

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1900 ]

#### Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 126

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, February 14, 2014 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*

CAROL S. MILLS McCARTHY,  
*Chair*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

##### Rule 1901.7. Decision. Post-trial relief.

(a) The decision of the court may consist of only general findings of abuse but shall dispose of all claims for relief. The court's final order shall be rendered substantially in the form set forth in Rule 1905(e).

(b) No motion for post-trial relief may be filed to the final order.

**Official Note:** The procedure relating to Motions for Reconsideration is set forth in Rule 1930.2.

(c) If a final protection from abuse order directs the defendant to pay support to the plaintiff for the benefit of the plaintiff and/or a child, the plaintiff must file a complaint for support with the domestic

relations section within two weeks of the date of the order or the support provisions of the order shall lapse automatically. If the plaintiff timely files with the domestic relations section, the support provisions of the final protection from abuse order shall remain in effect until a support order is entered.

(d) Provided that the child is not a person protected under a final protection from abuse order, if a final protection from abuse order includes provisions regarding the custody of a child, those temporary custody provisions shall lapse automatically unless either party files a complaint for custody or a petition for modification of an existing custody order within 30 days of the entry of the final protection from abuse order. If either party timely files for custody or modification, the custody provisions of the final protection from abuse order shall remain in effect until a final custody order is entered.

\* \* \* \* \*

#### Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

\* \* \* \* \*

(e) The Final Order of Court, or any amended, modified or extended Final Order of Court, entered pursuant to the Act shall be substantially in the following form, but the first page must be exactly as set forth in this rule:

\* \* \* \* \*

5. Temporary custody of the minor children, (NAMES OF THE CHILDREN SUBJECT TO THE PROVISION OF THIS PARAGRAPH) shall be as follows:

Check all that apply:

STATE TO WHOM PRIMARY PHYSICAL CUSTODY IS AWARDED, STATE TERMS OF PARTIAL CUSTODY [ OR VISITATION ], IF ANY.

\_\_\_\_\_  
 \_\_\_\_\_

There is a current custody order as to the children of the parties:

\_\_\_\_\_  
 (county court)

\_\_\_\_\_  
 (docket number)

A custody petition is pending.  
 A hearing is scheduled for \_\_\_\_\_  
 (date, time and location)

THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.

THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CUSTODY.

The custody provisions of this order shall lapse automatically if neither party files a complaint for custody or petition for modification within 30 days of the date of this order, unless the child is a protected person under this order. If either party

**timely files for custody or modification, the custody provisions of this order shall remain in effect until a final custody order is entered.**

□ 6. FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS.

\* \* \* \* \*

[Pa.B. Doc. No. 13-1656. Filed for public inspection September 13, 2013, 9:00 a.m.]

—————

**PART I. GENERAL**  
**[ 231 PA. CODE CH. 1910 ]**

**Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 127**

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, February 14, 2014 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*

CAROL S. MILLS McCARTHY,  
*Chair*

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1910. ACTIONS FOR SUPPORT**

**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.

\* \* \* \* \*

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. Notwithstanding the prior sentence, there shall be no apportionment of unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The court may direct that the obligor's share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.

(1) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person. Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, and orthodontia. Medical expenses do not include cosmetic, chiropractic, psychiatric, psychological or other services unless specifically directed in the order of court.

**Official Note:** While cosmetic, chiropractic, psychiatric, psychological or other expenses are not required to be apportioned between the parties, the court may apportion such expenses that it determines to be reasonable and appropriate under the circumstances.

(2) An annual limitation may be imposed when the burden on the obligor would otherwise be excessive.

(3) Annual expenses pursuant to this subdivision (c), shall be calculated on a calendar year basis. In the year in which the initial support order is entered, **or in any period in which support is being paid that is less than a full year**, the \$250 threshold shall be pro-rated. Documentation of unreimbursed medical expenses that either party seeks to have allocated between the parties shall be provided to the other party not later than March 31 of the year following the calendar year in which the final bill was received by the party seeking allocation. For purposes of subsequent enforcement, unreimbursed medical bills need not be submitted to the domestic relations section prior to March 31. Allocation of unreimbursed medical expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.

**(4) In cases involving only spousal support or alimony pendente lite, the parties' respective net incomes for purposes of allocating unreimbursed medical expenses shall be calculated after the amount of spousal support or alimony pendente lite is deducted from the obligor's income and added to the obligee's income.**

**Official Note:** If the trier of fact determines that the obligee acted reasonably in obtaining services which were not specifically set forth in the order of support, payment for such services may be ordered retroactively.

\* \* \* \* \*

[Pa.B. Doc. No. 13-1657. Filed for public inspection September 13, 2013, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### WESTMORELAND COUNTY

**Rescinding Orphans' Court Rules WO301(b),  
WO302(b), WO303(a) and WO304; No. 65-96-214**

#### Order

*And Now*, this 27th day of August, 2013, it is *Hereby Ordered* that Westmoreland Rules of Orphans' Court WO301(b), WO302(b), WO303(a) and WO304 are rescinded.

*By the Court*

GARY P. CARUSO,  
*President Judge*

[Pa.B. Doc. No. 13-1658. Filed for public inspection September 13, 2013, 9:00 a.m.]

### WESTMORELAND COUNTY

**Rescinding Rule W1915.4 and Adopting New Rule  
W1915.4; No. 3 of 2013**

#### Order

*And Now*, this 23rd day of August, 2013, *It Is Hereby Ordered* that Westmoreland County Rule of Civil Procedure W1915.4 is rescinded and new Rule W1915.4 is adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

GARY P. CARUSO,  
*President Judge*

#### **Rule W1915.4. Child Program.**

All parties shall be ordered in the Pretrial Conference Scheduling Order to attend the Children Hurt in Loss through Divorce/separation (CHILD) Program prior to the Pretrial Conference, and to provide proof of attendance to the Court at the Pretrial Conference.

Current Rule 1915.4 is rescinded; New Rule 1915.4 is adopted effective October 1, 2013.

[Pa.B. Doc. No. 13-1659. Filed for public inspection September 13, 2013, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Cheryl Haft Picker having been suspended from the practice of law in the State of New Jersey for a period of 3 months by Order of the Supreme Court of New Jersey dated March 25, 2013, the Supreme Court of Pennsylvania issued an Order dated August 28, 2013, suspending Cheryl Haft Picker from the practice of law in this Commonwealth for a period of 3 months, effective September 27, 2013. 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. 13-1660. Filed for public inspection September 13, 2013, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that a Notice and Order pursuant to Rule 216, Pa.R.D.E., was entered by the Supreme Court of Pennsylvania on June 5, 2013, and upon consideration of the responses filed, the Supreme Court of Pennsylvania issued an Order dated August 28, 2013, placing Kenneth A. Martin on temporary suspension from the practice of law in this Commonwealth pending resolution of final discipline by the District of Columbia Court of Appeals and until definitive action by the Supreme Court of Pennsylvania. 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. 13-1661. Filed for public inspection September 13, 2013, 9:00 a.m.]