

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 81 AND 83]

Amendment of Rule 214 of the Rules of Disciplinary Enforcement and Rule 8.3 of the Rules of Professional Conduct; No. 107 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 19th day of March, 2012, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal to amend Pa.R.D.E. 214 having been published for comment in the *Pennsylvania Bulletin*, 41 Pa.B. 4845 (September 10, 2011), and the proposal to amend the Comment to Pa.R.P.C. 8.3 having been submitted without publication in the interests of justice pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 214 of the Pennsylvania Rules of Disciplinary Enforcement and the Comment to Rule 8.3 of the Rules of Professional Conduct are 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 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

* * * * *

MAINTAINING THE INTEGRITY OF THE PROFESSION

Rule 8.3. Reporting Professional Misconduct.

* * * * *

Comment:

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(8) In addition to reporting a violation of another lawyer, a lawyer is required by the Pennsylvania Rules of Disciplinary Enforcement to self-report in certain circumstances. Pa.R.D.E. 214(a) provides that an attorney convicted of a crime shall report the fact of that conviction within 20 days to the Office of Disciplinary Counsel. For purposes of that rule, the term "crime" means an offense that is punishable by imprisonment in the jurisdiction of

conviction, whether or not a sentence of imprisonment is actually imposed. It does not include parking violations or summary offenses, both traffic and non-traffic, unless a term of imprisonment is actually imposed.

(9) Likewise, Pa.R.D.E. 216(e) requires an attorney who has been transferred to disability inactive status or disciplined in another court or by any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys by any state or territory of the United States or of the District of Columbia, a United States court, or by a federal administrative agency or a military tribunal, by suspension, disbarment, or revocation of license or pro hac vice admission, or who has resigned from the bar or otherwise relinquished his or her license to practice while under disciplinary investigation in another jurisdiction, to report the fact of that transfer, suspension, disbarment, revocation or resignation to the Secretary of the Board within 20 days after the date of the order, judgment or directive imposing or confirming the discipline or transfer to disability inactive status.

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 214. Attorneys convicted of crimes.

(a) An attorney convicted of a [**serious**] crime shall report the fact of such conviction within 20 days to the [**Secretary of the Board**] Office of Disciplinary Counsel. The responsibility of the attorney to make such report shall not be abated because the conviction is under appeal or the clerk of the court has transmitted a certificate to Disciplinary Counsel pursuant to subdivision (b).

(b) The clerk of any court within the Commonwealth in which an attorney is convicted of any crime, or in which any such conviction is reversed, shall within 20 days after such disposition transmit a certificate thereof to Disciplinary Counsel, who shall file such certificate with the Supreme Court.

(c) Upon being advised that an attorney has been convicted of a crime [**within this Commonwealth**], Disciplinary Counsel shall secure and file a certificate [**in accordance with the provisions of subdivision (b). If the conviction occurred in another jurisdiction, it shall be the responsibility of Disciplinary Counsel to secure and file a certificate**] of such conviction **with the Supreme Court**.

(d)(1) Upon the filing with the Supreme Court of a certified copy of an order demonstrating that an attorney has been convicted of a [**serious**] crime, the Court may enter a rule directing the respondent-attorney to show cause why the respondent-attorney should not be placed on temporary suspension, which rule shall be returnable within ten days.

* * * * *

(5) At any time before a plea or verdict or after a guilty plea or verdict of guilt in the criminal proceeding, Disciplinary Counsel and the respondent-attorney may file

with the Court a joint petition for temporary suspension of the [**respondent-attorney's**] **respondent-attorney** on the ground that the respondent-attorney's temporary suspension is in the best interest of the respondent and the legal system.

Official Note: The subject of the summary proceedings authorized by subdivision (d) [**is**] **will ordinarily be limited to whether the [conditions] condition triggering the application of subdivision (d) [exist] exists**, i.e., proof that the respondent-attorney is the same person as the individual convicted of the offense charged [**and that the offense is a serious crime, and will not include**], **although the Court has the discretion to consider** such subjects as mitigating or aggravating circumstances. The provision of subdivision (d)(3) permitting the respondent-attorney to continue representing existing clients for 30 days is intended to avoid undue hardship to clients and to permit a winding down of matters being handled by the respondent-attorney, and the permissible activities of the respondent-attorney are intended to be limited to only those necessary to accomplish those purposes.

(e) A certificate of a conviction of an attorney for a crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against the attorney based upon the conviction.

(f)(1) Upon the [**receipt**] **filing** of a certificate of conviction of an attorney for a [**serious**] crime, [**the Court shall, in addition to any order of suspension it may enter in accordance with the provisions of subdivision (d), also refer the matter to the Board for the institution of a formal proceeding before a hearing committee in the appropriate disciplinary district in which the sole issue to be determined shall be the extent of the final discipline to be imposed, except that a disciplinary proceeding so instituted shall not be brought to hearing until sentencing and all appeals from the conviction are concluded**] **Disciplinary Counsel may commence either an informal or formal proceeding under Enforcement Rule 208, except that Disciplinary Counsel may institute a formal proceeding before a hearing committee or special master by filing a petition for discipline with the Board without seeking approval for the prosecution of formal charges under Enforcement Rule 208(a)(3). If a petition for discipline is filed, a hearing on the petition shall be deferred until sentencing and all direct appeals from the conviction have been concluded. The sole issue at the hearing shall be the extent of the discipline or, where the Court has temporarily suspended the attorney under subdivision (d) of this rule, the final discipline to be imposed.**

Official Note: Subdivision (f)(1) authorizes Disciplinary Counsel to proceed under Rule 208 concurrently with the Court's exercise of jurisdiction under subdivision (d) of this Rule.

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(g) [**Upon receipt of a certificate of a conviction of any attorney for a crime other than a serious crime, the Court shall take such action as it deems warranted. The Court may in its discretion take no action with respect to convictions for minor offenses.**

Official Note: The actions the Court may take under subdivision (g) include reference of the mat-

ter to the Office of Disciplinary Counsel for investigation and possible commencement of either a formal or informal proceeding, or reference of the matter to the Board with direction that it institute a formal proceeding.

(h) [**An attorney suspended under the provisions of subdivision (d) may be reinstated immediately upon the filing by the Board with the Court of a certificate demonstrating that the underlying conviction has been reversed, but the reinstatement will not terminate any formal proceeding then pending against the attorney.**

(i) (h) As used in this rule, the term [**"serious crime"**] **"crime"** means [**a crime**] **an offense that is punishable by imprisonment [for one year or upward in this or any other jurisdiction] in the jurisdiction of conviction, whether or not a sentence of imprisonment is actually imposed. It does not include parking violations or summary offenses, both traffic and non-traffic, unless a term of imprisonment is actually imposed.**

(j) (i) For the purposes of this rule, **Enforcement Rule 203(b)(1) and Enforcement Rule 402, "conviction"** means any guilty verdict, whether after trial by judge or jury, or finding of guilt, and any plea of guilty or *nolo contendere* that has been accepted by the court, whether or not sentence has been imposed.

[Pa.B. Doc. No. 12-570. Filed for public inspection March 30, 2012, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CH. 82]

Amendment of Rule 103 of the Rules for Continuing Legal Education; No. 564 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 19th day of March, 2012, upon the recommendation of the Pennsylvania Continuing Legal Education Board; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 103 of the Pennsylvania Rules for Continuing Legal Education 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 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 82. CONTINUING LEGAL EDUCATION

Subchapter A. PROFESSIONAL RESPONSIBILITY

Rule 103. Board

* * * * *

(g) **Immunity.** The Board, and its members, employees and agents are immune from all civil liabil-

ity for conduct and communications occurring in the performance of their official duties relating to the administration of the continuing legal education requirements.

[Pa.B. Doc. No. 12-571. Filed for public inspection March 30, 2012, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CH. 83]
Amendment of Rules 216 and 218 of the Rules of Disciplinary Enforcement; No. 106 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 19th day of March, 2012, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been submitted without publication in the interests of justice pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 216 and 218 of the Pennsylvania Rules of Disciplinary Enforcement are 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 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 216. Reciprocal discipline and disability.

(a) Upon receipt of a certified copy of [**an order, judgment or disciplinary directive**] a final adjudication of [**another**] any court[,] or any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys by any state or territory of the United States or of the District of Columbia, a United States court, or a federal [**government**] administrative agency or a military tribunal demonstrating that an attorney admitted to practice in this Commonwealth has been disciplined by suspension, disbarment, or revocation of license or pro hac vice admission, or has resigned from the bar or otherwise relinquished his or her license to practice while under disciplinary investigation in another jurisdiction or has been transferred to disability inactive status, the Supreme Court shall forthwith issue a notice directed to the respondent-attorney containing:

(1) a copy of [**said order, judgment or directive from the other court, federal government agency or military tribunal**] the final adjudication described in paragraph (a); and

(2) an order directing that the respondent-attorney inform the Court within 30 days from service of the notice, of any claim by the respondent-attorney that the imposition of the identical or comparable discipline or **disability inactive status** in this Commonwealth would be unwarranted, and the reasons therefor.

The Board shall cause this notice to be served upon the respondent-attorney by mailing it to the address furnished by the respondent-attorney in the last registration statement filed by such person in accordance with Enforcement Rule 219(d) (relating to periodic assessment of attorneys) or, in the case of a foreign legal consultant, by serving it pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8).

(b) In the event the discipline imposed in the [**other court, federal government agency or military tribunal**] original jurisdiction has been stayed there, any reciprocal discipline imposed in the Commonwealth shall be deferred until such stay expires.

(c) Upon the expiration of 30 days from service of the notice issued pursuant to the provisions of subdivision (a) of this rule, the Supreme Court may impose the identical or comparable discipline or **transfer to disability inactive status** unless Disciplinary Counsel or the respondent-attorney demonstrates, or the Court finds that upon the face of the record upon which the discipline is predicated it clearly appears:

* * * * *

(e) An attorney who has been **transferred to disability inactive status** or disciplined in another court or by any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys by any state or territory of the United States or of the District of Columbia, a United States court, or by a federal [**government**] administrative agency or a military tribunal, by suspension, disbarment, or revocation of license or pro hac vice admission, or who has resigned from the bar or otherwise relinquished his or her license to practice while under disciplinary investigation in another jurisdiction, shall report the fact of such **transfer**, suspension, disbarment, revocation or resignation to the Secretary of the Board within 20 days after the date of the order, judgment or directive imposing or confirming the discipline or **transfer to disability inactive status**.

Rule 218. Reinstatement.

* * * * *

(b) A person who has been disbarred may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment, except that a person who has been disbarred pursuant to Rule 216 (relating to reciprocal discipline and disability) may apply for reinstatement at any earlier date on which reinstatement may be sought in the jurisdiction of initial discipline.

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[Pa.B. Doc. No. 12-572. Filed for public inspection March 30, 2012, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1 AND 21]

Proposed Amendments to Pa.Rs.A.P. 124, 2116, 2118, 2135 and 2140

The Appellate Court Procedural Rules Committee proposes to amend Pa.Rs.A.P. 124, 2116, 2118, 2135, and 2140. These amendments are being submitted for public comments and suggestions prior to their submission to the Supreme Court.

Proposed new material is in bold faced type and deleted material is bracketed and in bold faced type.

All communications in reference to the proposed amendment should be sent no later than May 7, 2012 to:

Dean R. Phillips, Counsel
D. Alicia Hickok, Deputy Counsel
Scot Withers, Deputy Counsel
Appellate Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave., Suite 6200
P. O. Box 62635
Harrisburg, Pennsylvania 17106-2635
or Fax to (717) 231-9551
or E-Mail to appellaterules@pacourts.us

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court
Procedural Rules Committee*

HONORABLE RENÉE COHN JUBELIRER,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

DOCUMENTS GENERALLY

Rule 124. Form of **Legal** Papers; Number of Copies.

(a) *Size and other physical characteristics.*—All [**documents**] **legal papers** filed in an appellate court shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(1) The [**document**] **legal paper** shall be prepared on white paper (except for covers, dividers and similar sheets) of good quality.

(2) The first sheet (except the cover of a brief or reproduced record) shall contain a 3 inch space from the top of the paper for all court stampings, filing notices, etc.

(3) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Except as provided in subdivision (2), margins must be at least one inch on all four sides.

(4) The lettering shall be clear and legible and no smaller than 14 point [**12**] in the body of the legal

papers and point 12 in footnotes. The lettering shall be on only one side of a page, except that exhibits and similar supporting documents, briefs and reproduced records may be lettered on both sides of a page.

(5) Any metal fasteners or staples must be covered. [**Documents and**] **Legal** papers must be firmly bound.

* * * * *

Official Note: The 2012 amendment increases the minimum font size from point 12 to point 14 for the text of any legal papers and expressly imposes a requirement that footnotes be in a minimum font size of point 12. See Rules 2135 and 2140 regarding length of briefs—page limits and word counts.

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF BRIEFS

Rule 2116. Statement of Questions Involved.

(a) *General rule.*—The statement of the questions involved must state concisely the issues to be resolved, expressed in the terms and circumstances of the case but without unnecessary detail. The statement [**shall be no more than two pages and**] will be deemed to include every subsidiary question fairly comprised therein. No question will be considered unless it is stated in the statement of questions involved or is fairly suggested thereby. Each question shall be followed by an answer stating simply whether the court or government unit agreed, disagreed, did not answer, or did not address the question. If a qualified answer was given to the question, appellant shall indicate the nature of the qualification, or if the question was not answered or addressed and the record shows the reason for such failure, the reason shall be stated briefly in each instance without quoting the court or government unit below.

Official Note: [Based on former Supreme Court Rule 52, and makes no change in substance. See also former Superior Court Rule 42 and former Commonwealth Court Rule 93.

The 2008 amendments are intended to reinforce the importance placed upon a party's] The Rule requires a statement of a limited number of concise questions that enable the court to understand the nature of the legal issue, and in a general way what points it will be called on to decide. Thus, a party should incorporate the pertinent terms and circumstances of the case, but without details such as names, dates, amounts or particulars that are irrelevant to the resolution of the issues presented to the court.

[Previously, some practitioners violated Pa.R.A.P. 124 to avoid the 15-line and one-page restrictions of Pa.R.A.P. 2116 by adjusting fonts, spacing, and margins. Appellate courts may find issues to be waived when they are not set forth in compliance with the Rules of Appellate Procedure. The increase from one to two pages should provide ample space for most parties to articulate their questions in an informative yet concise manner. A party requiring more than two pages for a statement of questions should file an application under Pa.R.A.P. 123 asking for extra pages, explaining why additional pages are needed, and attaching the proposed questions to the application. See Pa.R.A.P. 105.]

In 2008, this Rule was amended to limit the statement of questions involved to two pages. Prior to that time the limit was a single page. In conjunction with 2012 amendments to Rules 2135 and 2140 adopting an optional word limit in lieu of page limits, the 2012 amendment eliminates the page limit for the statement of questions involved. Parties are advised that the appellate courts strongly disfavor a statement that is not concise.

The current language of the Rule is consistent with the standard set forth in Pa.R.A.P. 1115(a)(3) for questions presented for review in a Petition for Allowance of Appeal to the Supreme Court.

Rule 2118. Summary of Argument.

The summary of argument shall be a concise summary of the argument of the party in the case, suitably paragraphed. [The summary of argument should not exceed one page and should never exceed two pages. The summary of argument should not be a mere repetition of the statement of questions presented.] The summary should be a succinct, although accurate and clear picture of the argument actually made in the brief concerning the questions.

Official Note: [Based on former Supreme Court Rule 54 and former Superior Court Rule 47 and extends the rule to the Commonwealth Court.]

Because the summary of argument, if properly prepared, will be helpful to the court in following oral argument and will often render unnecessary inquiries by the court which consume time allowed for argument, counsel are urged to prepare the summary with great care. **In conjunction with 2012 amendments to Rules 2135 and 2140 adopting an optional word limit in lieu of page limits, the 2012 amendment eliminates a two page limit on the length of the summary of argument. Parties are advised that the appellate courts strongly disfavor a summary that is not concise.**

Rule 2135. Length of Briefs.

(a) *General Rule.* The length of briefs shall be measured by either page count or word count. Unless otherwise provided by an appellate court:

(1) a principal brief shall not exceed [70] 30 pages [of production] when produced on a word processor/computer or typewriter if the page count method is used, or 14,000 words, as verified by a certificate of compliance, if the word count method is used.

(2) a reply brief shall not exceed [25] 15 pages [of production] when produced on a word processor/computer or typewriter if the page count method is used, or 7,000 words, as verified by a certificate of compliance, if the word count method is used.

(b) *Supplementary Matter.* [Pages] The cover of the brief and pages containing the table of contents, tables of citations, certificate of service and any addendum containing opinions, etc., or any other similar supplementary matter provided for by these rules shall not count against the page limitations or word counts set forth in subdivision (a) of this rule.

(c) Neither an attorney nor an unrepresented party shall evade the page limitation requirements by inappropriate and excessive use of footnotes or by materially altering the requirements for margins and font size set forth in Rule 124.

(d) *Size and physical characteristics.* Size and other physical characteristics of briefs shall be consistent with the requirements of Rule 124 for legal papers generally.

(e) *Certificate of compliance.* A principal or reply brief that relies on the word count provisions of this rule must include a certificate by the attorney or unrepresented party stating that the brief complies with the volume limitation. The person preparing the certificate may rely on the word count of the word processing system used to prepare the brief.

Official Note[—2003]: The 2003 amendment eliminates a confusing distinction between typewritten, word processor/computer and conventional offset printing methods of production which are no longer meaningful. In light of the 1979 amendments eliminating paperbooks and the advances in word processor/computer technology, offset printing of briefs has become obsolete as a method for production of briefs. The 2003 amendment permits typewritten briefs despite the fact that the vast majority of briefs are produced on word processor/computers.

A principal brief is any party's initial brief and, in the case of a cross appeal, the appellant's second brief, which responds to the initial brief in the cross appeal. See the notes to Pa.R.A.P. 2136. Reply briefs permitted by Rule 2113 and any subsequent brief permitted by leave of court are subject to the page limit set by this rule.

It is important to note that each appellate court has the option of reducing the number of pages allowed for a brief, either by general rule, see Chapter 33 (Business of the Supreme Court), Chapter 35 (Business of the Superior Court), and Chapter 37 (Business of the Commonwealth Court), or by order in a particular case.

The 2012 amendments are intended to provide objective criteria for the length of briefs and to eliminate incentives to adjust margins, reduce font size or improperly use footnotes to avoid the existing brief length page limitations by incorporating an optional word count following the Federal Rules of Appellate Procedure. Brief length may be measured either by page count or by word count; if the word count method is used, the brief must be accompanied by a certificate of compliance indicating that the word count does not exceed the applicable limitation. Concurrent amendments to Rule 124 regarding margins, font sizes, and line spacing, in conjunction with permitting the use of word counts, promote readability of briefs. Where page limits are used rather than word counts, filers are cautioned to comply strictly with Rule 124 requirements concerning font size, line spacing, and margins and to avoid misusing footnotes in order to include more words on a page. In an extraordinary case, a party may file a Rule 123 application asking for relief from the page or word count limits prior to the date on which the brief is due.

Rule 2140. Brief on Remand or Following Grant of Reargument or Reconsideration.

* * * * *

(d) *Page limits.*—A substituted brief shall not exceed [70 pages when produced on a word processor/computer or typewriter] the maximum length of a principal brief as set forth in Rule 2135(a)(1). A supplemental brief shall not exceed [40 pages] 20 pages in length when produced on a word processor/computer or typewriter if the page count method is used, or 9,300 words, as verified by a certificate of compliance, if the word count method is used. A reply brief shall not exceed [25 pages when produced on a word processor/computer or typewriter] the maximum length of a reply brief as set forth in Rule 2135(a)(2).

(e) *Certificate of compliance.*—A brief subject to this rule that relies on the word count provisions of this rule must include a certificate by the attorney or an unrepresented party stating that the brief complies with the volume limitation. The person preparing the certificate may rely on the word count of the word processing system used to prepare the brief.

Official Note: The number of copies of original, substituted and supplemental briefs to be filed on reargument or reconsideration is to be set by the Prothonotary of the Appellate Court with jurisdiction over the appeal and may be changed from time to time without notice to bar.

See 2012 amendments to Rule 2135 (length of briefs) and the Note regarding word counts and page limits generally.

Explanatory Comment

The Appellate Court Procedural Rules Committee proposes amendments to Rules of Appellate Procedure 124, 2116, 2118, 2135, and 2140 that would provide an optional word count as an objective method for measuring the length of briefs. See Rules 124, 2135 and 2140. The proposal would eliminate incentives to abuse the use of footnotes and to evade the formatting rules in order to increase the length of briefs. The requirement of 14 point font size will make briefs more readable. The proposal would also eliminate page limits on the statement of questions involved, see Pa.R.A.P. 2116, and the summary of the argument, see Pa.R.A.P. 2118. The proposed word count limits are consistent with those used in the Federal Rules of Appellate Procedure. See Fed.R.A.P. 32.

[Pa.B. Doc. No. 12-573. Filed for public inspection March 30, 2012, 9:00 a.m.]

**PART II. INTERNAL OPERATING PROCEDURES
[210 PA. CODE CH. 67]**

[Correction]

Amendment to Commonwealth Court Internal Operating Procedures

An error occurred in the document which appeared at 40 Pa.B. 6388, 6390 (November 6, 2010). The amendment to § 67.53 was printed incorrectly. The correct version of § 67.53 is as follows:

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 67. COMMONWEALTH COURT

Subchapter A. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT DECISIONS

§ 67.53. Reporting of Opinions; Determination as to Reporting.

A. Each judge who is the author of an opinion of a panel or the court en banc shall indicate, in circulating the opinion to the other members of the court, the authoring judge's recommendation as to whether the opinion should be reported. A decision generally should be reported when it:

1. establishes a new rule of law;
 2. applies an existing rule of law to facts significantly different than those stated in prior decisions;
 3. modifies or criticizes an existing rule of law;
 4. resolves an apparent conflict of authority;
 5. involves a legal issue of continuing public interest;
- or
6. constitutes a significant, non-duplicative contribution to law because it contains:

(a) an historical review of the law,

(b) a review of legislative history,

(c) a review of conflicting decisions among the courts of other jurisdictions.

B. The recommendation shall govern the determination as to reporting, unless a majority of the commissioned members of the court disagree with it. Opinions of a single judge shall be filed but not reported unless, because of the unique character of the case, the [**executive administrator, the**] prothonotary or the authoring judge shall recommend that the opinion be reported and a two-thirds majority of the commissioned members of the court shall concur with the recommendation.

[Pa.B. Doc. No. 12-574. Filed for public inspection March 30, 2012, 9:00 a.m.]

**Title 231—RULES OF
CIVIL PROCEDURE**

PART I. GENERAL

[231 PA. CODE CH. 1910]

Proposed Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 116

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.

Notes and explanatory comments which appear with proposed amendments have been inserted by the commit-

tee 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 and welcomes 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, August 3, 2012 directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635
Fax: 717 231-9531
E-mail: domesticrules@pacourts.us

Deleted material is bold and [bracketed]. New material is bold.

*By the Domestic Relations
Procedural Rules Committee*

HONORABLE KEVIN M. DOUGHERTY,
Vice-Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.*

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(2) In actions in which the plaintiff is a public body or private agency pursuant to Rule 1910.3, the amount of the order shall be calculated under the guidelines based upon each obligor's net monthly income as defined in Rule 1910.16-2, with the public or private entity's income as zero. In such cases, each parent shall be treated as a separate obligor and a parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent.

(i) The amount of basic child support owed to other children not in placement shall be deducted from each parent's net income before calculating support for the child or children in placement, including the amount of direct support the guidelines assume will be provided by the custodial parent.

Example 1. Mother and Father have three children and do not live in the same household. Mother has primary custody of two children and net income of \$2,000 per month. Father's net monthly income is \$3,000. The parties' third child is in foster care placement. Pursuant to the schedule at Rule 1910.16-3, the basic child support amount for the two children with Mother is [**\$1,350**] **\$1,369**. As Father's income is 60% of the parties' combined monthly net income, his basic support obligation to Mother is [**\$810**] **\$821** per month. The guidelines assume that Mother will provide [**\$540**] **\$548** per month in direct expenditures to the two children in her home. The agency/obligee brings an action against each parent

for the support of the child in placement. Father/obligor's income will be [**\$2,190**] **\$2,179** for purposes of this calculation (\$3,000 net less [**\$810**] **\$821** in support for the children with Mother). Because the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the schedule amount of basic support for one child at the [**\$2,190**] **\$2,179** income level, or [**\$528**] **\$520** per month. Mother/obligor's income will be [**\$1,460**] **\$1,452** for purposes of this calculation (\$2,000 net less [**\$540**] **\$548** in direct support to the children in her custody). Her support obligation will be 100% of the schedule amount for one child at that income level, or [**\$354**] **\$348** per month.

Example 2. Mother and Father have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as above, Father's income for determining his obligation to the children in placement would be \$2,500 (\$3,000 less \$500 support for two children of prior marriage). His obligation to the agency would be [**\$866**] **\$848** per month (100% of the schedule amount for two children at the \$2,500 per month income level). Mother's income would not be diminished as she owes no other child support. She would owe [**\$698**] **\$685** for the children in placement (100% of the schedule amount for two children at the \$2,000 income level).

(ii) If the parents reside in the same household, their respective obligations to the children who remain in the household and are not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and that amount shall be deducted from the parents' net monthly incomes for purposes of calculating support for the child(ren) in placement.

Example 3. Mother and Father have four children, two of whom are in placement. Mother's net monthly income is \$4,000 and Father's is [**\$2,000**] **\$3,000**. The basic support amount for the two children in the home is [**\$1,483**] **\$1,628**, according to the schedule at Rule 1910.16-3. As Mother's income is [**67%**] **57%** of the parties' combined net monthly incomes, her share would be [**\$994**] **\$928**, and Father's [**33%**] **43%** share would be [**\$489**] **\$700**. Mother's income for purposes of calculating support for the two children in placement would be [**\$3,006**] **\$3,072** (\$4,000 less [**\$994**] **\$928**). She would pay 100% of the basic child support at that income level, or [**\$1,033**] **\$1,032**, for the children in placement. Father's income would be [**\$1,511**] **\$2,300** ([**\$2,000**] **\$3,000** less [**\$489**] **\$700**) and his obligation to the children in placement would be [**\$531**] **\$782**.

* * * * *

Explanatory Comment—2012

The schedule of basic child support has been updated to reflect newer economic data. The schedule was prepared by Jane Venohr, Ph.D., the economist who assisted in the last guideline review using the same methodology. It includes an increase in the Self-Support Reserve to \$931 per month, the 2012 federal poverty level for one person.

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, Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement and Foster Care Payments.*

* * * * *

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 [\$551] \$543 per month. From that amount, subtract the amount the child is receiving in Social Security derivative benefits ([\$551] \$543 minus \$300 equals [\$251] \$243). Then, apply the formula at Rule 1910.16-4 to apportion the remaining child support amount of [\$251] \$243 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, the obligor's support obligation would be 60% of [\$251] \$243, or [\$151] \$146, per month.

Example 2. Two children live with Grandmother who receives \$400 per month in Social Security death benefits for the children as a result of their father's death. Grandmother also receives \$500 per month from a trust established by Father for the benefit of the children. Grandmother is employed and earns \$2,000 net per month. Grandmother seeks support from the children's mother, who earns \$1,500 net per month. For purposes of calculating Mother's support obligation, Grandmother's income will be \$500, the amount she receives on behalf of the children from the trust. Therefore, the obligee's and the obligor's combined net monthly incomes total \$2,000. Add to that the \$400 in Social Security benefits Grandmother receives for the children to find the basic child support amount in Rule 1910.16-3. The basic support amount at the \$2,400 income level for two children is [\$831] \$815. Subtracting from that amount the \$400 in Social Security derivative benefits Grandmother receives for the children, results in a basic support amount of [\$431] \$415. As Mother's income is 75% of the parties' combined income of \$2,000, her support obligation to Grandmother is [\$323] \$311 per month.

* * * * *

(e) *Net Income Affecting Application of the Support Guidelines.*

(1) *Low Income Cases.*

(A) When the obligor's monthly net income and corresponding number of children fall into the shaded area of the schedule set forth in Rule 1910.16-3, the basic child support obligation shall **first** be calculated using the obligor's income only. For example, where the obligor has monthly net income of [\$950] \$1,100, the presumptive amount of support for three children is [\$77] \$156 per month. This amount is determined directly from the schedule in Rule 1910.16-3. **Next, calculate the obligor's child support obligation as in any other case,**

using both parties' monthly net incomes. The lower of the two calculations shall be the obligor's basic child support obligation.

Example: The parties have two children. The obligor has net monthly income of \$1,500, which falls into the shaded area of the schedule for two children. Using only the obligor's income, the amount of support for two children would be \$518. Next, calculate support using both parties' incomes. The obligee has net monthly income of \$2,500 so the combined net monthly income of the parties is \$4,000. The basic child support amount at that income level for two children is \$1,240. As the obligor's income is 38% of the combined net monthly income of the parties, the obligor's share of the basic support amount is \$471. As the amount of support the obligor would pay using the obligor's income alone is more than the amount calculated using both parties' incomes, the lower amount would be awarded. Thus, the obligor's basic child support obligation is \$471.

(B) In computing a basic spousal support or alimony pendente lite obligation, the presumptive amount of support shall not reduce the obligor's net income below the Self-Support Reserve of [\$867] \$931 per month. For example, if the obligor earns \$1,000 per month and the obligee earns \$300 per month, the formula in Part IV of Rule 1910.16-4 would result in a support obligation of \$280 per month. Since this amount leaves the obligor with only \$720 per month, it must be adjusted so that the obligor retains at least [\$867] \$931 per month. The presumptive minimum amount of spousal support, therefore, is [\$133] \$69 per month in this case.

(C) When the obligor's monthly net income is [\$867] \$931 or less, the court may award support only after consideration of the obligor's actual living expenses.

* * * * *

Explanatory Comment—2012

The SSR has been increased to \$931, the 2012 federal poverty level for one person. Subdivision (e) has been amended to require that when the obligor's income falls into the shaded area of the basic child support schedule in Rule 1910.16-3, two calculations must be performed. One calculation uses only the obligor's income and the other is a regular calculation using both parties' incomes, awarding the lower amount to the obligee. The two step process is intended to address those cases in which the obligor has minimal income and the obligee's income is substantially greater.

Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule.

The following schedule sets forth the amounts spent on children in intact families by combined income and number of children. Combined income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

(Editor's Note: As part of this recommendation, the Committee is proposing to delete the text of the schedule which appear in 231 Pa. Code pages 1910-26—1910-54.10, serial pages (358518) and (347837)—(347874) and replace it with the following schedule, which is printed in regular type to enhance readability.)

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
950	17	17	18	18	18	18
1000	62	63	64	64	65	66
1050	107	108	110	111	112	113
1100	152	154	156	157	159	161
1150	197	199	202	204	206	208
1200	242	245	248	250	253	256
1250	287	290	294	297	300	303
1300	313	336	340	343	347	351
1350	324	381	386	390	394	398
1400	336	427	432	436	441	446
1450	348	472	478	483	488	493
1500	360	518	524	529	535	541
1550	371	537	570	576	582	588
1600	383	554	616	622	629	636
1650	395	571	662	669	676	683
1700	406	587	690	715	723	731
1750	418	604	708	762	770	778
1800	429	620	727	808	817	826
1850	440	636	746	833	864	873
1900	452	652	765	854	911	921
1950	463	669	784	875	958	968
2000	474	685	803	897	986	1016
2050	486	701	821	918	1009	1063
2100	497	717	840	939	1032	1111
2150	509	733	859	960	1056	1147
2200	520	750	878	981	1079	1173
2250	531	766	897	1002	1102	1198
2300	543	782	916	1023	1125	1223
2350	554	798	934	1044	1148	1248
2400	565	815	953	1065	1171	1273
2450	577	831	973	1086	1195	1299
2500	588	848	992	1108	1219	1325
2550	600	865	1012	1130	1243	1352
2600	612	881	1032	1152	1268	1378
2650	623	898	1051	1174	1292	1404
2700	635	915	1071	1196	1316	1430
2750	646	931	1091	1218	1340	1457
2800	658	948	1110	1240	1364	1483
2850	669	965	1130	1262	1388	1509
2900	681	981	1150	1284	1412	1535
2950	692	998	1169	1306	1437	1562
3000	704	1015	1189	1328	1461	1588
3050	716	1032	1209	1350	1485	1614
3100	727	1048	1228	1372	1509	1640
3150	738	1065	1247	1393	1532	1666

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
3200	747	1077	1261	1408	1549	1684
3250	756	1089	1274	1423	1565	1701
3300	765	1101	1287	1438	1582	1719
3350	774	1113	1300	1453	1598	1737
3400	783	1125	1314	1468	1614	1755
3450	792	1137	1327	1482	1631	1772
3500	801	1149	1340	1497	1647	1790
3550	809	1161	1354	1512	1663	1808
3600	818	1173	1367	1527	1680	1826
3650	826	1184	1379	1540	1694	1841
3700	831	1192	1388	1551	1706	1854
3750	836	1200	1398	1562	1718	1867
3800	842	1208	1408	1572	1729	1880
3850	847	1216	1417	1583	1741	1893
3900	853	1224	1427	1594	1753	1906
3950	858	1232	1436	1604	1765	1918
4000	863	1240	1446	1615	1777	1931
4050	869	1248	1456	1626	1788	1944
4100	874	1256	1465	1637	1800	1957
4150	880	1264	1474	1647	1812	1969
4200	886	1272	1483	1657	1823	1981
4250	892	1280	1492	1667	1834	1993
4300	898	1288	1502	1677	1845	2005
4350	903	1296	1511	1687	1856	2018
4400	909	1304	1520	1697	1867	2030
4450	915	1312	1529	1708	1878	2042
4500	921	1320	1538	1718	1889	2054
4550	927	1328	1547	1728	1901	2066
4600	933	1336	1555	1737	1911	2078
4650	936	1340	1559	1742	1916	2083
4700	939	1344	1563	1746	1921	2088
4750	943	1348	1567	1750	1925	2093
4800	946	1352	1571	1754	1930	2098
4850	949	1356	1575	1759	1935	2103
4900	953	1360	1578	1763	1939	2108
4950	956	1364	1582	1767	1944	2113
5000	960	1369	1586	1772	1949	2118
5050	963	1373	1590	1776	1953	2123
5100	967	1378	1595	1781	1960	2130
5150	971	1384	1602	1789	1968	2139
5200	976	1390	1608	1797	1976	2148
5250	980	1396	1615	1804	1985	2157
5300	984	1402	1622	1812	1993	2167
5350	989	1408	1629	1820	2002	2176
5400	993	1414	1636	1827	2010	2185

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
5450	997	1420	1643	1835	2018	2194
5500	1002	1426	1650	1843	2027	2203
5550	1006	1432	1656	1850	2035	2212
5600	1011	1438	1663	1858	2044	2222
5650	1015	1444	1670	1866	2052	2231
5700	1019	1450	1677	1873	2061	2240
5750	1024	1456	1684	1881	2069	2249
5800	1028	1462	1691	1889	2077	2258
5850	1033	1469	1698	1897	2087	2268
5900	1038	1476	1706	1906	2096	2278
5950	1043	1483	1714	1914	2105	2289
6000	1048	1490	1721	1923	2115	2299
6050	1053	1497	1729	1931	2124	2309
6100	1058	1504	1736	1940	2134	2319
6150	1063	1511	1744	1948	2143	2329
6200	1069	1517	1752	1957	2152	2340
6250	1074	1524	1759	1965	2162	2350
6300	1079	1531	1767	1974	2171	2360
6350	1084	1538	1775	1982	2181	2370
6400	1089	1545	1782	1991	2190	2380
6450	1094	1552	1790	1999	2199	2391
6500	1099	1559	1798	2008	2209	2401
6550	1104	1566	1805	2017	2218	2411
6600	1109	1573	1813	2026	2228	2422
6650	1114	1580	1821	2034	2238	2433
6700	1119	1587	1829	2043	2248	2443
6750	1123	1593	1837	2052	2257	2454
6800	1128	1600	1845	2061	2267	2465
6850	1133	1607	1853	2070	2277	2475
6900	1138	1614	1861	2079	2287	2486
6950	1143	1621	1869	2088	2297	2497
7000	1148	1628	1877	2097	2306	2507
7050	1153	1635	1885	2106	2316	2518
7100	1158	1642	1893	2115	2326	2528
7150	1162	1649	1901	2124	2336	2539
7200	1167	1655	1909	2132	2346	2550
7250	1172	1662	1917	2141	2356	2560
7300	1177	1669	1924	2150	2365	2570
7350	1182	1676	1932	2158	2374	2580
7400	1187	1682	1939	2166	2383	2590
7450	1191	1689	1946	2174	2392	2600
7500	1196	1695	1954	2182	2401	2609
7550	1201	1702	1961	2191	2410	2619
7600	1206	1708	1968	2199	2419	2629
7650	1210	1715	1976	2207	2428	2639

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
7700	1215	1722	1983	2215	2437	2649
7750	1220	1728	1990	2223	2446	2658
7800	1225	1735	1998	2231	2455	2668
7850	1230	1741	2005	2240	2464	2678
7900	1234	1748	2012	2248	2473	2688
7950	1239	1754	2020	2256	2482	2697
8000	1244	1761	2027	2264	2491	2707
8050	1249	1768	2034	2272	2500	2717
8100	1254	1774	2042	2281	2509	2727
8150	1258	1781	2049	2289	2518	2737
8200	1263	1787	2056	2297	2527	2746
8250	1268	1794	2064	2306	2536	2757
8300	1273	1801	2072	2315	2546	2768
8350	1278	1808	2081	2324	2556	2779
8400	1283	1815	2089	2333	2567	2790
8450	1287	1822	2097	2343	2577	2801
8500	1292	1829	2105	2352	2587	2812
8550	1297	1836	2114	2361	2597	2823
8600	1302	1843	2122	2370	2607	2834
8650	1307	1850	2130	2379	2617	2845
8700	1312	1857	2138	2389	2628	2856
8750	1317	1864	2147	2398	2638	2867
8800	1321	1871	2155	2407	2648	2878
8850	1326	1878	2163	2416	2658	2889
8900	1331	1885	2172	2426	2668	2900
8950	1336	1892	2180	2435	2678	2911
9000	1341	1899	2188	2444	2688	2922
9050	1346	1906	2196	2453	2699	2933
9100	1350	1913	2205	2463	2709	2944
9150	1355	1920	2213	2472	2719	2956
9200	1360	1927	2220	2480	2728	2966
9250	1362	1930	2224	2485	2733	2971
9300	1365	1934	2228	2489	2738	2976
9350	1367	1937	2232	2493	2742	2981
9400	1370	1940	2236	2497	2747	2986
9450	1372	1944	2239	2501	2752	2991
9500	1375	1947	2243	2506	2756	2996
9550	1377	1951	2247	2510	2761	3001
9600	1380	1954	2251	2514	2766	3006
9650	1382	1958	2255	2518	2770	3011
9700	1385	1961	2258	2523	2775	3016
9750	1387	1964	2262	2527	2780	3021
9800	1389	1968	2266	2531	2784	3027
9850	1392	1971	2270	2535	2789	3032
9900	1394	1975	2274	2540	2794	3037

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
9950	1397	1978	2277	2544	2798	3042
10000	1399	1981	2281	2548	2803	3047
10050	1402	1985	2285	2552	2808	3052
10100	1404	1988	2289	2557	2812	3057
10150	1407	1992	2293	2561	2817	3062
10200	1410	1997	2298	2567	2824	3070
10250	1415	2002	2304	2574	2831	3078
10300	1419	2008	2310	2581	2839	3086
10350	1423	2013	2316	2587	2846	3094
10400	1427	2019	2323	2594	2854	3102
10450	1431	2024	2329	2601	2861	3110
10500	1435	2030	2335	2608	2869	3118
10550	1439	2035	2341	2615	2876	3126
10600	1443	2041	2347	2621	2884	3134
10650	1447	2046	2353	2628	2891	3143
10700	1451	2052	2359	2635	2898	3151
10750	1456	2057	2365	2642	2906	3159
10800	1460	2063	2371	2649	2913	3167
10850	1464	2068	2377	2655	2921	3175
10900	1468	2074	2383	2662	2928	3183
10950	1472	2079	2389	2669	2936	3191
11000	1476	2085	2395	2676	2943	3199
11050	1480	2090	2402	2683	2951	3207
11100	1484	2096	2408	2689	2958	3216
11150	1488	2101	2414	2696	2966	3224
11200	1492	2107	2420	2703	2973	3232
11250	1496	2112	2426	2710	2981	3240
11300	1501	2118	2432	2716	2988	3248
11350	1505	2123	2438	2723	2996	3256
11400	1509	2130	2445	2731	3004	3265
11450	1514	2136	2452	2739	3013	3275
11500	1518	2142	2460	2747	3022	3285
11550	1523	2149	2467	2756	3031	3295
11600	1527	2155	2474	2764	3040	3305
11650	1532	2162	2482	2772	3049	3315
11700	1536	2168	2489	2780	3058	3324
11750	1541	2174	2496	2788	3067	3334
11800	1545	2181	2504	2797	3076	3344
11850	1550	2187	2511	2805	3085	3354
11900	1554	2194	2519	2813	3094	3364
11950	1559	2200	2526	2821	3104	3374
12000	1563	2206	2533	2830	3113	3383
12050	1568	2213	2541	2838	3122	3393
12100	1572	2219	2548	2846	3131	3403
12150	1577	2226	2555	2854	3140	3413

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
12200	1581	2232	2563	2863	3149	3423
12250	1586	2238	2570	2871	3158	3433
12300	1591	2245	2577	2879	3167	3442
12350	1595	2251	2585	2887	3176	3452
12400	1600	2258	2592	2895	3185	3462
12450	1604	2264	2600	2904	3194	3472
12500	1609	2271	2607	2912	3203	3482
12550	1613	2277	2614	2920	3212	3492
12600	1618	2283	2622	2928	3221	3501
12650	1622	2290	2629	2937	3230	3511
12700	1627	2296	2636	2945	3239	3521
12750	1631	2303	2644	2953	3248	3531
12800	1636	2309	2651	2961	3257	3541
12850	1640	2315	2658	2969	3266	3551
12900	1645	2322	2666	2978	3275	3560
12950	1649	2328	2673	2986	3285	3570
13000	1654	2335	2681	2994	3294	3580
13050	1658	2341	2688	3002	3303	3590
13100	1663	2347	2695	3011	3312	3600
13150	1668	2354	2703	3019	3321	3610
13200	1672	2360	2710	3027	3330	3619
13250	1677	2367	2717	3035	3339	3629
13300	1681	2373	2725	3044	3348	3639
13350	1685	2378	2730	3050	3355	3646
13400	1688	2383	2735	3055	3361	3653
13450	1691	2387	2741	3061	3367	3660
13500	1695	2392	2746	3067	3374	3667
13550	1698	2397	2751	3073	3380	3674
13600	1702	2401	2756	3079	3386	3681
13650	1705	2406	2761	3084	3393	3688
13700	1708	2411	2767	3090	3399	3695
13750	1712	2415	2772	3096	3406	3702
13800	1715	2420	2777	3102	3412	3709
13850	1718	2424	2782	3108	3418	3716
13900	1722	2429	2787	3113	3425	3723
13950	1725	2434	2793	3119	3431	3730
14000	1729	2438	2798	3125	3438	3737
14050	1732	2443	2803	3131	3444	3744
14100	1735	2448	2808	3137	3450	3751
14150	1739	2452	2813	3143	3457	3758
14200	1742	2457	2819	3148	3463	3764
14250	1746	2462	2824	3154	3470	3771
14300	1749	2466	2829	3160	3476	3778
14350	1752	2471	2834	3166	3482	3785
14400	1756	2476	2839	3172	3489	3792

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
14450	1759	2480	2845	3177	3495	3799
14500	1763	2485	2850	3183	3502	3806
14550	1766	2490	2855	3189	3508	3813
14600	1769	2494	2860	3195	3514	3820
14650	1773	2499	2865	3201	3521	3827
14700	1776	2504	2871	3206	3527	3834
14750	1779	2508	2876	3212	3533	3841
14800	1783	2513	2881	3218	3540	3848
14850	1786	2518	2886	3224	3546	3855
14900	1790	2522	2891	3230	3553	3862
14950	1793	2527	2897	3235	3559	3869
15000	1796	2532	2902	3241	3565	3876
15050	1800	2536	2907	3247	3572	3883
15100	1803	2541	2912	3253	3578	3890
15150	1807	2546	2917	3259	3585	3896
15200	1810	2550	2923	3265	3591	3903
15250	1813	2555	2928	3270	3597	3910
15300	1817	2559	2933	3276	3604	3917
15350	1820	2564	2938	3282	3610	3924
15400	1823	2569	2943	3288	3617	3931
15450	1827	2573	2949	3294	3623	3938
15500	1830	2578	2954	3299	3629	3945
15550	1834	2583	2959	3305	3636	3952
15600	1837	2587	2964	3311	3642	3959
15650	1840	2592	2969	3317	3649	3966
15700	1844	2597	2975	3323	3655	3973
15750	1847	2601	2980	3328	3661	3980
15800	1851	2606	2985	3334	3668	3987
15850	1854	2611	2990	3340	3674	3994
15900	1857	2615	2995	3346	3680	4001
15950	1861	2620	3001	3352	3687	4008
16000	1864	2625	3006	3357	3693	4015
16050	1868	2629	3011	3363	3700	4022
16100	1871	2634	3016	3369	3706	4028
16150	1874	2639	3021	3375	3712	4035
16200	1878	2643	3027	3381	3719	4042
16250	1881	2648	3032	3387	3725	4049
16300	1884	2653	3037	3392	3732	4056
16350	1888	2657	3042	3398	3738	4063
16400	1891	2662	3047	3404	3744	4070
16450	1895	2667	3053	3410	3751	4077
16500	1898	2671	3058	3416	3757	4084
16550	1901	2676	3063	3421	3764	4091
16600	1905	2681	3068	3427	3770	4098
16650	1908	2685	3073	3433	3776	4105

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
16700	1912	2690	3079	3439	3783	4112
16750	1915	2694	3084	3445	3789	4119
16800	1918	2699	3089	3450	3795	4126
16850	1922	2704	3094	3456	3802	4133
16900	1925	2708	3099	3462	3808	4140
16950	1928	2713	3105	3468	3815	4147
17000	1932	2718	3110	3474	3821	4153
17050	1935	2722	3115	3480	3827	4160
17100	1939	2727	3120	3485	3834	4167
17150	1942	2732	3125	3491	3840	4174
17200	1945	2736	3131	3497	3847	4181
17250	1949	2741	3136	3503	3853	4188
17300	1952	2746	3141	3509	3859	4195
17350	1956	2750	3146	3514	3866	4202
17400	1959	2755	3151	3520	3872	4209
17450	1962	2760	3157	3526	3879	4216
17500	1966	2764	3162	3532	3885	4223
17550	1969	2769	3167	3538	3891	4230
17600	1973	2774	3172	3543	3898	4237
17650	1976	2778	3177	3549	3904	4244
17700	1979	2783	3183	3555	3911	4251
17750	1983	2788	3188	3561	3917	4258
17800	1986	2792	3193	3567	3923	4265
17850	1989	2797	3198	3572	3930	4272
17900	1993	2802	3203	3578	3936	4279
17950	1996	2806	3209	3584	3942	4285
18000	2000	2811	3214	3590	3949	4292
18050	2003	2816	3219	3596	3955	4299
18100	2006	2820	3224	3602	3962	4306
18150	2010	2825	3229	3607	3968	4313
18200	2013	2829	3235	3613	3974	4320
18250	2017	2834	3240	3619	3981	4327
18300	2020	2839	3245	3625	3987	4334
18350	2023	2843	3250	3631	3994	4341
18400	2027	2848	3255	3636	4000	4348
18450	2030	2853	3261	3642	4006	4355
18500	2033	2857	3266	3648	4013	4362
18550	2037	2862	3271	3654	4019	4369
18600	2040	2867	3276	3660	4026	4376
18650	2044	2871	3281	3665	4032	4383
18700	2047	2876	3287	3671	4038	4390
18750	2050	2881	3292	3677	4045	4397
18800	2054	2885	3297	3683	4051	4404
18850	2057	2890	3302	3689	4058	4411
18900	2061	2895	3307	3694	4064	4417

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
18950	2064	2899	3313	3700	4070	4424
19000	2067	2904	3318	3706	4077	4431
19050	2071	2909	3323	3712	4083	4438
19100	2074	2913	3328	3718	4089	4445
19150	2078	2918	3333	3724	4096	4452
19200	2081	2923	3339	3729	4102	4459
19250	2084	2927	3344	3735	4109	4466
19300	2088	2932	3349	3741	4115	4473
19350	2091	2937	3354	3747	4121	4480
19400	2094	2941	3360	3753	4128	4487
19450	2098	2946	3365	3758	4134	4494
19500	2101	2951	3370	3764	4141	4501
19550	2105	2955	3375	3770	4147	4508
19600	2108	2960	3380	3776	4153	4515
19650	2111	2964	3386	3782	4160	4522
19700	2115	2969	3391	3787	4166	4529
19750	2118	2974	3396	3793	4173	4536
19800	2122	2978	3401	3799	4179	4543
19850	2125	2983	3406	3805	4185	4549
19900	2128	2988	3412	3811	4192	4556
19950	2132	2992	3417	3816	4198	4563
20000	2135	2997	3422	3822	4205	4570
20050	2138	3002	3427	3828	4211	4577
20100	2142	3006	3432	3834	4217	4584
20150	2145	3011	3438	3840	4224	4591
20200	2149	3016	3443	3846	4230	4598
20250	2152	3020	3448	3851	4236	4605
20300	2155	3025	3453	3857	4243	4612
20350	2159	3030	3458	3863	4249	4619
20400	2162	3034	3464	3869	4256	4626
20450	2166	3039	3469	3875	4262	4633
20500	2169	3044	3474	3880	4268	4640
20550	2172	3048	3479	3886	4275	4647
20600	2176	3053	3484	3892	4281	4654
20650	2179	3058	3490	3898	4288	4661
20700	2183	3062	3495	3904	4294	4668
20750	2186	3067	3500	3909	4300	4675
20800	2189	3072	3505	3915	4307	4681
20850	2193	3076	3510	3921	4313	4688
20900	2196	3081	3516	3927	4320	4695
20950	2199	3086	3521	3933	4326	4702
21000	2203	3090	3526	3938	4332	4709
21050	2206	3095	3531	3944	4339	4716
21100	2210	3099	3536	3950	4345	4723
21150	2213	3104	3542	3956	4352	4730

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
21200	2216	3109	3547	3962	4358	4737
21250	2220	3113	3552	3968	4364	4744
21300	2223	3118	3557	3973	4371	4751
21350	2227	3123	3562	3979	4377	4758
21400	2230	3127	3568	3985	4383	4765
21450	2233	3132	3573	3991	4390	4772
21500	2237	3137	3578	3997	4396	4779
21550	2240	3141	3583	4002	4403	4786
21600	2243	3146	3588	4008	4409	4793
21650	2247	3150	3593	4013	4415	4799
21700	2250	3155	3597	4017	4419	4804
21750	2253	3159	3601	4022	4424	4809
21800	2257	3163	3605	4026	4428	4814
21850	2260	3167	3609	4030	4433	4819
21900	2263	3171	3613	4034	4438	4824
21950	2267	3175	3618	4039	4442	4829
22000	2270	3179	3622	4043	4447	4834
22050	2273	3183	3626	4047	4452	4839
22100	2277	3187	3630	4051	4456	4844
22150	2280	3191	3634	4055	4461	4849
22200	2283	3196	3638	4060	4466	4854
22250	2287	3200	3642	4064	4470	4859
22300	2290	3204	3646	4068	4475	4864
22350	2293	3208	3650	4072	4480	4869
22400	2297	3212	3654	4077	4484	4874
22450	2300	3216	3659	4081	4489	4879
22500	2303	3220	3663	4085	4493	4884
22550	2307	3224	3667	4089	4498	4889
22600	2310	3228	3671	4093	4503	4894
22650	2313	3233	3675	4098	4507	4900
22700	2316	3237	3679	4102	4512	4905
22750	2320	3241	3683	4106	4517	4910
22800	2323	3245	3687	4110	4521	4915
22850	2326	3249	3691	4114	4526	4920
22900	2330	3253	3695	4119	4531	4925
22950	2333	3257	3700	4123	4535	4930
23000	2336	3261	3704	4127	4540	4935
23050	2340	3265	3708	4131	4544	4940
23100	2343	3269	3712	4136	4549	4945
23150	2346	3274	3716	4140	4554	4950
23200	2350	3278	3720	4144	4558	4955
23250	2353	3282	3724	4148	4563	4960
23300	2356	3286	3728	4152	4568	4965
23350	2360	3290	3732	4157	4572	4970

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
23400	2363	3294	3736	4161	4577	4975
23450	2366	3298	3740	4165	4582	4980
23500	2370	3302	3745	4169	4586	4985
23550	2373	3306	3749	4174	4591	4990
23600	2376	3311	3753	4178	4596	4995
23650	2380	3315	3757	4182	4600	5000
23700	2383	3319	3761	4186	4605	5005
23750	2386	3323	3765	4190	4609	5010
23800	2389	3327	3769	4195	4614	5016
23850	2393	3331	3773	4199	4619	5021
23900	2396	3335	3777	4203	4623	5026
23950	2399	3339	3781	4207	4628	5031
24000	2403	3343	3786	4212	4633	5036
24050	2406	3347	3790	4216	4637	5041
24100	2409	3352	3794	4220	4642	5046
24150	2413	3356	3798	4224	4647	5051
24200	2416	3360	3802	4228	4651	5056
24250	2419	3364	3806	4233	4656	5061
24300	2423	3368	3810	4237	4661	5066
24350	2426	3372	3814	4241	4665	5071
24400	2429	3376	3818	4245	4670	5076
24450	2433	3380	3822	4250	4674	5081
24500	2436	3384	3827	4254	4679	5086
24550	2439	3389	3831	4258	4684	5091
24600	2443	3393	3835	4262	4688	5096
24650	2446	3397	3839	4266	4693	5101
24700	2449	3401	3843	4271	4698	5106
24750	2452	3405	3847	4275	4702	5111
24800	2456	3409	3851	4279	4707	5116
24850	2459	3413	3855	4283	4712	5121
24900	2462	3417	3859	4287	4716	5127
24950	2466	3421	3863	4292	4721	5132
25000	2469	3425	3867	4296	4726	5137
25050	2472	3430	3872	4300	4730	5142
25100	2476	3434	3876	4304	4735	5147
25150	2479	3438	3880	4309	4739	5152
25200	2482	3442	3884	4313	4744	5157
25250	2486	3446	3888	4317	4749	5162
25300	2489	3450	3892	4321	4753	5167
25350	2492	3454	3896	4325	4758	5172
25400	2496	3458	3900	4330	4763	5177
25450	2499	3462	3904	4334	4767	5182
25500	2502	3467	3908	4338	4772	5187
25550	2506	3471	3913	4342	4777	5192
25600	2509	3475	3917	4347	4781	5197

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
25650	2512	3479	3921	4351	4786	5202
25700	2515	3483	3925	4355	4790	5207
25750	2519	3487	3929	4359	4795	5212
25800	2522	3491	3933	4363	4800	5217
25850	2525	3495	3937	4368	4804	5222
25900	2529	3499	3941	4372	4809	5227
25950	2532	3503	3945	4376	4814	5232
26000	2535	3508	3949	4380	4818	5238
26050	2539	3512	3954	4385	4823	5243
26100	2542	3516	3958	4389	4828	5248
26150	2545	3520	3962	4393	4832	5253
26200	2549	3524	3966	4397	4837	5258
26250	2552	3528	3970	4401	4842	5263
26300	2555	3532	3974	4406	4846	5268
26350	2559	3536	3978	4410	4851	5273
26400	2562	3540	3982	4414	4855	5278
26450	2565	3545	3986	4418	4860	5283
26500	2569	3549	3990	4423	4865	5288
26550	2572	3553	3994	4427	4869	5293
26600	2575	3557	3999	4431	4874	5298
26650	2579	3561	4003	4435	4879	5303
26700	2582	3565	4007	4439	4883	5308
26750	2585	3569	4011	4444	4888	5313
26800	2588	3573	4015	4448	4893	5318
26850	2592	3577	4019	4452	4897	5323
26900	2595	3581	4023	4456	4902	5328
26950	2598	3586	4027	4460	4907	5333
27000	2602	3590	4031	4465	4911	5338
27050	2605	3594	4035	4469	4916	5343
27100	2608	3598	4040	4473	4920	5349
27150	2612	3602	4044	4477	4925	5354
27200	2615	3606	4048	4482	4930	5359
27250	2618	3610	4052	4486	4934	5364
27300	2622	3614	4056	4490	4939	5369
27350	2625	3618	4060	4494	4944	5374
27400	2628	3623	4064	4498	4948	5379
27450	2632	3627	4068	4503	4953	5384
27500	2635	3631	4072	4507	4958	5389
27550	2638	3635	4076	4511	4962	5394
27600	2642	3639	4081	4515	4967	5399
27650	2645	3643	4085	4520	4972	5404
27700	2648	3647	4089	4524	4976	5409
27750	2651	3651	4093	4528	4981	5414
27800	2655	3655	4097	4532	4985	5419
27850	2658	3659	4101	4536	4990	5424

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
27900	2661	3664	4105	4541	4995	5429
27950	2665	3668	4109	4545	4999	5434
28000	2668	3672	4113	4549	5004	5439
28050	2671	3676	4117	4553	5009	5444
28100	2675	3680	4121	4558	5013	5449
28150	2678	3684	4126	4562	5018	5454
28200	2681	3688	4130	4566	5023	5460
28250	2685	3692	4134	4570	5027	5465
28300	2688	3696	4138	4574	5032	5470
28350	2691	3701	4142	4579	5036	5475
28400	2695	3705	4146	4583	5041	5480
28450	2698	3709	4150	4587	5046	5485
28500	2701	3713	4154	4591	5050	5490
28550	2705	3717	4158	4595	5055	5495
28600	2708	3721	4162	4600	5060	5500
28650	2711	3725	4167	4604	5064	5505
28700	2715	3729	4171	4608	5069	5510
28750	2718	3733	4175	4612	5074	5515
28800	2721	3737	4179	4617	5078	5520
28850	2724	3742	4183	4621	5083	5525
28900	2728	3746	4187	4625	5088	5530
28950	2731	3750	4191	4629	5092	5535
29000	2734	3754	4195	4633	5097	5540
29050	2738	3758	4199	4638	5101	5545
29100	2741	3762	4203	4642	5106	5550
29150	2744	3766	4207	4646	5111	5555
29200	2748	3770	4212	4650	5115	5560
29250	2751	3774	4216	4655	5120	5565
29300	2754	3779	4220	4659	5125	5571
29350	2758	3783	4224	4663	5129	5576
29400	2761	3787	4228	4667	5134	5581
29450	2764	3791	4232	4671	5139	5586
29500	2768	3795	4236	4676	5143	5591
29550	2771	3799	4240	4680	5148	5596
29600	2774	3803	4244	4684	5153	5601
29650	2778	3807	4248	4688	5157	5606
29700	2781	3811	4253	4693	5162	5611
29750	2784	3816	4257	4697	5166	5616
29800	2787	3820	4261	4701	5171	5621
29850	2791	3824	4265	4705	5176	5626
29900	2794	3828	4269	4709	5180	5631
29950	2797	3832	4273	4714	5185	5636
30000	2801	3836	4277	4718	5190	5641

* * * * *

Explanatory Comment—2012

The basic child support schedule has been amended to reflect updated economic data. It also reflects an increase in the Self-Support Reserve to \$931, the 2012 poverty level for one person, which has been incorporated into the schedule.

Rule 1910.16-3.1. Support Guidelines. High Income Cases.

(a) *Child Support Formula.* When the parties' combined monthly net income is above \$30,000, the following three-step process shall be applied to calculate the parties' respective child support obligations. The amount of support calculated pursuant to this three-step process shall in no event be less than the amount of support that would have been awarded if the parties' combined net monthly income were \$30,000. That amount shall be a presumptive minimum.

(1) First, the following formula shall be applied as a preliminary analysis in calculating the amount of basic child support to be apportioned between the parties according to their respective incomes:

- One child: [\$2,756] \$2,801 + [6.5%] 8.5% of combined net income above \$30,000 per month.
- Two children: [\$3,777] \$3,952 + [8.0%] 11.6% of combined net income above \$30,000 per month.
- Three children: [\$4,210] \$4,277 + [9.2%] 12.6% of combined net income above \$30,000 per month.
- Four children: [\$4,703] \$4,718 + [10.3%] 14.3% of combined net income above \$30,000 per month.
- Five children: [\$5,173] \$5,190 + [11.3%] 15.8% of combined net income above \$30,000 per month.
- Six children: [\$5,623] \$5,641 + [12.3%] 17.1% of combined net income above \$30,000 per month;

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

* * * * *

(c) *Substantial or Shared Physical Custody.*

* * * * *

Example. Where the obligor and the obligee have monthly net incomes of \$5,000 and \$2,300 respectively, their combined child support obligation is [\$1,663] \$1,669 for two children. Using the income shares formula in Part I, the obligor's share of this obligation is 68%, or [\$1,131] \$1,135. If the children spend 40% of their time with the obligor, the formula in Part II applies to reduce his or her percentage share of the combined support obligation to 58%, or [\$965] \$968. If the children spend 45% of their time with the obligor, his or her percentage share of the combined obligation is reduced to 53%, or [\$881] \$885. If the children spend equal time with both parents, the obligor's percentage share is reduced to 48%, or [\$798] \$801.

(2) Without regard to which parent initiated the support action, when the children spend equal time with both

parents, the Part II formula cannot be applied unless the obligor is the parent with the higher income. In no event shall an order be entered requiring the parent with the lower income to pay basic child support to the parent with the higher income. However, nothing in this subdivision shall prevent the entry of an order requiring the parent with less income to contribute to additional expenses pursuant to Rule 1910.16-6. Pursuant to either party's initiating a support action, the trier of fact may enter an order against either party based upon the evidence presented without regard to which party initiated the action. [**If application of the formula in Part II**] In all cases in which the parties share custody equally and the support calculation results in the obligee receiving a larger share of the parties' combined income [**in cases in which the parties share custody equally**], then the court shall adjust the support obligation so that the combined income is allocated equally between the two households. In those cases, no spousal support or alimony pendente lite shall be awarded.

Example 1. Mother and Father have monthly net incomes of \$3,000 and \$2,700 respectively. Mother has filed for support for the parties' two children with whom they share time equally. Pursuant to the [**Basic Child Support Schedule**] basic child support schedule at Rule 1910.16-3, the support amount for two children at their parents' combined net income level is [\$1,440] \$1,450 per month. Mother's share is 53% of that amount, or [\$763] \$769. Father's share is 47%, or [\$677] \$682. Application of subdivisions a. and b. of the Part II formula results in a 20% reduction in support when each parent spends 50% of the time with the children. Because the parties share custody equally, Mother cannot be the obligee for purposes of the Part II calculation because she has the higher income of the two parents. In these circumstances, although Mother initiated the support action, she would become the obligor even if Father has not filed for support. Father cannot be an obligor in the Part II calculations nor can the amount of support Mother is obligated to pay to Father be offset by calculating Father's adjusted amount of support under Part II because a support order cannot be entered against the parent with the lesser income. Using Mother as the obligor, her adjusted percentage share of the basic support amount is 33% (53% - 20% = 33%). Her adjusted share of the basic support amount is [\$475] \$479 (33% of [\$1,440] \$1,450). However, instead of [\$475] \$479 per month, Mother's support obligation would be adjusted to \$150 per month to allocate the parties' combined income equally between the two households. This is the presumptive amount of basic support payable to Father under these circumstances.

Example 2. Where the obligor and the obligee have monthly net incomes of \$3,000 and \$2,500 respectively, their combined child support obligation for two children is [\$1,412] \$1,426. The obligor's share of this obligation is 55%, or [\$777] \$784. If the children spend equal time with both parents, the formula in Part II results in a support obligation of [\$494] \$499 payable to the obligee. Since this amount gives the obligee [\$2,994] \$2,999 of the combined income, and leaves the obligor with only [\$2,506] \$2,501 of the combined income, the obligor's support obligation must be adjusted to \$250 to equalize the combined income between the parties' households. This is the presumptive amount of basic support payable to the obligee under these circumstances.

[(3) Reductions for substantial or shared custody shall not apply when the obligor's income falls within the shaded area of the schedule in Rule 1910.16-3 or when the obligee's income is 10% or less of the parties' combined income.]

(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] \$1,200. 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] \$804. Using the schedule in Rule 1910.16-3 for one child, Mother's support obligation for the child living with Father is [\$273] \$276. Subtracting [\$273] \$276 from [\$797] \$804 produces a net basic support amount of [\$524] \$528 payable to Mother as child support.

* * * * *

(f) *Allocation. Consequences.*

(1) An order awarding both spousal and child support may be unallocated or state the amount of support allocable to the spouse and the amount allocable to each child. **Each order shall clearly state whether it is allocated or unallocated even if the amounts calculated for child and spousal support are delineated on the order.** However, **Part IV** of the formula provided by these rules assumes that an order will be unallocated. Therefore, if the order is to be allocated, the formula set forth in this rule shall be utilized to determine the amount of support allocable to the spouse. If allocation of an order utilizing the formula would be inequitable, the court shall make an appropriate adjustment. Also, if an order is to be allocated, an adjustment shall be made to the award giving consideration to the federal income tax consequences of an allocated order as may be appropriate under the circumstances. No consideration of federal income tax consequences shall be applied if the order is unallocated or the order for the spousal support or alimony pendente lite only.

* * * * *

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.

Additional expenses permitted pursuant to this Rule 1910.16-6 may be allocated between the parties even if the parties' incomes do not justify an order of basic support.

(a) *Child care expenses.* Reasonable child care expenses paid by either parent, if necessary to maintain employment or appropriate education in pursuit of income, shall be allocated between the parties in proportion to their net incomes and added to his and her basic support obliga-

tion. When a parent is receiving a child care subsidy through the Department of Public Welfare, the expenses to be allocated between the parties shall be the [**full unsubsidized cost of the child care, not just the**] amount actually paid by the parent receiving the subsidy. [**However, if allocation of the unsubsidized amount would result in a support order that is overly burdensome to the obligor, deviation pursuant to Rule 1910.16-5 is warranted.**]

Example. Mother has primary custody of the parties' two children and Father has partial custody. Mother's monthly net income is \$2,000 and Father's is \$3,500. At their combined income level of \$5,500, the basic monthly child support from the schedule in Rule 1910.16-3 is [\$1,412] \$1,426 for two children. As Father's income is 64% of the parties' combined income, his share is [\$904] \$913. Mother incurs child care expenses of \$400 per month and Father incurs \$100 of such expenses each month. The total amount of child care expenses, \$500, will be apportioned between the parties, with Father paying 64%, or \$320. As he is already paying \$100 for child care while the children are in his partial custody, he would pay the remaining \$220 to Mother for a total child support obligation of [\$1,124] \$1,133 ([\$904] \$913 + \$220 = [\$1,124] \$1,133).

* * * * *

[*Official Note:* A child care subsidy provided by the Department of Public Welfare should not be used to reduce the child care expenses subject to allocation between the parties to the extent that the obligor has the financial resources to contribute to the actual costs of child care. Nor is it appropriate to order the obligee to seek a child care subsidy in order to reduce the obligor's share of child care expenses if the obligor has the financial ability to contribute to those expenses. While public policy requires that parents, rather than taxpayers, pay for their children's child care when they are able to do so, allocation of the full unsubsidized cost of child care may result in a support order that is overly burdensome to the obligor. In those circumstances, in addition to considering deviation to relieve the burden on the obligor, the trier of fact also has the discretion to determine whether or not to include in the order other adjustments under Rule 1910.16-6, such as a mortgage contribution, which are not mandatory. No adjustment to the basic support amount shall be permitted if such would cause the obligor's remaining net monthly income to fall below the Self-Support Reserve of \$867. Implicit in the rule requiring apportionment of the unsubsidized cost of child care is recognition of the duty of the subsidy recipient to report any additional income pursuant to Department of Public Welfare regulations so that adjustments can be made to entitlements accordingly.]

* * * * *

Rule 1910.16-7. Support Guidelines. Awards of Child Support When There are Multiple Families.

* * * * *

(b) When the total of the obligor's basic support obligations exceeds fifty percent of his or her monthly net income, the court may consider a proportional reduction of these obligations. Since, however, the goal of the

guidelines is to treat each child equitably, in no event should either a first or later family receive preference. Nor shall the court divide the guideline amount for all of the obligor's children among the households in which those children live.

Example 1. The obligor is sued for support of an out of wedlock child. The obligor is already paying support for two children of the first marriage, and has an intact second marriage with one child. The relevant monthly net incomes are \$3,800 for the obligor, \$1,100 for the former spouse, \$0 for the current spouse and \$1,500 for the parent of the new child. The obligor's basic support obligations to each family are [\$1,043] \$1,061 for the two children of the first marriage, [\$831] \$842 for the one child of the second marriage, and [\$699] \$708 for the one child out of wedlock for a total support obligation of [\$2,573] \$2,611. Since the total of these obligations exceeds fifty percent of the obligor's net monthly income of \$3,800 per month, the court may consider a proportional reduction of all of the orders.

Example 2. The obligor is sued for support of three children of a second marriage. There is already an order in effect for two children of the first marriage. The relevant monthly net incomes are [\$1,500] \$1,600 for the obligor, \$0 for the first spouse and \$500 for the second spouse. The obligor's basic support obligations to each family are [\$531] \$554 for the two children of the first marriage and [\$615] \$638 for the three children of the second marriage for a total support obligation of [\$1,146] \$1,192. Since this total obligation leaves the obligor with only [\$354] \$408 on which to live, the order for the three children of the second family is too high. **The obligor also must be left with a Self-Support Reserve of \$931.** However, reducing the order for three children while leaving the existing order intact would give preference to the first family, contrary to the rule. Therefore, both orders must be reduced proportionally.

Example 3. The obligor is sued to establish orders for three children born out of wedlock. The net monthly incomes for the obligor and for each obligee is \$1,500. The court would determine that the obligor's basic support obligation for each child is [\$357] \$352 for a total obligation of [\$1,071] \$1,056 for three children. It would be incorrect to determine the guideline amount for three children, in this case [\$1,213] \$1,189, and then divide that amount among the three children.

(c) For purposes of this rule, the presumptive amount of the obligor's basic support obligation is calculated using only the basic guideline amounts of support, as determined from the formula in Rule 1910.16-4, and does not include any additional expenses that may be added to these amounts pursuant to Rule 1910.16-6. In calculating the presumptive amount of the obligor's basic support obligation, the court should ensure that obligor retains at least [\$867] \$931 per month consistent with Rule 1910.16-2(e).

Example 1. Assume that the obligor is paying [\$575] \$565 per month support for one child of the first marriage, plus an additional \$200 per month for child care expenses. The obligor requests a reduction in this support obligation on the basis that there is one new child of the second intact marriage. The relevant incomes are \$2,400 for the obligor and \$0 for both the former and current spouses. The obligor's request for a reduction should be denied because the total of the basic guideline obligations

for both children is only [\$1,150] \$1,130 ([\$575] \$565 for each child) and this amount does not exceed 50% of the obligor's net monthly income. No reduction should be given on the basis that the obligor's contribution to child care expenses for the first child results in an overall support obligation of [\$1,350] \$1,330 which exceeds 50% of the obligor's net monthly income. Thus, the presumptive amount of basic support for the two children is still [\$1,150] \$1,130 ([\$575] \$565 for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the parties' respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

Example 2. Assume that the obligor is paying [\$365] \$360 per month support for one child of the first marriage. The obligor has one new child of the second intact marriage. The relevant incomes are \$1,500 for the obligor and \$0 for both the former and current spouses. No reduction should be given on the basis of the obligor's new child because the total of the basic guideline obligations for both children is only [\$730] \$720 ([\$365] \$360 for each child) and this amount does not exceed 50% of the obligor's net monthly income. Since, however, this amount leaves the obligor with only [\$770] \$780 per month, the court should proportionally reduce the support obligations so that the obligor retains [\$867] \$931 per month. Thus, the presumptive amount of basic support for the two children is [\$633] \$569 ([\$316.50] \$284.50 for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the parties' respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

* * * * *

Explanatory Comment—2012

Rule 1910.16-7 has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve to \$931 per month, the 2012 federal poverty level for one person.

[Pa.B. Doc. No. 12-575. Filed for public inspection March 30, 2012, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1915]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 115

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.

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 and welcomes 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, August 3, 2012 directed to:

Patricia A. Miles, Esquire
 Counsel, Domestic Relations Procedural Rules Committee
 Pennsylvania Judicial Center
 601 Commonwealth Avenue, Suite 6200
 P. O. Box 62635
 Harrisburg, PA 17106-2635
 Fax: 717 231-9531
 E-mail: domesticrules@pacourts.us

*By the Domestic Relations
 Procedural Rules Committee*

HONORABLE KEVIN M. DOUGHERTY,
Vice-Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.4-4. Pre-Hearing or Pre-Trial Procedures.

(a) Within 60 days after the initial in-person contact with the court (conciliation, mediation or conference with a conference officer), or not later than 30 days before trial, the trier of fact shall conduct a pre-trial or status conference.

(b) Not later than five days prior to the pre-trial or status conference, each party shall file and serve upon the other party a pre-trial statement. The pre-trial statement shall include the following matters, together with any additional information required by special order of the court:

(1) the name and address of each expert whom the party intends to call at trial as a witness. A report of each expert witness listed shall be attached to the pre-trial statement. The report shall describe the witness's qualifications and experience and state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;

(2) the name, address and a short summary of the testimony of each person, other than the party, whom the party intends to call at trial as a non-expert witness, a summary paragraph of the anticipated testimony of each witness and a statement by counsel that counsel has communicated with each witness whose anticipated testimony is summarized;

(3) a list of all of the exhibits which the party expects to offer in evidence, each containing an identifying mark. Any exhibits that do not exceed three pages shall be attached to the pre-trial statement, and any exhibits which exceed three pages shall be described; and

(4) a proposed order.

(c) If a party fails to file a pre-trial statement as required by subdivision (b), the court may make an appropriate order under Rule 4019(c) governing sanctions.

(d)(1) A party who fails to comply with the requirements of subdivision (b) of this rule shall, except upon good cause shown, be barred from offering any testimony or introducing any evidence in support of or in opposition to claims for the matters not covered therein.

(2) A party shall, except upon good cause shown, be barred from offering any testimony or introducing any evidence that is inconsistent with or which goes beyond the fair scope of the information set forth in the pre-trial statement.

(3) Unless otherwise ordered by the court, the parties may amend their pre-trial statements at any time, but not later than seven days before trial.

(e) At the pre-trial or status conference, the following shall be considered:

(1) The narrowing of the issues;

(2) The entry of a scheduling order;

(3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(4) The limitation of the number of expert witnesses;

(5) Settlement and/or mediation of the case;

(6) Such other matters as may aid in the disposition of the case.

(f) The court shall make an order reciting the action taken at the conference and the agreements made by the parties as to any of the matters considered, and limiting the issues for trial to those not disposed of by admissions or agreements of the attorneys. Such order shall control the subsequent course of the action unless modified at the trial to prevent manifest injustice.

Explanatory Comment—2012

The Domestic Relations Procedural Rules Committee has become aware that there is a wide disparity in pre-trial procedures in custody cases among the various jurisdictions. As the committee strives to recommend best practices, this new rule establishes uniform pre-trial procedures in custody cases. The goal is to reduce custody litigation by encouraging early preparation and court intervention for purposes of expedited resolutions. The rule is based upon the pre-trial procedures in divorce cases as set forth in Rule 1920.33.

[Pa.B. Doc. No. 12-576. Filed for public inspection March 30, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CUMBERLAND COUNTY

Local Rule 500; Civil Term 96-1335 Civil

Order

And Now, this 12th day of March, 2012, and effective April 1, 2012, or thirty (30) days after publication in the *Pennsylvania Bulletin*, Cumberland County Rule of Procedure 500 is amended to read as follows:

Rule 500. The Prothonotary shall provide and maintain in the public room of his office a bulletin board upon which notices, the posting of which is required by the Rules of Court, may be posted.

The Prothonotary shall make all matters or documents required or authorized, except juvenile cases and other non-public files, from August 2001 forward available on the Prothonotary's website for public access. The Prothonotary shall provide access to the public to search these records by docket number or by name of the plaintiff or defendant.

The Prothonotary shall provide access to certain non-public files, specifically Cumberland County family law actions exclusive of Protection from Abuse Actions from August 2001 forward, by use of a password login, to certain subscribing Pennsylvania licensed attorneys.

Note: For the purpose of internet access, non-public files shall include divorce, custody, and protection from abuse cases filed after the effective date of this rule.

Adopted September 21, 1953, effective January 1, 1954.
Amended June 21, 2010, effective June 21, 2010.
Amended March 12, 2012, effective April 1, 2012.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, together with a diskette, formatted in Microsoft Word for Windows reflecting the text in hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

By the Court

KEVIN A. HESS,
President Judge

[Pa.B. Doc. No. 12-577. Filed for public inspection March 30, 2012, 9:00 a.m.]

CUMBERLAND COUNTY

Mortgage Foreclosure Diversion Program; No. 12-1619 Civil Term

Administrative Order

And Now, this 28th day of February, 2012, the Cumberland County Court of Common Pleas having recognized the current mortgage foreclosure crisis hereby establishes a Mortgage Foreclosure Diversion Program:

(a) In all residential mortgage foreclosure actions involving a residential property which serves as the primary residence of the defendant/borrower, the complaint shall include a Notice of Residential Mortgage Foreclosure Diversion Program in the format set forth in Form 1 and a Financial Worksheet in the format set forth in Form 2.

(b) Following the service of the complaint, Notice of Residential Mortgage Foreclosure Diversion Program and Financial Worksheet, all proceedings shall be stayed for a period of sixty (60) days from the date of service of the complaint in order to afford the defendant/borrower an opportunity to qualify for participation in a court-supervised Conciliation Conference.

(c) If the defendant/borrower in a residential mortgage foreclosure action has taken the affirmative steps identified in the Notice of Residential Mortgage Foreclosure Diversion Program to be eligible to participate in a court-supervised Conciliation Conference, the defendant/borrower shall file a Request for Conciliation Conference in the form as set forth in Form 3 within the sixty (60) day time limit set forth in the Notice. The Request for Conciliation Conference shall be served upon counsel for the plaintiff/lender. A copy of the Request for Conciliation Conference shall also be served upon the Court Administrator for assignment to a judge.

(d) Upon receipt of the Request for Conciliation Conference, the court shall issue a case management order providing for the scheduling and conducting of a Conciliation Conference. See Form 4.

(e) The defendant/borrower shall be entitled to participate in a court-supervised conciliation conference with the plaintiff/lender in all residential mortgage foreclosure actions in which the defendant/borrower has completed a Financial Worksheet in the format set forth in Form 2 in advance of the Conciliation Conference and has filed and served a Request for a Conciliation Conference.

(f) To be eligible to participate in a Conciliation Conference an otherwise unrepresented defendant/borrower who has been served with a Notice of Residential Mortgage Foreclosure Diversion Program must contact MidPenn Legal Services at 717-243-9400 extension 2510 or 800-822-5288 extension 2510 for the appointment of a legal representative at no charge to the defendant/borrower, meet with the appointed legal representative, complete a Financial Worksheet, and file the Request for Conciliation Conference form within the time deadline set forth in the Notice.

(g) If the defendant/borrower is represented by counsel in the mortgage foreclosure action, the defendant/borrower need not contact MidPenn Legal Services for the appointment of a legal representative but, instead, counsel for the defendant/borrower shall ensure completion of the prescribed Financial Worksheet and file the Request for Conciliation Conference form within the time deadline set forth in the Notice.

(h) At least twenty-one (21) days prior to the date of the Conciliation Conference, the defendant/borrower must serve upon the plaintiff/lender and its counsel a copy of the Cumberland County Residential Mortgage Foreclosure Diversion Program Financial Worksheet.

(i) Conciliation conferences in Residential Mortgage Foreclosure actions will be conducted at such time and place as fixed in the case management order and will be conducted by a judge. The defendant/borrower and counsel for the parties must attend the Conciliation Conference in person and an authorized representative of the plaintiff/lender must either attend the Conciliation Conference in person or be available by telephone during the Conciliation Conference. The representative of the plaintiff/lender who participates in the Conciliation Conference must possess the actual authority to reach a mutually acceptable resolution. It is important, therefore, that counsel for the plaintiff/lender discuss resolution proposals with the authorized representative in advance of the Conciliation Conference. The court, in its discretion, may require the personal attendance of the authorized representative of the plaintiff/lender at the Conciliation Conference.

(j) At the Conciliation Conference, the parties and their counsel shall be prepared to discuss and explore all available resolution options which include, but are not limited to: bringing the mortgage current through a reinstatement; paying off the mortgage; proposing a forbearance agreement or repayment plan to bring the account current over time; agreeing to vacate in the near future in exchange for not contesting the matter and a monetary payment; offering the lender a deed in lieu of foreclosure; entering into a loan modification or a reverse mortgage; paying the mortgage default over sixty (60) months; and the institution of bankruptcy proceedings.

(k) If more than sixty (60) days has elapsed since the service of the Notice of Residential Mortgage Foreclosure Diversion Program and the defendant/borrower has not opted to participate in the Diversion Program by taking

the affirmative steps required by the Notice or the defendant/borrower has failed to serve a completed Financial Worksheet as required, or the parties have participated in a court-supervised Conciliation Conference and have been unable to resolve the matter, on motion of the plaintiff, the temporary stay will be terminated.

(l) The appearance by an attorney at the Conciliation Conference shall not be deemed to be an entry of appearance in the mortgage foreclosure action.

(m) This order shall take effect April 1, 2012, or thirty (30) days from the date of publication in the *Pennsylvania Bulletin* and remain in effect until June 30, 2014.

By the Court

KEVIN A. HESS,
President Judge

FORM 1

Plaintiff(s) : IN THE COURT OF COMMON PLEAS OF
 : CUMBERLAND COUNTY, PENNSYLVANIA
 :
 :
 vs. :
 :
 :
 Defendant(s) : _____ Civil

**NOTICE OF RESIDENTIAL MORTGAGE FORECLOSURE
 DIVERSION PROGRAM**

You have been served with a foreclosure complaint that could cause you to lose your home.

If you own and live in the residential property which is the subject of this foreclosure action, you may be able to participate in a court-supervised conciliation conference in an effort to resolve this matter with your lender.

If you do not have a lawyer, you must take the following steps to be eligible for a conciliation conference. First, within twenty (20) days of your receipt of this notice, you must contact MidPenn Legal Services at (717) 243-9400 extension 2510 or (800) 822-5288 extension 2510 and request appointment of a legal representative at no charge to you. Once you have been appointed a legal representative, you must promptly meet with that legal representative within twenty (20) days of the appointment date. During that meeting, you must provide the legal representative with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you and your legal representative complete a financial worksheet in the format attached hereto, the legal representative will prepare and file a Request for Conciliation Conference with the Court, which must be filed with the Court within sixty (60) days of the service upon you of the foreclosure complaint. If you do so and a conciliation conference is scheduled, you will have an opportunity to meet with a representative of your lender in an attempt to work out reasonable arrangements with your lender before the mortgage foreclosure suit proceeds forward.

If you are represented by a lawyer, you and your lawyer must take the following steps to be eligible for a conciliation conference. It is not necessary for you to contact MidPenn Legal Service for the appointment of a legal representative. However, you must provide your lawyer with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you and your lawyer complete a financial worksheet in the format attached hereto, your lawyer will prepare and file a Request for Conciliation Conference with the Court, which must be filed with the Court within sixty (60) days of the service upon you of the foreclosure complaint. If you do so and a conciliation conference is scheduled, you will have an opportunity to meet with a representative of your lender in an attempt to work out reasonable arrangements with your lender before the mortgage foreclosure suit proceeds forward.

IF YOU WISH TO SAVE YOUR HOME, YOU MUST ACT QUICKLY AND TAKE THE STEPS REQUIRED BY THIS NOTICE. THIS PROGRAM IS FREE.

Respectfully submitted:

Date

[Signature of Counsel for Plaintiff]

FORM 2

Cumberland County Residential Mortgage Foreclosure Diversion Program
Financial Worksheet

Date _____
Cumberland County Court of Common Pleas Docket # _____

BORROWER REQUEST FOR HARDSHIP ASSISTANCE

To complete your request for hardship assistance, your lender must consider your circumstances to determine possible options while working with your _____. Please provide the following information to the best of your knowledge:

CUSTOMER/PRIMARY APPLICANT

Borrower name(s): _____
Property Address: _____
City: _____ State: _____ Zip: _____
Is the property for sale? Yes No Listing date: _____ Price: \$ _____
Realtor Name: _____ Realtor Phone: _____
Borrower Occupied? Yes No
Mailing Address (if different): _____
City: _____ State: _____ Zip: _____
Phone Numbers: Home: _____ Office: _____
Cell: _____ Other: _____
Email: _____
of people in household: _____ How long? _____

CO-BORROWER

Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone Numbers: Home: _____ Office: _____
Cell: _____ Other: _____
Email: _____
of people in household: _____ How long? _____

FINANCIAL INFORMATION

First Mortgage Lender: _____
Type of Loan: _____
Loan Number: _____ Date You Closed Your Loan: _____
Second Mortgage Lender: _____
Type of Loan: _____
Loan Number: _____

Total Mortgage Payments Amount: \$ _____ Included Taxes & Insurance: _____
Date of Last Payment: _____

Primary Reason for Default: _____

Is the loan in Bankruptcy? Yes No

THE COURTS

If yes, provide names, location of court, case number & attorney: _____

<u>Assets</u>	<u>Amount Owed:</u>	<u>Value:</u>
Home:	\$ _____	\$ _____
Other Real Estate:	\$ _____	\$ _____
Retirement Funds:	\$ _____	\$ _____
Investments:	\$ _____	\$ _____
Checking:	\$ _____	\$ _____
Savings:	\$ _____	\$ _____
Other:	\$ _____	\$ _____

Automobile #1: Model: _____ Year: _____
 Amount owed: _____ Value: _____
Automobile #2: Model: _____ Year: _____
 Amount owed: _____ Value: _____
Other transportation (automobiles, boats, motorcycles): Model: _____
 Year: _____ Amount owed: _____ Value _____

Monthly Income

Name of Employers:
 1. _____
 2. _____
 3. _____
 Additional Income Description (not wages):
 1. _____ monthly amount: _____
 2. _____ monthly amount: _____
 Borrower Pay Days: _____ Co-Borrower Pay Days: _____

Monthly Expenses: (Please only include expenses you are currently paying)

EXPENSE	AMOUNT	EXPENSE	AMOUNT
Mortgage		Food	
2 nd Mortgage		Utilities	
Car Payment(s)		Condo/Neigh. Fees	
Auto Insurance		Med. (not covered)	
Auto fuel/repairs		Other prop. payment	
Install. Loan Payment		Cable TV	
Child Support/Alim.		Spending Money	
Day/Child Care/Tuit.		Other Expenses	

Amount Available for Monthly Mortgage Payments Based on Income & Expenses:

Have you been working with a Housing Counseling Agency?

Yes No

If yes, please provide the following information:

Counseling Agency: _____
 Counselor: _____
 Phone (Office): _____ Fax: _____

Email: _____

Have you made application for Homeowners Emergency Mortgage Assistance Program (HEMAP) assistance?

Yes No

If yes, please indicate the status of the application: _____

Have you had any prior negotiations with your lender or lender's loan servicing company to resolve your delinquency?

Yes No

If yes, please indicate the status of those negotiations: _____

Please provide the following information, if know, regarding your lender or lender's loan servicing company:

Lender's Contact (Name): _____ Phone: _____

Servicing Company (Name): _____
 Contact: _____ Phone: _____

AUTHORIZATION

I/We, _____, authorize the above named _____ to use/refer this information to my lender/servicer for the sole purpose of evaluating my financial situation for possible mortgage options. I/We understand that I/we am/are under no obligation to use the services provided by the above named _____.

 Borrower Signature Date

 Co-Borrower Signature Date

Please forward this document along with the following information to lender and lender's counsel:

- √ **Proof of income**
- √ **Past 2 bank statements**
- √ **Proof of any expected income for the last 45 days**
- √ **Copy of a current utility bill**
- √ **Letter explaining reason for delinquency and any supporting documentation (hardship letter)**
- √ **Listing agreement (if property is currently on the market)**

FORM 3

Plaintiff(s) : IN THE COURT OF COMMON PLEAS OF
 : CUMBERLAND COUNTY, PENNSYLVANIA
 :
 :
 vs. :
 :
 :
 Defendant(s) : _____ CIVIL

REQUEST FOR CONCILIATION CONFERENCE

Pursuant to the Administrative Order dated _____, 2012 governing the Cumberland County Residential Mortgage Foreclosure Diversion Program, the undersigned hereby certifies as follows:

1. Defendant is the owner of the real property which is the subject of this mortgage foreclosure action;
2. Defendant lives in the subject real property, which is defendant's primary residence;
3. Defendant has been served with a "Notice of Residential Mortgage Foreclosure Diversion Program" and has taken all of the steps required in that Notice to be eligible to participate in a court-supervised conciliation conference.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Signature of Defendant's Counsel/Appointed
Legal Representative

Date

Signature of Defendant

Date

Signature of Defendant

Date

FORM 4

Plaintiff(s)	:	IN THE COURT OF COMMON PLEAS OF
	:	CUMBERLAND COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION
	:	
	:	NO.
	:	
Defendant(s)	:	

CASE MANAGEMENT ORDER

AND NOW, this day of , 20 , the defendant/borrower in the above-captioned residential mortgage foreclosure action having filed a Request for Conciliation Conference verifying that the defendant/borrower has complied with the Administrative Rule requirements for the scheduling of a Conciliation Conference, it is hereby ORDERED AND DECREED that:

1. The parties and their counsel are directed to participate in a court-supervised conciliation Conference on _____ at _____ .M. in _____ at the Cumberland County Courthouse, Carlisle, Pennsylvania.
2. At least twenty-one (21) days prior to the date of the Conciliation Conference, the defendant/borrower must serve upon the plaintiff/lender and its counsel a copy of the "Cumberland County Residential Mortgage Foreclosure Diversion Program Financial Worksheet" (Form 2) which has been completed by the defendant/borrower. Upon agreement of the parties in writing or at the discretion of the Court, the Conciliation Conference ordered may be rescheduled to a later date and/or the date upon which service of the completed Form 2 is to be made may be extended. Upon notice to the

Court of the defendant/borrower's failure to serve the completed Form 2 within the time frame set forth herein or such other date as agreed upon by the parties in writing or ordered by the Court, the case shall be removed from the Conciliation Conference schedule and the temporary stay of proceedings shall be terminated.

3. The defendant/borrower and counsel for the parties must attend the Conciliation Conference in person and an authorized representative of the plaintiff/lender must either attend the Conciliation Conference in person or be available by telephone during the course of the Conciliation Conference. The representative of the plaintiff/lender who participates in the Conciliation Conference must possess the actual authority to reach a mutually acceptable resolution, and counsel for the plaintiff/lender must discuss resolution proposals with the authorized representative in advance of the Conciliation Conference. If the duly authorized representative of the plaintiff/lender is not available by telephone during the Conciliation Conference, the Court will schedule another Conciliation Conference and require the personal attendance of the authorized representative of the plaintiff/lender at the rescheduled Conciliation Conference.
4. At the Conciliation Conference, the parties and their counsel shall be prepared to discuss and explore all available resolution options which shall include: bringing the mortgage current through a reinstatement; paying off the mortgage; proposing a forbearance agreement or repayment plan to bring the account current over time; agreeing to tender a monetary payment and to vacate in the near future in exchange for not contesting the matter; offering the lender a deed in lieu of foreclosure;

entering into a loan modification or a reverse mortgage; paying the mortgage default over sixty months; and the institution of bankruptcy proceedings.

5. All proceedings in this matter are stayed pending the completion of the scheduled conciliation conference.

BY THE COURT,

J.

[Pa.B. Doc. No. 12-578. Filed for public inspection March 30, 2012, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that James E. Sacks-Wilner, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated January 6, 2011, the Supreme Court of Pennsylvania issued an Order on March 12, 2012, disbarring James E. Sacks-Wilner from the Bar of this Commonwealth, effective April 11, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 12-579. Filed for public inspection March 30, 2012, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that John A. Misco, Jr., having been suspended from the practice of law in the State of New Jersey for a period of 1 year by Order of the Supreme Court of New Jersey dated May 10, 2011, the Supreme Court of Pennsylvania issued an Order dated March 12, 2012, suspending John A. Misco, Jr. from the practice of law in this Commonwealth for a period of 1 year, to run consecutive to the suspension imposed by the Supreme Court of Pennsylvania on January 25, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 12-580. Filed for public inspection March 30, 2012, 9:00 a.m.]