

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 1910]

#### Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 74 Republication

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

This recommendation has been amended since its first publication in light of comments received. It is being republished to solicit comments on the revised proposal.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The Committee solicits comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, April 27, 2007 directed to:

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*By the Domestic Relations  
Procedural Rules Committee*

NANCY P. WALLITSCH,  
*Chair*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

\* \* \* \* \*

(b) *Treatment of Public Assistance, SSI Benefits and Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement.*

(1) Neither public assistance nor Supplemental Security Income (SSI) benefits shall be counted as income for purposes of determining support.

#### (2) Social Security Derivative Benefits.

**(A) This subdivision (A) shall only be applied if the child is receiving Social Security derivative**

**benefits as a result of the obligor's retirement or disability. It shall not apply if the benefits are the result of the obligee's retirement or disability.** If a child for whom support is sought is receiving Social Security benefits as a result of **[ a parent's ] the obligor's retirement [ , death ]** or disability, the benefits the child receives shall be added to the combined monthly net incomes of the obligor and the obligee to calculate the income available for support on the vertical axis of the basic child support schedule set forth in Rule 1910.16-3. The presumptive amount of support as set forth on the schedule at the combined income of the obligee, obligor and child's benefits shall then be **[ reduced by the amount of the child's benefits before apportioning the remaining support obligation ]** apportioned between the parties pursuant to Rule 1910.16-4. **After such apportionment, the amount of the child's benefit then shall be deducted from the obligor's share of the basic support amount.**

**(B) If a child for whom support is sought is receiving Social Security benefits as a result of the obligee's retirement or disability, the benefits shall be added to the obligee's net monthly income and the amount of support calculated without any additional adjustment. The amount of the child's benefit will be included in the obligee's net monthly income on line 4 of the formula at Rule 1910.16-4. It shall not be added on line 6 or subtracted on line 9 or line 12 of the formula.**

**(C) For purposes of determining the support obligation of a surviving parent when the child is receiving benefits as the result of the other parent's death, the benefits the child receives shall be added to the combined monthly net incomes of the obligor and the obligee to calculate the income available for support on the vertical axis of the basic child support schedule set forth in Rule 1910.16-3. The presumptive amount of support as set forth on the schedule at the combined incomes of the obligee and the obligor, plus the child's benefits, shall then be reduced by the amount of the child's benefits before apportioning the remaining support obligation between the parties. The income of a non-parent obligee who is caring for a child but has no support obligation to that child shall include only those funds the obligee is receiving on behalf of the child.**

*Example 1.* If the obligor has net income of \$1,200 per month; the obligee has net monthly income of \$800; and the child receives Social Security derivative benefits of \$300 per month as a result of **[ either ]** the obligor's **[ or obligee's ]** retirement or disability, then the total combined monthly net income is \$2,300. Using the schedule at Rule 1910.16-3 for one child, the amount of support is \$568 per month. **[ From that amount, subtract the amount the child is receiving in Social Security derivative benefits (\$568 minus \$300 equals \$268). Then, apply ]** Apply the formula at Rule 1910.16-4 to apportion the **[ remaining ]** basic child support amount of **[ \$268 ] \$568** between the obligor and the obligee in proportion to their respective incomes. The obligor's \$1,200 net income per month is 60% of the total of the obligor's and the obligee's combined net monthly income. Thus, **under the formula,** the obligor's support obligation would be 60% of **[ \$268 ] \$568,** or **[ \$161 ] \$341,** per

month. From that amount, subtract the amount the child is receiving in Social Security derivative benefits (\$341 – \$300 = \$41). The obligor's basic support obligation is \$41.

\* \* \* \* \*

**Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.**

(a) The following formula shall be used to calculate the obligor's share of the basic guideline child support, spousal support and/or alimony pendente lite obligation:

*PART I. BASIC CHILD SUPPORT*

	<i>OBLIGOR</i>	<i>OBLIGEE</i>
1. Total Gross Income Per Pay Period	_____	_____
2. Less Deductions	( _____ )	( _____ )
3. Net Income	_____	_____
4. Conversion to Monthly Amount (if pay period is other than monthly)	_____	_____
5. Combined Total Monthly Net Income	_____	
6. Plus Child's Monthly Social Security, Death <b>Benefit, or</b> Retirement or Disability Derivative Benefit, if [ <b>any</b> ] <b>applicable</b> . (See Rule 1910.16-2(b)(2))	+ _____	
7. Adjusted Combined Monthly Net Income	_____	
8. PRELIMINARY BASIC CHILD SUPPORT OBLIGATION (determined from schedule at Rule 1910.16-3 based on number of children and line 7 adjusted combined monthly net income)	_____	
9. Less Child's Monthly Social Security Derivative <b>Death</b> Benefit, if <b>any</b> .	( _____ )	
10. BASIC CHILD SUPPORT OBLIGATION	_____	
11. Net Income Expressed as a Percentage Share of Income (divide line 4 by line 5 and multiply by 100)	_____ %	_____ %
12. <b>a. Each Parent's Preliminary</b> Monthly Share of the Basic Child Support Obligation (multiply line 10 and 11)	_____	_____
<b>b. Subtract Child's Social Security Derivative Disability or Retirement Benefit, if Created by the Obligor's Disability or Retirement, from the Obligation of the Obligor</b>	_____	
<b>c. Each Parent's Monthly Share of the Basic Child Support Obligation</b>	_____	_____

*PART II. SUBSTANTIAL or SHARED PHYSICAL CUSTODY ADJUSTMENT, IF APPLICABLE  
(See subdivision (c) of this rule)*

13. <b>a. Percentage of Time [ Spent ] Obligor Spends</b> with Children (divide number of overnights with obligor by 365 and multiply by 100)	_____ %
<b>b. Subtract 30%</b>	( <b>30</b> % )
<b>c. Obligor's Adjusted Percentage Share of the Basic Monthly Support Obligation (subtract result of calculation in line 13b from line 11)</b>	_____ %
<b>d. Obligor's Preliminary</b> Adjusted Share of the Basic Monthly Support Obligation (multiply line 13c and line 10)	_____
<b>e. Further adjustment, if necessary under Rule 1910.16-2(b)(2)(disability or retirement derivative benefits) and/or</b> subdivision (c)(2) of this rule	_____
<b>f. Obligor's Adjusted Share of the Basic Child Support Amount.</b>	_____

OBLIGOR

OBLIGEE

PART III. ADDITIONAL EXPENSES (See Rule 1910.16-6)

- 14. a. Obligor's Share of Child Care Expenses \_\_\_\_\_
- b. Obligor's Share of Health Insurance Premium  
    (if the obligee is paying the premium) \_\_\_\_\_
- c. Less Obligee's Share of the Health Insurance  
    Premium (if the obligor is paying the premium) ( \_\_\_\_\_ )
- d. Obligor's Share of Unreimbursed Medical  
    Expenses \_\_\_\_\_
- e. Other Additional Expenses, **Unusual Needs  
    or Unusual Fixed Obligations (See Rule  
    1910.16-5(b)(1))** \_\_\_\_\_
- f. Total Additional Expenses \_\_\_\_\_
- 15. OBLIGOR'S TOTAL MONTHLY SUPPORT  
OBLIGATION (add line 12c (or 13[ **d or e** ] f) (if  
applicable) and line 14f) \_\_\_\_\_

PART IV. SPOUSAL SUPPORT OR APL  
With Dependent Children

- 16. Obligor's Monthly Net Income (line 4) \_\_\_\_\_
- 17. Less Obligor's Support, Alimony Pendente Lite or  
Alimony Obligations, if any, to Children or  
Former Spouses who are not part of this action  
(see Rule 1910.16-2(c)(2)) ( \_\_\_\_\_ )
- 18. Less Obligee's Monthly Net Income (line 4) ( \_\_\_\_\_ )
- 19. Difference \_\_\_\_\_
- 20. Less Obligor's Total Monthly Child Support  
Obligation Without Part II Substantial or Shared  
Custody Adjustment (Obligor's line 12c plus line  
14f) ( \_\_\_\_\_ )
- 21. Difference \_\_\_\_\_
- 22. Multiply by 30% **x** \_\_\_\_\_ .30
- 23. AMOUNT OF MONTHLY SPOUSAL SUPPORT  
OR APL \_\_\_\_\_

Without Dependent Children

- 24. Obligor's Monthly Net Income (line 4) \_\_\_\_\_
- 25. Less Obligor's Support, Alimony Pendente Lite or  
Alimony Obligations, if any, to Children or  
Former Spouses who are not part of this action  
(see Rule 1910.16-2(c)(2)) ( \_\_\_\_\_ )
- 26. Less Obligee's Monthly Net Income (line 4) ( \_\_\_\_\_ )
- 27. Difference \_\_\_\_\_
- 28. Multiply by 40% **x** \_\_\_\_\_ .40
- 29. PRELIMINARY AMOUNT OF MONTHLY  
SPOUSAL SUPPORT OR APL \_\_\_\_\_
- 30. Adjustments for Other Expenses (see Rule  
1910.16-6) \_\_\_\_\_
- 31. TOTAL AMOUNT OF MONTHLY SPOUSAL  
SUPPORT OR APL \_\_\_\_\_

\* \* \* \* \*

[Pa.B. Doc. No. 07-385. Filed for public inspection March 9, 2007, 9:00 a.m.]

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# Title 237—JUVENILE RULES

## PART I. RULES

[237 PA. CODE CHS. 1, 3, 6 AND 8]

### Addition of Official Notes and Committee Explanatory Reports to Delinquency Matters Rules

It has been brought to the Juvenile Court Procedural Rules Committee's attention that the Official Note and the Committee Explanatory Report cites were not published with the amended Rules on January 14, 2006, at 36 Pa.B. 186. The Official Note for each Rule provides when the Rule was adopted by the Court, when the Rule went into effect, any amendments to the Rule, and the effective date of the amendments. The Committee Explanatory Report cite sends the reader to the publication of the Committee's Explanatory Report in the *Pennsylvania Bulletin*.

There have been no rule changes with this publication. The additions are for historical reference only.

#### Annex A

### TITLE 237. JUVENILE RULES

## PART I. RULES

### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

##### PART A. BUSINESS OF COURTS

#### Rule 120. Definitions.

\* \* \* \* \*

**Official Note:** Rule 120 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately.

*Committee Explanatory Reports:*

**Final Report explaining the amendments to Rule 120 published with the Court's Order at 36 Pa.B. 187 (January 14, 2006).**

##### PART C. RECORDS

##### PART C(1). ACCESS TO JUVENILE RECORDS

#### Rule 160. Inspection of Juvenile File/Records.

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**Official Note:** Rule 160 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 160 published with the Court's order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 160 published with the Court's Order at 36 Pa.B. 187 (January 14, 2006).**

#### CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

##### PART E. CONSENT DECREE

#### Rule 373. Conditions of Consent Decree.

\* \* \* \* \*

**Official Note:** Rule 373 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately.

*Committee Explanatory Reports:*

**Final Report explaining the amendments to Rule 373 published with the Court's Order at 36 Pa.B. 187 (January 14, 2006).**

#### CHAPTER 6. POST-DISPOSITIONAL PROCEDURES

##### PART B. MODIFICATIONS, REVIEWS, AND APPEALS

#### Rule 610. Dispositional and Commitment Review.

\* \* \* \* \*

**Official Note:** Rule 610 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 610 published with the Court's order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 610 published with the Court's Order at 36 Pa.B. 187 (January 14, 2006).**

#### CHAPTER 8. SUSPENSIONS

#### Rule 800. Suspensions of Acts of Assembly.

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**Official Note:** Rule 800 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately.

*Committee Explanatory Reports:*

**Final Report explaining the amendments to Rule 800 published with the Court's Order at 36 Pa.B. 187 (January 14, 2006).**

[Pa.B. Doc. No. 07-386. Filed for public inspection March 9, 2007, 9:00 a.m.]

## PART I. RULES

[234 PA. CODE CH. 11]

### Order Amending Comment to Rule 1151; No. 409 Supreme Court Rules; Doc. No. 1

#### Order

*Per Curiam:*

Now, this 20th day of February 2007, upon the recommendation of the Juvenile Court Procedural Rules Committee and an Explanatory Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to the comment to Rule of Juvenile Court Procedure 1151 are approved in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective immediately.

#### Annex A

### TITLE 237. JUVENILE RULES

## PART I. RULES

### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 11. GENERAL PROVISIONS

##### PART B(2). COUNSEL

#### Rule 1151. Assignment of Guardian ad litem and Counsel.

\* \* \* \* \*

**Comment**

See 42 Pa.C.S. §§ 6302, 6311, and 6337.

The guardian ad litem for the child may move the court for appointment as legal counsel and assignment of a separate guardian ad litem, [ **especially if** ] **when, for example**, the information that the guardian ad litem [ **is privy to is rise for** ] **possesses gives** rise to the conflict and can be used to the detriment of the child. To the extent 42 Pa.C.S. § 6311(b)(9) is inconsistent with this rule, it is suspended. See Rule 1800. See also Pa.R.P.C. 1.7 and 1.8. Under paragraph (C), legal counsel represents the legal interests of the child and the guardian ad litem represents the best interests of the child.

**Official Note:** Rule 1151 adopted August, 21, 2006, effective February 1, 2007; **amended February 20, 2007, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1151 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to this rule published with the Court's Order at 37 Pa.B. 1124 (March 10, 2007).**

**Explanatory Report****February 2007**

The Supreme Court of Pennsylvania has adopted the changes to the Comment of Rule 1151.

It was brought to the Committee's attention that the Comment to Rule 1151 was missing some language and did not make any sense. There were minor changes made to correct the problem. There were no substantive changes to the Rule.

[Pa.B. Doc. No. 07-387. Filed for public inspection March 9, 2007, 9:00 a.m.]

**Title 25—LOCAL  
COURT RULES****JEFFERSON COUNTY****Adoption of Rules of Civil Procedure; No. 6-2007  
O.C.****Order**

*And Now*, this 16th day of February 2007, it is hereby *Ordered and Decried* that the following rule, designated Jefferson County Rule of Juvenile Procedure (Jeff. Co. R.J.C.P.) 167(B)(2), is adopted as a rule of this Court to supplement Pennsylvania Rule of Juvenile Court Procedure 167. The same shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**LOCAL RULES of the  
COURT OF COMMON PLEAS  
OF JEFFERSON COUNTY****Supplementing the  
PENNSYLVANIA RULES OF  
JUVENILE COURT PROCEDURE  
DELINQUENCY MATTERS****Jeff. Co. R.J.P.A. 167(B)(2). Filings and Service of  
Court Orders and Notices**

The Court secretary of the Juvenile Probation Department shall be responsible for serving all orders or court notices in accordance with the requirements of Pennsylvania Rule of Juvenile Procedure 167.

*By the Court*

JOHN HENRY FORADORA,  
*President Judge*

[Pa.B. Doc. No. 07-388. Filed for public inspection March 9, 2007, 9:00 a.m.]