

THE COURTS

Title 255—LOCAL COURT RULES

ERIE COUNTY

Revision and Restatement of the Rules of Civil Procedure; No. 90502-1997

Order

And Now, this 16th day of May, 1997, the following revisions and additions to the Rules designated as the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania, are hereby approved, adopted and promulgated as the Rules of Court. These Rule changes, revisions and deletions shall become effective thirty days after the publication of the same in the *Pennsylvania Bulletin*, and they shall apply to all actions pending at the time.

JOHN A. BOZZA,
President Judge

Rule 304. Family Law/Orphans' Division Motion Court.

a. Motion Court, for the purpose of obtaining a Final Order or an order for Emergency Relief, shall be held Monday, Tuesday, Wednesday and Thursday at 9:00 a.m.

b. All other Petitions and Motions seeking a Rule to Show Cause, Argument, or hearing date shall be presented only by counsel or pro se litigant, in duplicate, to the Family/Orphans' Court Administrator between the hours of 9:00 a.m. to 11:00 a.m. and 1:30 to 3:00 p.m., Monday through Friday.

c. A Motion Court Cover Sheet in the form which follows this rule shall be completed and attached to all Motions or Petitions filed.

d. The Family/Orphans' Court Administrator shall be responsible for scheduling with the Judges all Arguments, Hearings and Rules To Show Cause on the Motions or Petitions presented to the Family/Orphans' Court Administrator.

e. The attorneys or pro se litigants presenting a Motion or Petition to the Family/Orphans' Court Administrator

shall be responsible for filing original Petitions or Motions and Orders with the Prothonotary or Clerk of the Orphans' Court and serving copies of the Order and Petition or Motion on opposing counsel or pro se litigants.

f. The Family/Orphans' Court Administrator shall collect one copy of the Petition or Motion and Order for the hearing Judge.

g. The Motions or Petitions and Order shall be filed on the date the Order is signed.

h. For Motions or Petitions seeking Emergency Relief or a final Order, notice shall be given to opposing counsel or pro se litigants pursuant to Rule 440 of the Erie County Local Rules.

i. Insofar as this Rule is inconsistent with Erie County Local Rule 303, Rule 304 shall apply.

Rule 1910.16-1. Alimony Pendente Lite.

a. All Motions and Petitions for alimony pendente lite, modification or termination thereof including counsel fees, shall be filed with the Domestic Relations Office.

b. The Domestic Relations Office shall make a recommendation as to alimony pendente lite pursuant to the procedures of Erie County Local Rules and Pennsylvania Rules of Civil Procedure 1910.11 and 1910.12 which shall be determined in accordance with support guidelines, Pennsylvania Rule of Civil Procedure 1910.16-2 and as a formula in Rule 1910.16-5.

c. All Motions and Petitions for alimony pendente lite, modification, termination, or exceptions therefrom shall be subject to fees as established by the Domestic Relations Office.

COMMENT

A count for Alimony Pendente Lite in a Divorce Complaint does not activate the processing of that claim. The filing of a Petition for Alimony Pendente Lite in the Domestic Relations Office pursuant to Rule 1910.16-1 activates that claim and establishes the effective date of the claim.

[Pa.B. Doc. No. 97-874. Filed for public inspection May 30, 1997, 9:00 a.m.]