

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of Rule 1910.16-4 of the Rules of Civil Procedure; No. 547 Civil Procedural Rules Doc.

Amended Order

Per Curiam

And Now, this 3rd day of August, 2011, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 41 Pa.Bull. 1618 (March 26, 2011) and West's *Pennsylvania Reporter*, 13 A.3d No. 2 (April 1, 2011):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.16-4 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

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

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(d) *Divided or Split Physical Custody When Each Party Has Primary Custody of One or More of the Children. Varied Custodial Schedules.*

(1) *Divided or Split Physical Custody When Each Party Has Primary Custody of One or More of the Children.* When calculating a child support obligation, and one or more of the children reside **primarily** with each party, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with Father and two of whom reside with Mother, and their net monthly incomes are \$2,500 and \$1,250 respectively, Father's child support obligation is calculated as follows. Using the schedule in Rule 1910.16-3 for two children at the parties' combined net monthly income of \$3,750, the amount of basic child support to be apportioned between the parties is \$1,190. As Father's income is 67% of the parties' combined net monthly income, Father's support obligation for the two children living with Mother is \$797. Using the schedule in Rule 1910.16-3 for one child, Mother's support obligation for the child living with Father is \$273. Subtracting \$273 from \$797 produces a net basic support amount of \$524 payable to Mother as child support.

[(2)] (A) When calculating a combined child support and spousal or alimony pendente lite obligation, and one or more children reside with each party, the court shall, except as set forth in subdivision [(3)] (B) below, offset the obligor's spousal and child support obligation with the obligee's child support obligation and award the net difference to the obligee as spousal and child support.

[(3)] (B) When one or more of the children resides with each party and the obligee's net income is 10% or less of the parties' combined net monthly income, then, in calculating the spousal support or alimony pendente lite obligation, the court shall deduct from the obligor's income both the support owed for the child or children residing with the obligee, as well as the direct support the obligor provides to the child or children living with the obligor, calculated in accordance with the guidelines as if the child or children were not living with the obligor.

(2) *Varied Custodial Schedules.* When the parties have more than one child and each child spends different amounts of partial or shared custodial time with the obligor, the trier of fact shall add the percentage of time each child spends with the obligor and divide by the number of children to determine the obligor's percentage of custodial time. If the average percentage of time the children spend with the obligor is 40% or more, the provisions of subdivision (c) above apply.

Example 1. The parties have two children and one child spends 50% of the time with the obligor and another spends 20% of the time with the obligor. Add those percentages together and divide by the number of children (50% plus 20% = 70% divided by 2 children = 35% average of the time with the obligor). Pursuant to subdivision (c), the obligor does not receive a reduction in the support order for substantial parenting time.

Example 2. The parties have three children. Two children spend 50% of the time with the obligor and the third child spends 30% of the time with the obligor. Add the percentages of custodial time for all three children together and divide by the number of children (50% plus 50% plus 30% = 130% divided by three children = 43.33% average percentage of time with the obligor). Pursuant to subdivision (c), the obligor receives a reduction in the support order for substantial parenting time.

Official Note: In cases with more than one child and varied partial or shared custodial schedules, it is not appropriate to perform a separate calculation for each child and offset support amounts as that method does not consider the incremental increases in support for more than one child built into the schedule of basic child support.

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[Pa.B. Doc. No. 11-2136. Filed for public inspection December 16, 2011, 9:00 a.m.]

Title 255—LOCAL COURT RULES

YORK COUNTY

Increasing the Schedule of Fees for the Prothonotary of York County, a Third Class County; 2011-MI-000168-55; Misc. Civil

Administrative Order and Approval

And Now, To Wit, This 22nd Day of November, 2011, *The Court* pursuant to Act #98-164 of the Pennsylvania Legislature, hereby approves the increase of fees effective January 2, 2012

Prothonotary Fee Bill—Effective January 2, 2012

Acknowledgments	Of Sheriff or Treasurer Deeds	\$12.00
Answer On An No Case (Judgment)		\$9.00
Appeals	District Justice	\$194.00
	Superior Court Appeal: two separate checks required	
	Prothonotary Fee	\$88.75
	Appellate Court Fee	\$73.50
Appointment of Arbitrator		\$43.50
Arbitration Appeal	Less than \$10,000 in controversy	\$440.00
	\$10,000 to/including \$25,000 in controversy	\$540.00
	Greater than \$25,000 in controversy	\$740.00
Assignments		14.25
Bench Warrants		\$23.75
Certificates	Notary Public or Magistrate	\$5.25
	Duplicate Divorce Decree	\$12.75
	Copy of Resume Maiden Name after Divorce	\$8.50
Certifications	First page	\$8.00
	Each additional page	\$2.00
Checks Returned As Non-Negotiable		\$35.00
Commencement of Civil Action		\$194.00
Complaint—Civil		\$194.00
Complaint—Custody		\$187.50
Complaint—Divorce		\$263.25
	(Add \$23.50 for each additional count and \$31 for a custody count)	
Complaint in Confession of Judgment		\$58.50
Conciliator Appointment		\$140.00
Copies	Docket entries made at public printer—per page	\$0.50
	Documents made by Prothonotary staff—per page	\$1.00
Custody Complaint (Except when filed with a divorce action)		\$187.50
Custody Complaint Filed after a divorce has been filed		7.50
Custody (Register out of state custody order)		\$22.25
Default Judgment		\$29.25
Deficiency Judgment		\$29.25
Directive (Conciliator fee)		\$140.00
District Justice Appeal		\$194.00
District Justice Judgment		\$49.50
Divorce Decree Certified Copy		\$12.75
Divorce Complaint		\$263.25
	Commencement of Divorce Action	\$263.25
	(Plus \$23.50 for each count other than divorce and \$31 for a custody count)	
Discontinuance or withdrawal		\$14.25

Appointment of Master:			
For Fault Divorce, Equitable Distribution or Alimony (first 12 hours)		\$300.00	
Modification of Alimony (first 8 hours)		\$200.00	
Interim Relief (first 4 hours)		\$100.00	
Additional Proceedings (each block up to 6 hours)		\$150.00	
Separate Claim for Alimony Pendente Lite (new claim or modification)		\$50.00	
Executions	Praecipe for Writ	\$42.75	
	Attachment Proceeding Each Garnishee	\$0.50	
	Reissuance or Amendments	\$12.75	
	Interrogatories and Answers	\$9.00	
	Attachment Dissolution	\$14.25	
	Sheriff's Determination of Ownership on NO	\$12.00	
Exemplified Records	Incoming Exemplified Records	\$49.50	
	Outgoing Exemplified Records (specify as in-state or out-of-state)	\$29.25	
Exhibits (oversized) any document larger than 11" by 17"—Per page		\$3.50	
Family Court Actions	Commencement of Divorce Action	\$263.25	
	Add for each count other than divorce	\$23.50	
	Add when a custody count is included	\$31.00	
	Discontinuance or withdrawal	\$14.25	
	Custody (except when filed with a divorce action)	\$187.50	
	Conciliator Appointment	\$140.00	
	Reactivation of case made inactive per Local Rule 6036	\$23.75	
	Appointment of Master:		
	For Fault divorce, Equitable Distribution or Alimony (first 12 hours)		\$300.00
	Modification of Alimony (first 8 hours)		\$200.00
	Interim Relief (first 4 hours)		\$100.00
	Additional Proceedings (each block up to 6 hours)		\$150.00
	Separate Claim for Alimony Pendente Lite (new claim or modification)		\$50.00
	Faxing	Faxing of a record long distance	\$10.00
Interrogatories		\$9.00	
Judgments	By Praecipe (Default), Stipulation, or Order	\$26.25	
	With Complaint	\$58.50	
	Deficiency	\$26.25	
	By Transcript (District Justice)	\$49.50	
	Incoming Exemplified Records	\$49.50	
	Outgoing Exemplified Records (specify as in-state or out-of-state)	\$29.25	
	Broker's Lien	\$49.50	
Judgment Non Pros		\$26.25	
Judicial Sale Objections/Exceptions		\$22.25	
License Suspension Appeal		\$194.00	
Liens	Municipal or Federal	\$49.50	
	Commonwealth	\$49.50	
Mechanics Liens	Claim (same as Commencement of New Action)	\$194.00	
	Stipulation or Waiver	\$38.25	
Miscellaneous Filings		\$22.25	
Mortgage Foreclosure		\$194.00	
Motion to Stay Execution On An No Case		\$9.00	

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Motion to Stay Execution On An Su Case		NO FEE
Name Change—resume maiden name after filing for divorce		\$17.50
Name Change—not divorce related (must file Petition for Change of Name)		\$75.25
Notary Public	Registration of Signature	\$5.25
	Acknowledgment of Signature	\$5.25
Petition for Change of Name (not divorce related)		\$75.25
Petitions to Open or Strike Judgments	Shall be considered as commencing a new action:	
	If filed to NO#	\$194.00
	If filed to SU#	NO FEE
Pleadings Filed to An No or Mt Case		\$9.00
Powers of Attorney	Registration of first name	\$6.00
	Registration of additional name	\$1.00
	Revocation of first name	\$4.00
	Revocation of additional name	\$1.00
Praeipce to Enter Final Judgment		\$26.25
Praeipce to Satisfy/ Discontinue/Withdraw Case		
If case filed prior to 1/2/97		\$14.25
If case filed on or after 1/2/97		NO FEE
Protection from Abuse	Filing Fee	\$179.75
	Re-filing Fee	\$26.50
	State Surcharge	\$100.00
	Issuance of a Bench Warrant	\$23.75
Reactivation of Case Made Inactive Per Local Rule 230.3		\$23.75
Release, Postponement, Subordination		\$14.25
Removal Or Transfer To Another Court		\$37.00
Reports	Per page	\$0.50
	E-mailed report	\$10.00
Revivals	Adverse Proceedings	\$66.75
	Amicable Proceedings	\$49.50
	Writ of Scire Facias	\$66.75
Satisfactions	Cases filed prior to 1/2/97	\$14.25
	Cases filed after 1/2/97	NO FEE
	Satisfy less than all parties or judgment only	\$14.25
	Commonwealth Satisfactions (filed prior to 1997)	\$14.75
Subpoenas	Must be completed before submitted for signature and seal	\$5.25
Suit—Civil Complaint		\$194.00
Suggestion of Nonpayment (Revival of Commonwealth Tax Lien)		\$49.50
Tax Upset Objections/Exceptions		\$22.25
Writ of Attachment		\$47.75
Notice of Intent to Attach Wages		\$9.00
Writ of Execution		\$42.75
Writ of Execution—Reissue		\$12.75
Writ of Scire Facias		\$66.75
Writ of Summons		\$194.00

NOTES

Payment shall be made by cash, money order, certified check, or business check. Credit cards are accepted for filings made in person in the office. No personal checks are accepted.

York County Local Rules require a backer on all filings.

All filings should be one-sided.

Judgments must be accompanied by 236 Notices.

Divorce finalizations require submission of a Divorce Information Sheet and the Social Security Information Sheet.

Failure to provide all required paperwork may result in returned filings.

The Prothonotary shall not be required to enter on the docket any suit or action nor order of court or enter any judgment thereon or perform any services whatsoever for any person or political subdivision of the Commonwealth until the requisite fee is paid.

Stamped, self-addressed envelopes must be included with any documents to be returned.

It Is Further Ordered that in accordance with Pa.R.C.P. the District Court Administrator shall:

(a) File 7 certified copies hereof with the Administrative office of Pennsylvania Courts.

(b) Distribute 2 certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(c) File 1 certified copy hereof with the Civil Procedural Rules Committee, and 1 certified copy hereof with the Criminal Procedural Rules Committee.

(d) Cause a copy hereof to be published in the *York Legal Record* once a week for 2 successive weeks at the expense of the County of York.

(e) Cause to be printed an adequate supply of the Rules hereby amended and promulgated for distribution to the Judges and the members of the Bar of this Court, and for sale at cost to any other interested parties, such printing to be done at the expense of the County of York in accordance with the provisions of the Act of July 9, 1976, P. L. 586, Sec. 2, 42 Pa. C.S.A. Section 3722.

(f) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

By the Court

STEPHEN P. LINEBAUGH,
President Judge

[Pa.B. Doc. No. 11-2137. Filed for public inspection December 16, 2011, 9:00 a.m.]

SUPREME COURT

Duty Assignment Schedule for Emergency Petitions in the Year 2012; No. 374 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 2nd day of December, 2011, the emergency duty assignment for the year 2012, is herewith adopted.

January	Justice J. Michael Eakin (Eastern District) Justice Seamus P. McCaffery (Western District)
February	Justice Thomas G. Saylor (Eastern District) Justice Debra Todd (Western District)
March	Justice Max Baer (Eastern District) Justice Joan Orié Melvin (Western District)
April	Justice J. Michael Eakin (Eastern District) Justice Seamus P. McCaffery (Western District)
May	Justice Thomas G. Saylor (Eastern District) Justice Debra Todd (Western District)
June	Justice Max Baer (Eastern District) Justice Joan Orié Melvin (Western District)
July	Justice J. Michael Eakin (Eastern District) Justice Seamus P. McCaffery (Western District)
August	Justice Thomas G. Saylor (Eastern District) Justice Debra Todd (Western District)
September	Justice Max Baer (Eastern District) Justice Joan Orié Melvin (Western District)

October	Justice J. Michael Eakin (Eastern District) Justice Seamus P. McCaffery (Western District)
November	Justice Thomas G. Saylor (Eastern District) Justice Debra Todd (Western District)
December	Justice Max Baer (Eastern District) Justice Joan Orié Melvin (Western District)

[Pa.B. Doc. No. 11-2138. Filed for public inspection December 16, 2011, 9:00 a.m.]

Schedule of Holidays for Year 2013 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 373 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 2nd day of December, 2011, it is hereby ordered that the following paid holidays for calendar year 2013 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 1, 2013	New Year's Day
January 21, 2013	Martin Luther King, Jr. Day
February 18, 2013	Presidents' Day
March 29, 2013	Good Friday
May 27, 2013	Memorial Day
July 4, 2013	Independence Day
September 2, 2013	Labor Day

October 14, 2013 Columbus Day (Observed)
 November 5, 2013 Election Day
 November 11, 2013 Veterans Day
 November 28, 2013 Thanksgiving Day
 November 29, 2013 Day after Thanksgiving
 December 25, 2013 Christmas Day

[Pa.B. Doc. No. 11-2139. Filed for public inspection December 16, 2011, 9:00 a.m.]

**Sessions of the Supreme Court of Pennsylvania
 for the Year 2013; No. 216 Appellate Court Rules
 Doc.**

Order

Per Curiam:

And Now, this 2nd day of December, 2011, it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2013 as follows:

Philadelphia (Administrative Session)	February 7th
Philadelphia	March 4th through March 8th
Harrisburg (Administrative Session)	March 21st
Pittsburgh	April 8th through April 12th
Harrisburg	May 6th through May 10th
Pittsburgh (Administrative Session)	June 6th
Philadelphia	September 9th through September 13th
Pittsburgh	October 15th through October 18th
Harrisburg	November 18th through November 22nd

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 11-2140. Filed for public inspection December 16, 2011, 9:00 a.m.]
