exceptions - If exceptions are filed to a hearing officer's recommendation that the exceptant be held in contempt, the exceptions shall immediately be placed on the next exceptions argument list occurring more than five days after the filing of exceptions. **The party filing the exceptions shall title them "Contempt Exceptions"**. The Court will issue a Scheduling Order and serve on all parties, attorneys of record, and the court reporter. The court reporter's fees shall be posted and the transcript prepared immediately. For purposes of this subsection, the exceptant should file a brief at least three days prior to argument. If the respondent files a brief, it shall be filed at least one day prior to argument.
 3. Interim Recommendations - No exceptions may be filed to a recommendation of a hearing officer labeled "interim." The interim recommendation shall be entered as a temporary support order pending the entry of a final recommendation and order. Anyone wishing to file exceptions to an interim order must obtain leave from Court to do so through motions court. If permission is granted, a copy of the order must be affixed to the exceptions. If no order is obtained, the exceptions may be dismissed by the Court.

Q. Payment of Support, Alimony *Pendente Lite*, Alimony

1. Until a wage attachment is in place, or if defendant is making payments not via a wage attachment, all court ordered support, alimony *pendente lite* and/or alimony payments **MUST** be submitted to:

PA SCDU
P. O. Box 69110
Harrisburg, PA 17106-9110

In order to be credited promptly and correctly, every payment must either be accompanied by a payment coupon (Form II-23) or have the defendant's name and the defendant's Social Security

number or Member ID written directly on the money order or check. If checks are not submitted with this identifying information, payment may not be timely credited to the case, and defendant may be at risk for the automated enforcement remedies.

Payments to PA SCDU (Statewide Collection and Disbursement Unit) can be made by personal check, money order, or VISA or MASTERCARD. For more information about how payments can be made, see Form II-23 or call 1-877PASSCDU (1-877-727-7238). Defendants must make payments using this form until their wage attachment goes into effect.

2. The ONLY payments that may be directly accepted by Family Division include:

- a. Purge and bail payments (See Section R below)
- b. Payments made to satisfy a lien against real estate.
- c. Payment made when a new obligation is established.

Family Division will only accept cash (Central Office only), a money order or a bank check made payable to "Family Division". ALL OTHER PAYMENTS MUST BE MAILED TO PA SCDU.

3. Plaintiffs have the option of receiving support payments either by direct deposit into their checking accounts or through the Pennsylvania EPPIcard Debit MasterCard.

- a. Direct Deposit - Plaintiffs may arrange to directly deposit their support payments into their existing checking accounts. There is no charge to establish or terminate this direct deposit option.

The form and accompanying instructions to arrange for direct deposit (Form II-24) may be obtained in person from the appropriate Family Division Office, requested by telephoning (412) 350-5600, or copied from this manual. Once the form is completed, plaintiff must mail it to PA SCDU, ATTN: Exceptions Processing Department, PO Box 61216, Harrisburg, PA 17106-1216. ALL of the information on the form must be completed for the request to be processed. To terminate or change this direct deposit option, you must contact PA SCDU Customer Service at 1-877-727-7238.

- b. PA EPPIcard - if a Plaintiff does not choose to have support payments directly deposited, s/he is pre-approved for the PA EPPIcard debit card. Support payments will automatically be added to the PA EPPIcard after PA SCDU receives a payment on the case.

For more information on child support payments, please go to the child support website:

www.childsupport.state.pa.us

R. Purge (Contempt) Monies and Bail (on a Family Division Warrant)

1. Purge payments may be ordered in contempt proceedings, so a defendant can avoid incarceration in the Allegheny County Jail (ACJ) or to be released from ACJ. Purge payments should always be made at the Family Division, unless closed for business. Family Division will only accept cash (Central Office only), credit card payments, money orders and/or cashier/bank checks made payable to "Family Division", as purge payments. Family Division will not accept personal checks for purge payments. Purge payments are accepted according to the following schedule and depending on whether the party is incarcerated or not:

For Incarcerated Defendants:

Family Division, 440 Ross Street 8:00 AM-3:45 PM Monday-Friday
5th floor Purge Window

Bond Counter 3:45 PM-8:00 AM Monday-Friday, 24 hours on holidays and weekend
Pittsburgh Municipal Court
660 First Ave., 1st floor
Pittsburgh, PA 15219

South Hills Regional Office, Suite 200, 250 Mt. Lebanon Blvd., 8:00 AM – 3:45 PM Monday
– Friday (No Cash Accepted)

Penn Hills Regional Office, 12000 Frankstown Road, 8:00 AM – 3:45 PM Monday – Friday
(No Cash Accepted)

For Defendants not incarcerated:

Family Division, 440 Ross Street 8:00 AM -3:45 PM Monday-Friday
5th Floor Purge Window

Family Division
Night Court Supervisor 4:30-7:00 PM (Wednesdays Only)

2. Bail is money paid to allow a defendant's release from jail following arrest on a Family Division bench warrant and to ensure that the defendant appears in Family Division as ordered. It is ALWAYS paid to the Department of Court Records Bond Counter or the Pittsburgh Municipal Courts Bond Counter at the following offices, depending on the time of day or night it is paid:

Dept. of Court Records—Bond Counter 8 AM to 4 PM Monday-Friday
Room 114 Allegheny County Courthouse
412-350-6063/5239

Bond Counter 4 PM to 8 AM Monday-Friday, 24 hours on holidays and weekends
Pittsburgh Municipal Courts Building

660 First Avenue, 1st Floor
Pittsburgh, PA 15219
412-350-3240

The party released on bail must report to Room 4020, Family Court Facility, 440 Ross St., Pittsburgh at 8:30 AM the next day the court is in session. If the party fails to appear, the bail may be forfeited and a warrant issued without a bail provision. Bail money can be refunded if the defendant appears in Family Division as ordered at the time of release. Family Division bail will only be refunded by court order to the party who posted bail, as verified by the certification of bail form and/or the bail receipt issued by the Bond Counter.

S. Reducing Arrears to Judgment

Pursuant to 23 Pa.C.S. §4352(d), all arrears constitute a judgment as a matter of law. In order to record the judgment, the plaintiff should follow the procedure set forth in Pennsylvania Rule of Civil Procedure 1910.24 by filing with the Department of Court Records, Civil Division, 1st Floor City-County Building, 414 Grant Street, Pittsburgh, PA a Praeceptum for Entry of Judgment, accompanied by: 1) a completed Certification of Arrears

form, which can be obtained from the 5th Floor Purge Window, Family Law Facility; 2) a completed [Notice of Order, Decree or Judgment](#) (Form II-25); 3) a stamped envelope addressed to defendant/payor; and 4) a money order for the applicable fee, made payable to "Department of Court Records, Civil Division". Upon filing all of the above with the Department of Court Records, Civil Division, a judgment will be recorded in the Lien Docket in the amount stated in the statement of arrears.

The defendant may challenge the amount of arrears stated in the Notice of Judgment by scheduling a Petition to Correct the Judgment, pursuant to Pennsylvania Rule of Civil Procedure 1910.23-2, through the appropriate Family Division office, in the same manner as a petition for modification. The only legal basis to challenge the judgment is if: 1) the defendant is not in arrears on the support obligation; or 2) the arrears are not in the amount claimed in the judgment.

T. Notice to Credit Arrears

Family Division permits the use of a Notice to Credit Arrears Direct Payment form (Form II-26) for payments made directly by a defendant to a plaintiff, prior to entry of a support order. The Domestic Relations Officer or Hearing Officer will provide the form at the conference/hearing, and the amount of any direct payment will be credited to the arrears owed on the case. Defendants are strongly discouraged from making direct payments to the plaintiff once the order is entered, since payments are unlikely to be timely credited, which may result in the activation of the automated enforcement remedies. All support orders require that payment of the support obligation must be made through the PA State Collection and Disbursement Unit (PA SCDU). Under no circumstances may the parties use the form when plaintiff is receiving cash benefits from the Department of Human Services (DHS), since the support amount is owed to the agency.

U. Challenging the Amount of Arrears

Upon receiving a notice of arrears, either party has the right to challenge the amount of those arrears if s/he believes they are incorrect. The first step to challenging the amount of arrears is to request an audit of the case, which may be done by contacting the information specialists at (412) 350-5600, or sending a written request to Family Division. If, when the audit report is provided, the party still believes that the arrears balance is incorrect, the party must provide documentation and a specific explanation of the alleged error to the Financial Group, so that the matter may be researched further. If this does not resolve the matter to the party's satisfaction, the amount of arrears may be further challenged by presenting a Motion for Special Relief in motions court requesting a hearing date on the issue, after providing seven days notice to the opposing party or counsel. Additionally, if the plaintiff is not represented, notice must be provided to the Title IV-D Attorney, 300 Fort Pitt Commons Building, 445 Fort Pitt Boulevard, Pittsburgh, PA 15219.

The court has limited authority to modify arrears. According to 23 Pa. C.S.A. § 4352(d.1), arrears can be retroactively modified only if: 1) the arrears accrued between the time a petition for modification was filed and the time it was decided; or 2) the arrears accrued during a time that the person who would have filed the petition for modification could not do so because of a significant physical or mental disability, a misrepresentation of another party, or other compelling reason if, when s/he was able, the person promptly filed a petition for modification.

The law also holds that arrears do not accumulate after the child for whom support is being paid is emancipated; however, the law generally holds that payments made subsequent to emancipation are not usually recoverable by the defendant, unless those payments were made

after a petition for modification has been filed. See *Holcomb v. Holcomb*, 448 Pa. Super. 154, 670 A.2d 1155 (1996).

V. Arrears as Liens on Real Estate

Title 23 Pa.C.S. §4352(d.1) provides that "overdue support obligations of this or any other state which are on record at the Domestic Relations Section shall constitute a lien by operation of law against all real property owned by the obligor within the judicial district." Real property cannot be conveyed with a clear title by a support defendant if a lien is in Place; therefore, any support defendant who owes arrears must determine the amount of the arrears and arrange for payment of the arrears in order to sell or refinance his/her property. Family Division has developed a system for providing notice of arrearages without inadvertently disclosing confidential information contained in the Court file to unauthorized third parties. The procedure is set forth in Administrative Order No. 121 of 1998, dated May 27, 1998, as amended by Administrative Order No. 29 of 1999, dated January 25, 1999, and is described below.

The names of defendants who owe support arrears and the amount of arrears owed is available via the Internet at www.pachildsupport.com. If a defendant's name is on the list, confirmation that s/he is the actual person who owes support arrears may be obtained by submitting a Notice of Arrears request form (Form II- 27) to "Liens", Room 5000, 440 Ross Street, Pittsburgh, PA 15219.

1. The form must be accompanied by a \$20.00 business or cashier's check or a money order made payable to "Treasurer, Allegheny County", and a stamped, self-addressed envelope.
2. A separate form, accompanied by a separate \$20.00 check/money order, shall be used for each individual for whom information is requested.
3. Family Division will complete Part B of the form and return it to the requesting individual in the self-addressed, stamped envelope within two business days of its receipt by Family Division. The request cannot be processed until the check is received.
4. Immediately prior to the scheduled closing on the sale or refinancing of the real estate, the closing officer may obtain a final notice of arrears by resubmitting the same form upon which the preliminary notice was provided, and providing the closing date in the space indicated in Part C of the form. There is no charge for obtaining a final notice of arrears if the form used to request the information already contains the preliminary notice of arrears; however, a self-addressed stamped envelope must be submitted with the request.
5. Family Division will complete Part C of the form and return it to the requesting party in the self-addressed stamped envelope within two business days of its receipt by Family Division or the date of the closing, whichever is later.
6. To satisfy the arrears and remove the lien, a business or cashier's check or money order made payable to "PA SCDU", and clearly identified with the name and Social Security number of the person owing support, and the Family Division docket number(s) of the case(s) to which the payment is to be applied, must be sent to "Liens", Room 5000, Family Law Facility, 440 Ross Street, Pittsburgh, PA 15219. **Payment should not be sent directly to PA SCDU.** Doing so may cause the payment to be credited incorrectly. Family Division will review the case and forward payment to PA SCDU.

7. Upon receipt of the funds, the account(s) will be credited. Family Division will then issue an Order of Court for each account stating that the arrearage of record with Allegheny County Court of Common Pleas, Family Division, as of the closing date has been paid in full, subordinated or otherwise settled. The order will be filed with the Docketing Office, and a copy sent to the party who paid the arrears, provided a stamped, self-addressed envelope is enclosed with the check for payment of the arrears.
8. The notice of arrears by Family Division will under no circumstances constitute a confirmation of the support defendant's Social Security number.
9. If the support defendant disagrees with the amount of arrears, s/he may challenge the arrears by following the procedure set forth in Section II.U.
10. If the support defendant agrees that the arrears of record are correct, but cannot satisfy all of the arrears from the proceeds of the closing, s/he can contact the plaintiff's attorney or, if the plaintiff is not represented, the Title IV-D Attorney, 300 Fort Pitt Commons Building, 445 Fort Pitt Boulevard, Pittsburgh, PA 15219 to discuss the possibility of arranging a payment plan under which the lien can be released. If an agreement can be reached, the support defendant will enter into a consent order setting forth the terms of the payment agreement.
11. If the defendant wishes to refinance his property, but does not have sufficient funds to liquidate all of the arrears, the procedure in paragraph 10, above, may be utilized to subordinate the lien to the new mortgage.

W. Incarcerated Defendants

Support defendants may be entitled to a modification/suspension of their support order based on their incarceration under PA R.C.P. 1910.19(f).

An incarcerated party should file a Petition for Modification of Support with the Family Division, Incarcerated Litigant Coordinator, Family Law Facility, 440 Ross Street, Pittsburgh, PA 15219.

X. Non-Welfare IRS Intercept (FTROP)

To qualify for the non-welfare IRS Intercept Program, the case must meet all of the following eligibility requirements:

1. The past due amount must be owed on behalf of a child. Spousal support may be included if the same order includes support for both the child and the custodial parent. Amounts due on spousal support, APL or alimony only orders CANNOT be submitted.
2. The past due support obligation must be at least 30 days delinquent and \$500 or more owed in private cases or \$150 or more owed as DHS/welfare arrears.
3. Family Division must have the defendant's correct Social Security number. Defendant's last name and Social Security number, as submitted, must match the IRS Master Files for acceptance into the program.

The case is automatically submitted if all of the required information is correct and complete in the Court records. If the records do not include plaintiff's address, the child(ren)'s name and birth date, as well as the defendant's correct name and Social Security number, the plaintiff will need to provide this information to the Court. If any collection is made, a fee of \$25 is deducted.

Questions may be directed to the Family Division Information Specialists at (412) 350-5600, or submitted in writing to Family Division IRS Intercept Program, Family Law Facility, 440 Ross Street, Pittsburgh, PA 15219.

Y. State Income Tax Offset Program (STROP)

In accordance with 45 CFR §303.102, overdue support may be collected by intercepting the defendant's state tax refund. Advance notice is sent to the defendant that his/her refund, if any, will be subject to offset. Defendant has the right to contest this action by contacting Family Division. The only basis to challenge this action is mistake of fact; mistaken identity; or the amount of the arrears balance is not accurate.

Z. Driver's License Suspension

23 Pa.C.S.A., Chapter 43, Section 4355 provides that the court suspend, not renew, or deny a driver's license of a defendant/payor who owes overdue support. Once initiated, the defendant will receive a notice that gives him/her 30 days to contest. Grounds for contesting the notice are limited to mistakes of fact, an error in the amount of arrears owed, and/or mistaken identity. Unless the arrearage is paid in full, a periodic payment schedule is approved by the court, or the defendant successfully contests the notice, the driver's license will be suspended.

Challenges to this proposed action must be made in person at the Client Services Center, 1st Floor, 440 Ross Street or any regional office, where a DRO will review defendant's objections and determine whether the license should be suspended. If the DRO determines that defendant's reasons do not meet the legal requirements, the DRO will assist the litigant with completing a Petition to Contest Driver's License Suspension or Request Reinstatement (Form II-28) and will obtain a hearing date which will be at least 14 days from the date of preparation. Family Division will serve all parties.

If either party objects to the decision of the hearing officer, that party may file exceptions as explained in Section II.P. of this manual.

AA. Financial Institution Data Match (FIDM)

Title 23 Pa.C.S.A. §4301.1 provides for the seizure of assets held in a financial institution by a defendant who owes overdue support. Pennsylvania Rule of Civil Procedure 1910.23 provides that written notice that an account has been frozen must be given to the defendant after the asset is frozen, and 30 days before it is seized to pay the overdue support. The defendant has the right to challenge the seizure for three reasons only: 1) no overdue support exists under the support order or there is a mistake in the amount of overdue support; 2) there is a mistake in the identity of the obligor; or 3) the account is not subject to attachment as a matter of law.

Challenges to this proposed action can be made in person at the Client Services Center, 1st Floor, 440 Ross Street or any regional office, or by writing to: "FIDM", 5th Floor, Family Law Facility, 440 Ross Street, Pittsburgh, PA 15219. A DRO will review the objections and determine whether the freeze should be released. If the DRO determines that the freeze should not be released, the DRO will assist the litigant with completing a Petition to Release Assets (Form II-29) and will schedule a hearing on the issue, at least 14 days from the date of preparation of the Petition. Family Division will serve all parties with notice of the hearing date. The asset will remain frozen,

but will not be seized, pending a Hearing Officer determination of the defendant's contest. Unrepresented plaintiffs are represented at the hearing by the Title IV-D attorney. If either party objects to the decision of the hearing officer, that party may file exceptions as explained in Section II.P. of this manual.

BB. Credit Bureau Reporting

When a defendant's overdue arrears equal or exceed two times the monthly support obligation, PACSES automatically generates a notice to the defendant advising that s/he will be reported to all credit reporting agencies. The only basis for challenging this action is mistake of fact; mistaken identity; or the arrears balance is incorrect. Once reported, the debt will remain on the defendant's credit report for the duration of the case. If payments are being made in accordance with the support order, the credit report will indicate that the defendant is in 'good standing'.

CC. Passport Denial

A defendant whose total arrears owed on all support cases are greater than \$2,500, and has qualified for IRS Intercept (see Section II.X.), will be automatically activated in the passport denial program. If a defendant has not qualified for the IRS Intercept program, the defendant can still be submitted to the Passport Denial program as long as the Order is not spousal support, APL, or alimony ONLY. The defendant remains in the program until all of the certified arrears are paid in full, or is excluded from the program by order of Court. Challenges to this action can be made on the basis of mistake of fact; that the arrears balance is incorrect; or the person whose passport was denied is not the person who is delinquent.

DD. Professional License Suspension

23 Pa.C.S.A., Chapter 43, Section 4355 provides that the court suspend, not renew, or deny a professional license of a defendant who owes overdue support. The Pennsylvania Department of State, Bureau of Professional Licenses, includes, but is not limited to the following: architect, barber, engineer, funeral director, nurse, pharmacist and real estate salesperson. The Pennsylvania Insurance Department maintains insurance related Professional Licenses including, but not limited to: resident and non-resident producer, motor vehicle physical damage appraiser, public adjuster and insurance administrator. Once a month, PACSES receives an interface from the Department of State and Pennsylvania Insurance Department, which contains the names of all persons who have an active professional license in Pennsylvania. Only those defendants matched via the interface with the Department of State and/or the Pennsylvania Insurance Department may be eligible for professional license suspension.

Once initiated, the defendant will receive a notice that gives him/her 30 days to contest. Grounds for contesting the notice are limited to mistakes of fact, an error in the amount of arrears owed, and/or mistaken identity. Unless the arrearage is paid in full, a periodic payment schedule is approved by the court, or the defendant successfully contests the notice, the professional license will be suspended.

If the defendant is an attorney, notification may be sent to the Disciplinary Board of the Pennsylvania Supreme Court requesting that the defendant's license to practice law be suspended.

Challenges to the proposed action must be made in person at the Client Services Center, 1st Floor, 440 Ross Street or any regional office, where a DRO will review the defendant's objections and determine whether the license should be suspended. If the DRO determines that the defendant's reasons do not meet the legal requirements, the DRO will assist the litigant with

completing a Petition to Contest Professional License Suspension/Request Reinstatement (Form II-30) and will obtain a hearing date, which will be at least 14 days from the date of preparation. Family Division will serve all parties. If either party objects to the decision of the Hearing Officer, that party may file exceptions as set forth in Section II.P. of this manual.

EE. Recreational License Suspension

23 Pa.C.S.A., Chapter 43, Section 4355 provides that the court suspend, not renew, or deny a recreational license of a defendant/payor who owes overdue support. Recreational licenses include hunting licenses as issued by the Pennsylvania Game Commission and fishing licenses as issued by the Pennsylvania Fish and Boat Commission. Once a month, PACSES receives an interface from the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission, which contains the names of all persons who have an active recreational license in Pennsylvania. Only those defendants matched via the interface with the Pennsylvania Game Commission and/or the Pennsylvania Fish and Boat Commission may be eligible for recreational license suspension. Once initiated, the defendant will receive a notice that gives him/her 30 days to contest. Grounds for contesting the notice are limited to mistakes of fact, an error in the amount of arrears owed, and/or mistaken identity. Unless the arrearage is paid in full, a periodic payment schedule is approved by the court, or the defendant successfully contests the notice, the recreational license will be suspended.

Challenges to the proposed action must be made in person at the Client Services Center, 1st Floor, 440 Ross Street or at any regional office, where a DRO will review the defendant's objections and determine whether the license should be suspended. If the DRO determines that the defendant's reasons do not meet the legal requirements, the DRO will assist the litigant with completing a Petition to Contest Recreational License Suspension/Request Reinstatement (Form II-31) and will obtain a hearing date, which will be at least 14 days from the date of preparation. Family Division will serve all parties.

If either party objects to the decision of the Hearing Officer, that party may file exceptions as set forth in Section II.P. of this manual.

FF. Physician Verification Form

Rule 1910.29 provides for the introduction of a "Physician Verification Form" (PVF) (Form II-32) in support proceedings, in lieu of live testimony by a doctor, who has determined a litigant's condition may impact his/her ability to earn income. If a party appears at the support conference with a completed PVF, the Domestic Relations Officer (DRO) will verify the physician's license number, then use the form to obtain a consent support obligation. If the parties do not consent to an order, the case will be referred to a Hearing Officer (HO). Because Allegheny County conducts support hearings on the same day as the support conference, section (b)(2) of the Rule is not applicable. If the parties/attorneys elect to proceed to a hearing, the HO will offer to continue the case for 30 days, to give the party objecting to the PVF the opportunity to schedule a deposition or subpoena the physician to appear in person for the continued hearing. The HO will also explain the cost incurred for the deposition or appearance at the hearing will be assessed against either/both parties at the time of the continued hearing. The HO may also conduct a record hearing to determine if the party's testimony regarding his/her medical condition is sufficient for entry of an order.

GG. Health Insurance and Unreimbursed Medical Expenses

1. Health Insurance Coverage

- a. Pursuant to statute (23 Pa. C.S.A. §4326), the Court must address the availability of medical support/health insurance coverage in every proceeding to establish or modify a support order. If health insurance is available to the defendant/noncustodial parent at a reasonable cost (5% of net monthly income), s/he will be ordered to provide and a National Medical Support Notice (NMSN) will automatically be sent to the defendant's employer directing the employer to provide medical coverage to those included in the order. The employer is required to respond to the NMSN and may deny coverage if insurance is unavailable at a reasonable cost or the defendant is ineligible for coverage under the plan.
- b. The defendant may also contest the NMSN on the basis of mistake of fact, unreasonable cost, or that alternative health care is available, by filing a "Petition to Contest Enrollment in Medical Coverage" (Form II-37) through the Client Services Center, 1st Floor, 440 Ross Street or at any regional office. Defendant should first check with his/her employer to determine if the employer has already responded to the NMSN that health insurance is unavailable.
- c. If the support order states that both parties are ordered to provide medical insurance if it becomes available, and defendant is subsequently employed by an employer who provides health care coverage, the NMSN will automatically generate to the new employer. The defendant will be given an opportunity to contest the NMSN in these situations.

2. Unreimbursed Medical Expenses

- a. Pursuant to PA Rule of Civil Procedure 1910.16-6(c), the Court must allocate the cost of unreimbursed medical expenses (e.g., insurance co-payments; deductibles; cost for medication and treatment), incurred by the child(ren) and plaintiff spouse, between the two parties to a support order, in proportion to their respective net incomes. The plaintiff is responsible for annually covering the first \$250 for each child and his/her self.
- b. The party who paid the medical bill and is seeking reimbursement must send copies of the bills to the other party by March 31 of the year following the calendar year in which the final bill was received. If the party does not reimburse after a reasonable period, the party seeking reimbursement may request Court intervention by contacting the Court's Telephone Specialists (412.350.5600), who will provide instructions regarding the procedure for obtaining a hearing.

HH. Servicemember's Civil Relief Act (SCRA)

The Servicemember's Civil Relief Act (SCRA) mandates an automatic stay of court proceedings (for at least 90 days), when a party/servicemember invokes the protections of the SCRA. The servicemember must be the non-moving party and must provide one of the following to invoke the act:

- 1) Letter from servicemember invoking the SCRA. In the letter, the member should also state how the member's current military duties "materially affect" the members ability to appear, and should state a date when the member will be available to appear.
- 2) Copy of orders. This should state the servicemember's deployment date and provide a date when the member will be available to appear.

- 3) Letter from the servicemember's Commanding Officer stating that the member's military duties prevent the servicemember's appearance and that military leave is not authorized for the servicemember at the time of the scheduled conference/hearing. The letter should also provide a date when the servicemember will be available.

Once Family Division receives the requisite document, the proceeding will be continued for 90 days and a volunteer attorney/law student will be appointed to represent the servicemember at the continued proceeding.

Alternatively, the party/servicemember may request participation via a telephone conference, instead of invoking the SCRA, if the servicemember can be contacted by phone on the date/time of his/her court proceeding. The servicemember should consult with his/her commanding officer for specific assistance.

Section II. Web Access to PACSES Imaging (Attorneys)

The Bureau of Child Support Enforcement (BCSE) provides an attorney of record in a support case the ability to remotely access redacted public docket documents maintained in the PACSES imaging system.

First, the attorney must obtain a citizen's account/Keystone ID by following the below link:

<https://www.hhsapps.state.pa.us/iam/im/citizenpub/ca12/index.jsp?task.tag=SelfRegistrationCitizen>

Once a Keystone ID is assigned to the attorney, the attorney must appear in the Client Services Center and provide both their Keystone ID and their PACSES Attorney ID to the Client Services Supervisor, who will submit the access request to the PACSES Help Desk. The attorney will then receive an email once the PACSES Help Desk grants access.

For full instructions on the process, please see Form II—38 in the forms section.