

## Actions for Support

### **Rule 1910.5      *Complaint. Order of Court.***

(a)\*(1) The complaint shall be on a pre-printed form provided by the Intake Office of the Domestic Relations Section of the Court, substantially in the form provided by Rule 1910.27(a).

**Note:** Amended January 5, 1996, effective February 26, 1996.

### **Rule 1910.6      *Notification. Entry of Appearance.***

(a) Any attorney who files and/or serves a legal paper or appears on behalf of a client in any cause of action in Family Division-Adult Section must complete, file and serve a praecipe for appearance, substantially in the form set forth in (b), identifying the cause or causes of action in which he/she will be acting as counsel and identifying by name the party whom the attorney is representing.

(b) Caption

### **PRAECIPE FOR APPEARANCE**

Kindly enter my appearance as counsel for \_\_\_\_\_ Name of  
Party\* \_\_\_\_\_ in the above-captioned cases in the following:

\_\_\_\_\_ All matters

\_\_\_\_\_ Divorce (and all claims raised pursuant thereto) Only

\_\_\_\_\_ Support Only

\_\_\_\_\_ Custody Only

\_\_\_\_\_ Protection From Abuse Only

\_\_\_\_\_ Other: \_\_\_\_\_

Once my appearance is entered, I understand that I must appear at all proceedings and accept service for my client unless I obtain Court permission to withdraw my appearance.

Supreme Court #: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date: \_\_\_\_\_ Signature \_\_\_\_\_

\*Your client must be identified by name, not solely as Plaintiff or Defendant.

- (c) Praecipe of appearance forms shall be available from Domestic Relations Officers, Hearing Officers, Judges' staff, Room 4020, and the Office of the Prothonotary on the 1<sup>st</sup> floor of the City-County Building.
- (d) The attorney must appear at all Family Division proceedings and receive service on behalf of his/her client with respect to all causes of action in which the attorney has indicated on the praecipe for appearance he/she is representing his/her client. If the attorney fails to appear, the court may impose sanctions including but not limited to fines and counsel fees.
- (e) Entering an appearance or filing any legal paper in a divorce action obligates the attorney to represent the client in any and all claims or counterclaims which are raised pursuant to the divorce action.
- (f) No pro se motions will be accepted involving a cause of action in which a litigant is represented by counsel.
- (g) Each attorney shall file and serve a praecipe for appearance with respect to each of his/her cases which are pending as of January 1, 2002.

**Note:** Adopted April 22, 2002, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1910.7            *No Pleading by Defendant Required. Question of Jurisdiction or Venue or Statute of Limitations in Paternity.***

- (b)(1) If preliminary objections challenging venue or jurisdiction in a support matter are filed, the proceedings shall be listed for argument in conformity with Local Rule 1930(b). The filing of preliminary objections shall not automatically stay the support proceedings. A party or counsel may present a motion requesting a stay pending decision on the preliminary objections.

**Note:** Amended January 5, 1996, effective February 26, 1996; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1910.10            *Alternative Hearing Procedures.***

- \*(a) The Family Division, Court of Common Pleas, Allegheny County, adopts the alternative hearing procedure of Rule 1910.12.

**Rule 1910.12      *Office Conference. Hearing. Record. Exceptions. Order.***

- (b)(1)(a) Unless a court order obtained from the Motions Judge directs to the contrary, the hearing will be held on the same day as the conference.
  
- (c)(3) Any motion by a party for a separate listing of the hearing and/or for a request for discovery shall be presented to the motions judge prior to the conference and hearing. Notice of the motion shall be served upon the opposing party or opposing counsel of record prior to presentation.
  
- (e)(1) Where a hearing officer has reserved decision on a case and the parties were not given a copy of the recommendation at the conclusion of the hearing, three days shall be added to the 10-day filing period for exceptions if notice of the recommendation is given by mail to the parties and/or counsel of record.
  
- (h)
  - (1) Any party filing exceptions shall serve them upon all other parties and file the original and one copy with the Exceptions Clerk in Room 4056, Family Court Facility, by the end of the next business day following the filing of the exceptions with the Prothonotary.
  
  - (2) Any party filing exceptions shall also order from the court reporter the transcript of testimony unless the parties stipulate to the contrary or unless the exceptions are not based on the testimony contained in the record.
  
  - (3) Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed to be waived.
  
  - (4) A legible copy of the Hearing Officer's Recommendations and a copy of the transcript order form or stipulation that the transcript is not necessary or a statement that the exceptions are not based on the testimony contained in the record shall be attached to the exceptions.
  
- (i) Exceptions shall be placed on the next available Support Argument List occurring more than 13 days after the transcript of testimony and exceptant's brief are filed with the Exceptions Clerk. The court shall serve notice on all parties of the date and place of the argument. If the respondent files a brief, it shall be filed at least seven calendar days prior to argument, with the Exceptions Clerk. The court shall serve notice on all parties of the date and place of the argument. If the respondent files a brief, it shall be filed at least seven calendar days prior to argument with the Exceptions Clerk. If cross-exceptions are filed, the cross-exceptant's brief must be filed at least seven calendar days prior to the argument and 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.

- (j) Exceptions must be scheduled for argument no more than 45 days after exceptions are filed. Failure to schedule will result in an automatic termination of the exceptions on grounds of unreasonable inactivity. The exceptant will not be permitted to reinstate the exceptions without written application to the Court for good cause shown.
- (k) If exceptions are filed to the Recommendation of a Hearing Officer recommending that the exceptant be held in contempt, the exceptions shall immediately be placed on the next "support argument list" occurring more than five days after the filing of exceptions. The party filing the exceptions shall title them "Contempt Exceptions" and serve notice on all other parties, and the court reporter, of the date and place of the argument. The court reporter's fees shall be posted and the transcript prepared immediately after exceptions are filed. For purposes of this subsection the exceptant shall 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.
- (l) 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.

**Note:** Amended January 5, 1996, effective February 26, 1996; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1910.19      *Support. Modification. Termination.***

- (c)\*(1) The following procedure shall be used to modify or terminate an existing support order:
  - (A) Where there is a material and substantial change of circumstances, any party may schedule before the domestic relations officer a conference to request an increase, reduction, modification or suspension of an award. Both parties and their counsel shall attend this conference. If an agreement is not reached at the conference, the counselor may schedule the matter for a hearing before a hearing officer, which hearing shall be conducted in accordance with the procedures set forth in Rule 1910.12.
  - (B) The Hearing Officer may recommend the modification or termination of the existing order in any appropriate manner based on the evidence presented.

**Note:** Amended January 5, 1996, effective February 26, 1996.

**Rule 1910.24      *Judgment for Arrearages. Execution.***

- (a)(1) Any party at any time may obtain a statement of arrears according to the records of Family Division, as provided in the Family Division Court Manual.

**Note:** Amended January 5, 1996, effective February 26, 1996; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1910.25-2      *Civil Contempt, Office Conference. Agreement, Alternative Procedures Upon Failure to Agree.***

- (e) In all cases of civil contempt for failure to comply with an order of support, if no agreement is reached at the domestic relations office conference, further proceedings shall be conducted pursuant to the alternative hearing procedure of Pa.R.C.P. No. 1910.24-4.

**Note:** Adopted November 22, 1996, effective January 6, 1997; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Action for Custody, Partial Custody and Visitation of Minor Children**

**Rule 1915.1(a)(1)      *Scope.***

This rule shall be applicable to all actions for custody, partial custody and visitation whether filed as an independent cause of action or as a count in a related proceeding.

- i. All individuals with standing to pursue an action for custody, partial custody or visitation with children from birth to age 17 shall complete the custody education program for adults.
- ii. All children ages 6 to 15 who are in the care of a party or parties shall participate in an interactive group program for children.
- iii. Parties also shall participate in the mediation orientation program. Additionally, step-parents, step-children, grandparents and others closely involved with the custody of the children may also participate in the education programs, upon consent of all parties.

**Note:** Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1915.1(b)      *Definitions.***

- i. "Generations" means the education programs for adults and children, the mediation orientation program operated by the Allegheny County Family Division pursuant to 23 Pa.C.S. §3901-3904. "Generations" is located at 1<sup>st</sup> Floor, Family

Court Facility, 440 Ross Street, Pittsburgh, Pennsylvania, 15219, telephone (412) 350-4311, and serves as the Family Division Administrative Office for the Generations Program.

- ii. “Generations education” means the custody education program for adults pursuing claims for custody and the interactive education program for children ages 6 to 15.
- iii. “Generations Mediation Orientation” means the custody mediation program for adults pursuing claims for custody.

**Note:** Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1915.3(b)\*1 *Scheduling of Hearing Date.***

**Note:** Rescinded April 2, 1998, effective May 25, 1998.

**Rule 1915.3(c) *Commencement of Action. Complaint. Waiver. Fees. Refunds.***

- i. Prior to the filing of any divorce complaint containing a count for custody or any complaint for custody, shared custody, partial custody or visitation, or any other court papers seeking to initiate or reinstate any proceeding to compel, modify, terminate or otherwise affect contact between children and parties, the moving party shall deliver the original of the court paper initiating the custody action to Generations. Generations shall immediately provide the moving party with an order of court (“Scheduling Order”) setting forth the dates and times when the adults and children shall attend the education programs and Mediation Orientation, a Domestic Violence Waiver form, and program descriptions. The Scheduling Order shall also specify the location for the adult and children’s education programs. The mediation orientation shall always take place in the “Center.” This Scheduling Order is then attached to the original complaint or petition for filing.
- ii. Any custody matter in which there has been no activity, as reflected by the docket, for 120 days shall be deemed a new action for purposes of this rule.
- iii. Parties to an action to modify or enforce a final order of court for custody, partial custody or visitation, as well as parties to an action deemed to be new, must complete the Generations program, if they have not already done so, before they will be permitted to praecipe for any proceeding before the court.
- iv. Notwithstanding the parties previous completion of the Generations program, all parties to actions referenced in (iii) of this local rule shall be required to participate in another mediation orientation, as provided by these rules, before they will be permitted to praecipe for any proceeding before the court.

- v. Prior to the filing of any divorce complaint containing a count for custody or any complaint for custody, shared custody, partial custody or visitation, or any other court papers seeking to initiate any proceeding to compel, modify, terminate or otherwise affect contact between children and parties, the moving party shall deliver the original of the court paper initiating the custody action to Generations. Generations shall immediately provide the moving party with an order of court (“Scheduling Order”) setting forth the dates and times when parties and children shall attend Generations Education and Mediation/Orientation (the “Programs”), a Domestic Violence Waiver form and program descriptions. The Scheduling Order shall also specify the location for the adult and children’s educational programs at Generations. The mediation program, Generations, shall always take place at Generations. This Scheduling Order is then attached to the original complaint or petition for filing.
- vi. Within six days of filing, the moving party shall provide Generations with a time-stamped copy of the court paper initiating the action and the Scheduling Order.
- vii. The moving party shall be solely responsible for insuring that any court paper filed during this process is filed at the same docket number as any previously filed Family Division action involving the same parties, or, if necessary, to consolidate separate cases under the oldest number.
- viii. No party shall be compelled to attend any portion of the Programs with the opposing party, or to participate in the mediation orientation, in cases where either party, or a child of either party, is or has been the subject of domestic violence or child abuse allegedly perpetrated by the opposing party at any time within the past 24 months. In such cases, appropriate arrangements for separate sessions for the education programs should be made with Generations. Generations shall also be notified personally or by mail through the use of a domestic violence waiver form that the victim of abuse elects not to attend the mediation orientation session. The opposing party shall have the opportunity to contest cancellation of the mediation orientation through Motions Court. If mediation does not occur, the case will be set down promptly for a custody/partial custody conciliation before a Domestic Relations Officer.
- ix. All other requests to waive attendance at any portion of the Programs will require an order of court which may be sought through Motions Court. Waivers will be granted only in exigent circumstances. The moving party shall be responsible for filing any order entered in response to such request, and for service upon Generations and the opposing party.
- x. All moving parties who are required to participate in the education and mediation orientation shall pay all fees required for those Programs.

- xi. The moving party shall pay all of his or her fees for the education and mediation orientation programs prior to receiving a Scheduling Order.
- xii. Upon receipt of the Scheduling Order, the responding party shall pay fees seven days prior to the scheduled session.
- xiii. The fee for adult education is \$40 for each party. The fee for children's education is \$30 for each child. Each party shall pay one-half of each child's total fee. The fees for education shall be payable to the Allegheny County Treasurer by certified check or money order. No cash or personal checks will be accepted.
- xiv. The fee for mediation orientation shall be \$100 for each party. The fee for mediation orientation shall be made payable to the Allegheny County Treasurer by cashiers' check or money order. No cash or personal checks will be accepted.
- xv. Under exigent circumstances, the court will consider waiver, reduction or assessment of fees to the other party for those unable to pay. Any such request must be presented through Motions Court and must be accompanied by a verified affidavit of indigence or other proof of economic hardship in accordance with Pa.R.C.P. 240 and 1920.62.
- xvi. Under no circumstances will any party or child be permitted to participate in any of the Programs absent timely payment of fees.
- xvii. In accordance with the Generations Program Description and Instruction Package, which are available at Generations, fees for the education/mediation program are non-refundable with the following exceptions:
  - 1. The parties are excused from participation in mediation orientation because a Domestic Violence Waiver has been filed by either or both parties.
  - 2. A signed Custody Consent Order of Court is filed and served on Generations seven days before the scheduled education program or the scheduled mediation orientation.
  - 3. Petitioner withdraws the pleading seven days prior to the scheduled education or mediation orientation.
  - 4. Respondent's fees are refunded when Petitioner fails to appear for education and/or mediation.

**Note:** Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1915.3(d) Confirmation of Custody.**

- i. An order confirming custody to formalize a *de facto* custody arrangement to which there is no contest or opposition may be established through this Court's Motion Court procedure for represented and unrepresented parties.
- ii. Any party(ies) may seek confirmation of their current arrangement as a legal and/or physical custody of any child(ren) as follows:
  - a) A Complaint for Custody must be prepared properly in accordance with Pa.R.C.P. 1915.3 and 1915.15. All of the information required by Rule 1915.15 must be provided. Additionally, a copy of the most recent custody order relating to the child or children must be attached, if any exists.
  - b) All parties must be served in accordance with Pa.R.C.P. 1930.4 with movant's Complaint for Confirmation of Custody together with the exhibits. The complaint is deemed filed when notice of its presentation is given.
  - c) All parties are to be provided seven days notice of the date and time of presentation of movant's petition.
  - d) If no party appears to oppose movant's petition, the court will grant interim relief confirming custody in movant without prejudice to any party's right to seek reconsideration or modification at any time.
  - e) If this court has granted such relief, the Prothonotary shall accept for filing the Complaint for Custody without a Scheduling Order from Generations if the Complaint for Custody is accompanied by the Petition for Confirmation of Custody together with exhibits and a signed Order of Court confirming custody in the movant. Filing fees charged by this Court's prothonotary for the Complaint for Custody and any other document in reference therein, must be paid unless the party has sought waiver of the fees through the court's established procedure to secure an *in forma pauperis* status.

**Note:** Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1915.3(e) Grandparents. Third Parties.**

- i. A grandparent who wishes to pursue custody or partial custody should refer to the statutory provisions found in 23 Pa.C.S. §5311, 5312, 5313 and 5314, and should carefully review these provisions to insure that he or she has standing to bring an action.
- ii. The partial custody claims of grandparents or other third parties shall not be scheduled for education, mediation or for a conference/hearing without an Order

from a Family Division judge through regular or pro se motions. Grandparents/third parties who are not represented by an attorney may obtain assistance on how to prepare, serve and file a motion if they meet financial eligibility requirements from the *pro se* volunteer attorney program.

**Note:** Promulgated April 2, 1998, effective May 25, 1998; rescinded January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1915.4(a)      *Service. Rescheduling.***

- i. The moving party shall be solely responsible for serving the responding party(ies) with true and correct copies of the court's papers initiating the custody action, the Scheduling Order, the Domestic Violence Waiver and the Program descriptions within five days of the date of the Scheduling Order.
- ii. The moving party shall also file a Proof of Service indicating the date, time and manner of such service with the court's prothonotary and Generations.
- iii. Rescheduling of the education seminar date and/or time for any of the Programs should be sought only when necessary.
- iv. No case will be rescheduled for a date longer than 70 days after the issuance of the Scheduling Order, except upon order of court, which shall be granted only in exigent circumstances. Requests to reschedule a date after expiration of the 70 days should be made through Family Division's motion court.
- v. Any party seeking to reschedule the education sessions must contact Generations at 412-350-4311 to determine available dates.
- vi. Any party seeking to reschedule the Generations mediations session must seek rescheduling through Motions Court.

**Note:** Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1915.4-3      *Orientation. Mediation. Confidentiality. Mediator. Qualifications. Conciliation. Psychological Evaluation and Home Study.***

- i. Mediators shall have a college degree and either an advanced degree or equivalent experience. Additionally, all mediators without exception shall take a basic 40-hour domestic mediation training seminar conducted by trainers who have been approved by the American Academy of Family Mediators and a basic domestic violence training seminar which has been approved by the American Academy of Family Mediators. All mediators shall carry liability insurance. Mediators shall adhere to the

standards of practice adopted by the American Academy of Family Mediators and the American Bar Association.

- a. If at any time prior to or during any mediation session, it becomes apparent to the mediator or parties that the mediator has an actual conflict, the mediation shall be discontinued immediately, and a new mediator shall be assigned.
  - b. No one shall act as a mediator if he or she has provided legal representation, counseling or therapy for the parties or children. Subsequent to the mediation, no mediator shall act as legal counsel or as a therapist or expert for parties who took part in the mediation or children who were the subject thereof.
- ii. All mediation conducted through Generations shall be “closed.” Accordingly, the contents of such mediation shall be confidential. If both parties provide written consents, mediators may, but shall not be required, to discuss such contents with counsel or others. Disclosure by the mediator of anything learned during the mediation process shall be controlled by 42 Pa.C.S. §5949.
  - iii. No one except parties shall be permitted in Generations office at the time set for mediation.
  - iv. At the conclusion of the mediation session, if an agreement is reached, the mediator shall write a Memorandum of Understanding (“Memorandum”). The Memorandum shall not be legally binding upon the parties. Should parties have counsel, they shall be referred to counsel to reduce the Memorandum to a Parenting Agreement and/or Order of Court. Should parties not have counsel, they shall be referred to the Allegheny County Bar Association Lawyer Referral Service (“Lawyer Referral”). Lawyer Referral shall provide each party with the name of an attorney who has agreed to represent the party. Such counsel shall reduce the memorandum to a mutually agreeable Parenting Agreement and/or Order of Court for a flat fee of \$100 per party. Counsel shall be responsible for no other action on behalf of the party and need not enter an appearance with this Court.
  - v. In the event no resolution results from mediation, the parties may consent to continue to mediate with the same mediator, or by consent the parties may choose a different Generations mediator. Up to an additional six hours of mediation may be scheduled for a fee of \$100 per hour at \$50 per party. Absent consent to an alternative arrangement or Order of Court, each party shall be responsible for their own fee.
  - vi. If at any time during these six additional hours of mediation the parties are able to reach a Memorandum of Understanding, which, in turn, is reduced to a Parenting Agreement and/or Order of Court, or should the mediator in his or her sole discretion declare that the mediation is at a permanent and irrevocable impasse and should be terminated, the mediator shall refund to each party \$50 for each full hour not used during the mediation.

- vii. Parties who elect to litigate the custody issue shall be required to present a praecipe to schedule a conciliation with one of the court's custody Domestic Relations Officers ("DROs"). This praecipe must be presented to Generations and must have a copy of the certificate of completion of mediation attached within 120 days of the completed mediation session.
- viii. Partial custody establishments, modification and contempt proceedings which are not settled by the DROs will be listed for a hearing before the Partial Custody Hearing Officer.
- ix. Custody cases which are not resolved by the DROs may be referred by the DRO for psychological evaluations. After the evaluation is completed, the parties may praecipe for conciliation before a judge.
- x. Parties who did not elect to pursue litigation at the completion of their mandatory mediation orientation session and who subsequently determine that they may need to return to litigation, may obtain conciliation by filing a praecipe, a copy of the certificate of completion of mediation, and a copy of the underlying pleading with Generations.
- xi. Parties who have never been through the Programs and wish to proceed directly to a conciliation must obtain an order permitting them to do so from the judge in either regular or *pro se*, motions.
- xii. Where the parties have gone to education but not to mediation (i.e., because the mediation was canceled because the parties had a consent order, or the parties were previously waived from mediation by a judge and a court order was issued following conciliation/hearing, etc.) the case will automatically be scheduled for mediation orientation only, and the petitioner will be provided an appropriate Scheduling Order. Petitioner and respondent will pay fees as stated above in the usual case.
- xiii. For parties who attended mediation orientation more than 120 days ago, whether they now have a new action (i.e., the case that initially brought them to mediation was establishment and now they seek modification or enforcement) or they need to resolve finally the action that originally brought them to mediation orientation (i.e., they initially mediated the issue of establishment but never turned the memorandum into a consent order), they will automatically be scheduled for mediation orientation as set forth above.
- xiv. For parties who attended mediation orientation less than 120 days ago, they may file a praecipe for conciliation and proceed through the court process.

**Note:** Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1915.9(a)      *Pre-Trial Procedures.***

- i. Preliminary Objections shall be argued in conformity with local rule 1930(b).
- ii. Pre-Trial Statements
  - (a) In all actions for full and partial custody, the parties shall be in conformity with the pre-trial order issued by the assigned judge.

**Note:** Promulgated April 2, 1998, effective May 25, 1998.

**Rule 1915.12(a)(1) *Civil Contempt for Disobedience of Custody Order, Petition, Service, Order.***

- i. The agency to be named in the notice accompanying a petition for civil contempt shall be:

Lawyer Referral Service  
920 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
Telephone: (412) 261-0518

**Note:** Original Rule 1915.12(a)\*1 adopted March 5, 1982. Current rule promulgated April 2, 1998, effective May 25, 1998.

**Rule 1915.14(a) *Noncompliance. Contempt. Arrest.***

- i. If the moving party fails to pay fees as specified, fails to appear for education and/or mediation orientation or fails to insure that any child within their physical custody appears for education, the custody action shall be dismissed without prejudice, and any fees paid by the moving party shall be forfeited.
- ii. If the non-moving party fails to pay fees as specified, fails to appear for education and/or mediation orientation or fails to insure that any child within their physical custody appears for education, an immediate rule to show cause why the non-moving party should not be held in contempt shall issue from this court. Such rule will be returnable on a date certain within 14 days.

**Note:** Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1915.15(a)(1) *Form of Complaint. Caption. Order.***

- i. The agency to be named in the order of court accompanying the complaint shall be:

Lawyer Referral Service  
920 City-County Building

414 Grant Street  
Pittsburgh, PA 15219  
Telephone: (412) 261-0518

**Note:** Original Rule 1915(a)\*(1) adopted March 5, 1982. Current rule promulgated April 2, 1998, effective May 15, 1998.

**Rule 1915.16(c) Form of Order and Notice, Joinder, Intervention.**

i. The agency to be named in the order of court and notice under this rule shall be:

Lawyer Referral Service  
920 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
Telephone: (412) 261-0518

**Note:** Original Rule 1915.16\*(c) adopted March 5, 1982. Current rule promulgated April 2, 1998, effective May 25, 1998.

## **Action of Divorce or for Annulment of Marriage**

**Rule 1920.12 Complaint. Contents and Filing.**

**(a) The Complaint.**

- (1) The plaintiff in the complaint and the defendant in the answer, counterclaim or other petition shall set forth each claim as a separate count.
- (2) If a claim is made by either party to the action for custody, partial custody, or visitation, the relevant count in the pleading must comply with the requirements of the applicable rules.
- (3) If a claim is made by either party to the action for alimony pendente lite, alimony, or support, the party shall attach to the pleading as an exhibit the Family Division Support/Alimony Pendente Lite/Alimony Information Sheet. These sheets may be obtained from the Intake Office or the Screening Window in Family Division.

**(b) Filing the Complaint.**

- (1) All divorce and annulment complaints shall be filed and the filing fee paid in the Prothonotary's Office, 1<sup>st</sup> Floor, City-County Building, 414 Grant

Street, Pittsburgh, PA 15219, where they will be assigned a docket number. The number given to the divorce will also be assigned to any other claim contained in the divorce complaint or other pleadings subsequently filed in this action. If there is a prior action between the parties, the case shall be docketed in conformity with Local Rule 1930(f).

- (2) A party filing any secondary pleading to the divorce action (answer, counterclaim or other petition) shall file such pleadings at the Prothonotary, 1<sup>st</sup> Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219.
- (3) If the divorce proceeding includes a claim for support, alimony pendente lite or counsel fees, any party seeking a conference/hearing on said claim shall file a praecipe at the screening window in Family Division requesting that a conference/hearing date be scheduled and further stating that there is no existing order of support and/or alimony pendente lite providing for the support of a spouse. The party seeking the conference/hearing shall provide two copies of the pleading(s) raising the claim for support, alimony pendente lite or counsel fees and the Family Division Support/Alimony Pendente Lite/Alimony Information Sheet to the clerk at the screening window at the time the praecipe for conference/hearing is filed. Where there is an existing order for support and/or alimony pendente lite providing for the support of a spouse, a hearing will be scheduled only pursuant to an order of court obtained by following the procedures required for filing motions at Family Division Motions Court as provided in Local Rule 1930(a).

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

**Rule 1920.33      *Joinder of Related Claims. Distribution of Property. Resolution of Claims for Equitable Distribution of Marital Property and Alimony.***

(a)      ***Scheduling Conciliations for Contested Claims Raised Under §§3301 and 3701 of the Divorce Code.***

- (1) A conciliation before the court shall be scheduled where either party has raised the claim of alimony and/or equitable distribution of marital property that is contested by the opposing party and (1) the parties are divorced, have both filed affidavits of consent pursuant to 23 Pa.C.S. §3301(c) or have been living separate and apart for two years and (2) there is compliance with the requirements of subpart B of this local rule. If both alimony and equitable distribution are raised, they shall be conciliated together.

**Note:** If either party has an outstanding claim for counsel fees, that claim must also be raised at the conciliation. Any outstanding claim for counsel fees that is not included in a final court order covering the alimony and equitable distribution claims shall be deemed to be denied by the court in the absence of specific language to the contrary.

- (2) No conciliation shall be scheduled until both parties have complied with Rules 1920.31(a) and 1920.33(a) of the Pennsylvania Rules of Civil Procedure relating to the filing of an inventory and appraisal and income and expense statements. If alimony is the only claim before the court, only Rule 1920.31(a) need be complied with.
- (3) Once both parties have complied with subparts 1 and 2 of this local rule, either party may schedule the conciliation pursuant to local rule 1930(c).
- (4) The party scheduling the conciliation shall notify the opposing party of the conciliation date.
- (5) In the absence of compelling circumstances, all parties shall be present for the conciliation; however, upon written agreement between counsel for the parties (where counsel believes appearance by the parties would not be fruitful or necessary) parties may be excused from attendance at the first conciliation.

(b) ***Action to be Taken Where a Party Fails to Comply with Rules 1920.31(a) or 1920.33(a).***

- (1) On praecipe of any party who has complied with Rules 1920.31(a) and 1920.33(a), a rule shall be entered upon a non-complying party to file the inventory and appraisal and/or a statement of income and expense within 30 days of the service of the rule.

(i) ***The praecipe.***

- a. The praecipe shall be prepared substantially in the following form:  
“The plaintiff/defendant has complied fully with Rules 1920.31(a) and/or 1920.33(a) and the opposing party has failed to do so. Plaintiff-Defendant, therefore, requests that a rule be entered directing compliance with Rules 1920.31(a) and/or 1920.33(a) within 30 days of the date of the service of the rule.”

- (ii) The praecipe shall be filed in the Administrative Office of Family Division, 5<sup>th</sup> Floor, Family Court Facility, 440 Ross Street, Pittsburgh, PA 15219. The party filing the praecipe is responsible for serving a copy of the rule on the opposing party.

- (2) If is necessary for the court subsequently to issue an order directing compliance with Rules 1920.31(a) and/or 1920.33(a), such order shall, in

the absence of compelling circumstances, contain, inter alia, a provision for payment of counsel fees and costs to the moving party.

(c) ***Scheduling Hearings for Uncontested Claims Raised Under Sections 3501 and 3701 of the Divorce Code.***

- (1) Where a party has raised claims for alimony and/or equitable distribution of marital property and has reasonable grounds to anticipate that the opposing party does not intend to appear at any conciliation or court hearing to contest these claims, the claims shall be scheduled for a hearing before the court.
- (2) A hearing is scheduled by filing a praecipe with the Family Division Docket Clerk.
- (3) The party filing the praecipe is responsible for serving the opposing party with the scheduling order required by the Court.
- (4) Prior to filing the praecipe, a party must have complied with Rules 1920.31(a) and 1920.33(a) of the Pennsylvania Rules of Civil Procedure.
- (5) *[Rescinded January 5, 1996, effective February 26, 1996.]*
- (6) At the uncontested hearing, the court shall hear only the essential facts required to enter an order. If the opposing party appears to contest the claim, the hearing shall be discontinued and the case shall proceed under subpart (a) of this Local Rule.

**Note:** The purpose of subpart (c) of this rule is to deal with the claims of alimony and/or property distribution where no consent can be obtained but there also appears to be no contest. It is contemplated that the Court will be able to expeditiously deal with these cases particularly where property is minimal or where only a nominal alimony order is sought.

(d) ***Court Approved Settlements.***

- (1) Where the parties have reached an agreement on the issues of alimony and/or equitable distribution of marital property, and where court approval of the agreement is desired, the agreement shall be included with the proposed divorce decree. The agreement shall be signed by all parties and/or their counsel.

**Note:** Adopted May 15, 1981, effective immediately; amended May 9, 1983, effective July 2, 1983; further amended January 5, 1996, effective February 26, 1996; amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1920.42      *Affidavit and Decree Under Section 3301(c) or 3301(d) of the Divorce Code. Obtaining Decrees.***

- (a) If a complaint and the 3301(d) affidavit have been filed under Section 3301(d) of the Divorce Code and 20 days from service of the §3301(d) affidavit have elapsed<sup>1</sup> and the responding party has not filed a contested responsive pleading within 20 days of service of the affidavit, the moving party shall mail to the responding party's current address or otherwise deliver to the responding party a Notice of Intention as required by Pa.R.C.P. 1920.42(c) giving the responding party 20 additional days in which to deny these allegations. The 20 additional days to be given the responding party in the Notice of Intention begins to run on the date on which the notice is mailed or delivered. Registered or certified mail is not required. The moving party shall insert in the notice a date on which the court is in session that is at least 20 days from the date of mailing or delivery.
- (b) If the responding party has not responded to the additional notice of intention, the court, on praecipe in the form prescribed by Rule 1920.73 will review the complaint and the 3301(d) affidavit and, if appropriate, enter a final decree. An affidavit of service shall be filed for both the 3301(d) complaint and the 3301(d) affidavit. However, only one affidavit of service is necessary if the complaint and the 3301(d) affidavit were served at the same time.
- (c) In all cases the moving party is responsible for submitting a proposed decree in a form required by Pa.R.C.P. 1920.76 prior to court review of the divorce claim.
- (d) Scheduling a Conciliation Before the Court Under Section 3301(d)(1)(ii).
  - (A) Where the responding party has denied one or more of the allegations set forth in the moving party's affidavit under Section 3301(d) of the Code, either party may obtain a date for conciliation of the divorce claim from the docket clerk, 3<sup>rd</sup> Floor, Family Court Facility, 440 Ross Street, Pittsburgh, PA 15219, and then filing a "Praecipe for Conciliation Date" listing such date with the Prothonotary, 1<sup>st</sup> Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219, and serving copies of same on all parties of record.

**Note:** Amended May 9, 1983, effective July 2, 1983, further amended January 5, 1996, effective February 26, 1996, amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1920.46      *Representation of Defendant in Military Service.***

- (a) In all actions in divorce, except 3301(c) claims, where the defendant is in the military service, the plaintiff shall, at the time of the filing of the complaint, petition the court to appoint an attorney to represent the defendant, setting forth in said petition the address of the defendant. A copy of the complaint must be furnished to the attorney thus appointed, who shall then send a copy to the defendant,

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<sup>1</sup> Conforms to amended State Rule 1920.42(d)(1) effective January 1, 1996.

together with a form of power of attorney authorizing the appointed counsel to appear for the defendant and to accept service of all papers.

**Note:** Amended January 5, 1996, effective February 26, 1996.

**Rule 1920.51      *Hearing by the Court. Appointment of Master. Notice of Hearing. Contested and Uncontested Divorce Claims Under §§3301(a) and 3301(b) of the Divorce Code.***

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

- (7) The master's fee and transcript costs shall be taxed as part of the costs and paid as directed in the final decree.
- (8) The master appointed by the court to hear a contested divorce case shall, after prior notice to both parties, petition the Motions Judge to award the master's fees. The petition shall state that the master has filed a report with the Prothonotary and given notice to counsel of the filing thereof and that the master has no further duties to perform and the master shall include a detailed list of the services provided and the amount which the master considers to be reasonable compensation.

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

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

**Praecipe for Hearing Date**

(Caption

No. \_\_\_\_\_)

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

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

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(address)

or

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

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(address)

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

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

or

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

\_\_\_\_\_  
*Attorney for Plaintiff*

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

### **Notice of Hearing**

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

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

\_\_\_\_\_  
*Prothonotary*

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

- (8) The testimony shall be transcribed and filed within 10 days of the hearing. Within five days after the testimony has been transcribed and filed, the master shall file a report and recommendations and serve notice thereof on all interested parties. The record, including the master's report and recommendations, shall be submitted to the court for disposition.
- (9) In the event the moving party does not wish to file exceptions to the master's report and recommendations, the moving party shall submit a proposed decree in divorce to the court. In the event a party wishes to file exceptions to the master's report and recommendations, the party shall do so within 10 days from the filing thereof. The exceptions shall be filed in the office of the Prothonotary with notice to the court and the opposing party. Also the exceptant shall provide a copy of the exceptions to the Docket Clerk in order to obtain an argument date.

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

**Rule 1920.55-2 *Master's Report. Notice. Exceptions. Final Decree.***

- (c)(1) Any party filing exceptions shall immediately serve them upon all other parties and the court reporter and shall, unless otherwise provided by order of court, order the transcript of testimony, unless the transcript has previously been filed.
- (2) Briefs shall be filed and argument scheduled as provided by order of court after the period for filing exceptions has expired.

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

**Rule 1920.62 *Proceedings by Indigent Parties.***

- (a) Any person claiming to be an indigent party and who either desires to commence an action in divorce or is a party to a pending action in divorce in Allegheny County shall be referred to the Divorce Law Project, Suite 300, Allegheny Building, 429 Forbes Avenue, Pittsburgh, PA 15219 to make application under oath.
- (b) The Divorce Law Project is hereby authorized to assign an attorney from among its members to represent each applicant determined by it to be an indigent person.
- (c) An order permitting a party to proceed without payment of costs may provide:

That the Prothonotary shall accept, file, docket and process all pleadings, orders and decrees without prepayment of costs;

That the Sheriff shall make service and return of service without prepayment of costs;

That the master shall hear the testimony and make and file a report without prepayment of costs.

- (d) In the event that it is determined that the applicant or any other person who is legally responsible to the applicants is or has become financially able to pay the costs, an order may be entered against that person for the payment of all or any part of costs including reasonable counsel fees.

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

**Rule 1930.                    *Domestic Relations Matters Generally.***

(a) Family Division Motions

- (1) Family Division motions may be presented to the motions judge at 1:30 p.m. on each court day, unless notice that motions will not be heard, or that motions will be heard at a different time, as published in the *Pittsburgh Legal Journal*.
- (2) The party who presents a motion shall include a notice of presentation and certificate of service in the absence of written consent thereto. The notice of presentation and certificate of service shall be contained on a separate page of the motion or petition following the identification sheet. This notice is required even if the opposing party is not represented by counsel. Seven days notice of presentation of any motion is required absent an emergency or consent by the opposing party to a shorter notice of presentation.
- (3) On the same date that the motion is presented, the party who presents a motion to the motions judge shall obtain any required hearing or conciliation date from the Family Division docket clerk and file with the Prothonotary the motion and the court order entered by the court. If a party fails to present the motion to the docket clerk as required by this rule the docket clerk shall refuse to give a hearing or conciliation date. If the signed order schedules a conference or hearing before a domestic relations officer, a copy of the pleading and order must be left with the docket clerk.
- (4) The *Pittsburgh Legal Journal* publishes a monthly list setting forth the dates that a judge assigned to the Adult Section of the Family Division will hear motions. Unless there are unusual circumstances where a judge has been actively involved in the matter that is the subject of the motion, counsel should present the motion to the assigned judge.

- (5) Any motion which involves support payments that are assigned to the Pennsylvania Department of Public Welfare or in which the plaintiff is not represented by private counsel shall be served on the IV-D Attorney, Fort Pitt Commons Building, Third Floor, 445 Fort Pitt Boulevard, Pittsburgh, PA 15219, as well as on the plaintiff.
  - (6) Any motion which involves support payments or any other matter which is governed by the Uniform Interstate Family Support Act (UIFSA) or the Intrastate Family Support Act (IFSA) and in which the plaintiff is not represented by private counsel shall be served on the IV-D Attorney, Fort Pitt Commons Building, Third Floor, 445 Fort Pitt Boulevard, Pittsburgh, PA 15219 as well as on the plaintiff.
- (b) Procedure for Preliminary Objections and Motions for Judgment on the Pleadings or Summary Judgment
- (1) Preliminary Objections shall be scheduled on the next available Support Argument List occurring more than 13 days after the Preliminary Objections are filed with the Prothonotary and the Exceptions Clerk. Objector shall serve notice on all parties of the time and place of argument. No preliminary objections shall be accepted for filing by the Exceptions Clerk unless accompanied by a brief. Failure to file a brief with the Preliminary Objections shall be cause for dismissal of the Preliminary Objections. If Respondent files a brief it shall be filed with the Exceptions Clerk at least seven days prior to argument. Except as provided by Local Rule 1910.7, the scheduling of Preliminary Objections shall stay all proceedings.  
  
**Note:** Local Rule 1910.7 relates to support proceedings. Divorce and custody proceedings are stayed upon scheduling of preliminary objections.
  - (2) Motions for Judgment on the Pleadings or Summary Judgment shall be scheduled on the next available Friday Support Exception Argument List occurring more than 41 days after the motion is filed. Movant shall serve notice on all parties of the time and place of argument. Respondent's Answer, if any, together with any opposing affidavits shall be filed at least 21 days prior to the argument date. Movant shall file a brief at least 14 days prior to argument. Respondent's brief, if any, shall be filed at least seven days prior to argument.
- (c) Scheduling Conciliations: Matters that are tried by a judge will not be listed for trial until they have been conciliated by a judge.

The following matters may be scheduled for a conciliation by filing a praecipe with the Docket Clerk: conciliation on §3301(d) divorce claims; custody claims with order of court attached, see Pa.R.C.P. 1915(a) and (c); partition and equity claims and equitable distribution and alimony claims (provided that both parties have filed

an inventory), and that either (a) the parties are divorced, (b) both parties have filed an affidavit under Section 3301(c) of the Divorce Code or (c) both parties agree that they have lived separate and apart for at least two years and that the marriage is irretrievably broken).

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

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

(d) Continuances [Rescinded]

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

(e) Enforcement of an Equitable Distribution Award

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

(f) Case Numbers. Suffixes.

- (1) All pleadings filed with the Adult Section of the Family Division shall be filed under the originally assigned case number for the involved family. After an original case number has been assigned to all pleadings, regardless of the caption or nature of the case, all pleadings shall be filed under the originally assigned number. The caption shall reflect the appropriate party initiating each original action as the plaintiff.
- (2) If counsel or a party believes that there may be a previously assigned case number, but the number is not known, the information may be obtained from the Prothonotary's Office.
- (3) In addition to the docket number assigned to all matters involving the family, the Prothonotary shall assign a three digit suffix designating the judge to whom the case is assigned. All pleadings must include the suffix, as well as the docket number.

- (4) All motions, exceptions, conciliations, hearings and other matters shall be listed only before the judge to whom the case is assigned, absent a compelling emergency or the long term unavailability of the designated judge.
- (5) Cases in which the initial pleading was filed before May 1, 1997, may be amended to add the suffix of the judge most familiar with the case.
- (6) In the event that a defendant in a support matter has more than one case, the captions of all of the cases shall be amended to assign them to the judge assigned to the case filed first in time. If there is no judge assigned to the case filed first in time, the cases will be assigned to the next judge in the rotation for assigning suffixes.

(g) Family Division Court Manual

Except as otherwise provided by the Pennsylvania Rules of Civil Procedures (Pa.R.C.P.) or by local rule adopted by the Court of Common Pleas of Allegheny County (Local Rules), practice in the Adult Section of the Family Division shall be governed by the Court Manual for the Adult Section of Family Division of the Court of Common Pleas of Allegheny County. Current copies of the Court Manual shall be available at the office of the Administrator, Adult Section of Family Division, 5<sup>th</sup> Floor, Family Court Facility, 440 Ross Street, Pittsburgh, PA 15219.

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

**Rule 1930.1      *Electronic Filing in Family Division Matters***

- (a) Except as otherwise provided by subsection (b) of this rule, parties may file legal papers, including original process, with the Prothonotary by means of electronic filing in any Family Division matter or proceeding brought in this court. In general, any legal paper which can be filed in hard copy directly with the Prothonotary, and without first processing through Family Division, may be filed electronically.

**Note:** A “legal paper” as used in this rule means a pleading or other paper filed in any Family Division action.

- (b) The following legal papers, must be filed in accordance with established procedure for filing hard copy documents and may not be filed with the Prothonotary by means of electronic filing:
  - (1) Legal papers relating to Protection From Abuse matters which must be processed with the PFA Office in Family Division before they can be filed.
  - (2) Legal papers relating to custody, partial custody or visitation matters which must be processed through the Generations office before they can be filed.

- (3) Legal papers relating to spousal or child support must be processed through Family Division before they can be filed.
- (4) Legal papers relating to divorce which contain or address counts or counterclaims for support, alimony pendente lite, alimony or custody, partial custody and visitation, must be processed through the offices to which reference is made in (1), (2) or (3) of this subsection.

**Note:** Divorce pleadings which do not include or address any of the counts enumerated above may be filed electronically, including but not limited to, §3301(c) or §3301(d) affidavits of consent, §3301(c) or §3301(d) counter-affidavits, waiver of notice of intention to request entry of a decree, notice of intention to request a divorce decree, and praecipe to transmit the record.

- (5) Any and all legal papers which must be presented to a Family Division judge in motions before filing with the Prothonotary.
- (c) The filing party shall maintain the original hard copy of any legal paper that is electronically filed.
  - (d) The Prothonotary shall provide electronic access at all times. The time and date of the filing and receipt shall be that registered by the Prothonotary's computer system.
  - (e) The web site address of the Prothonotary is as follows:  
Prothonotary.County.Allegheny.PA.US.
  - (f) Access to the web site shall be available to an attorney by use of the attorney's Supreme Court identification number issued by the Court Administrator of Pennsylvania. Access is also available to any user by the user selecting any numbers or letters that the user wishes to use as an identification number.
  - (g) The Prothonotary shall maintain an electronic and a hard copy file for the legal papers described in the first sentence of section (a).
  - (h) Procedures for payment of the fees and costs of the Prothonotary shall be set forth on the Prothonotary's web site.
  - (i) The Prothonotary shall provide a filing status message to the filing party setting forth the date of and time of acceptance of the filing or the fact that the filing has not been accepted. A legal paper is not considered filed if the Prothonotary responds to the filing by notifying the filing party that the filing party has not (i) maintained sufficient funds to pay the fees and costs described in subsection (h), or (ii) authorized payment by credit or debit card of these fees and costs.

**Note:** A filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the Prothonotary. See Pa.R.C.P. 205.4(e)(2). One of the risks is that the Prothonotary—either correctly or incorrectly—determines that the filing party has not met its obligation for payment of the necessary fees and costs.

**Note:** Adopted January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.