

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 3]

Proposed Amendment of Pa.R.A.P. 341

The Appellate Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 341 governing final orders. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor will be officially adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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Appellate Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
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All communications in reference to the proposal should be received by February 22, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court
Procedural Rules Committee*

PATRICIA A. McCULLOUGH,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

FINAL ORDERS

Rule 341. Final Orders; Generally.

(a) *General [Rule] rule.*—Except as prescribed in paragraphs (d) and (e) of this rule, an appeal may be taken as of right from any final order of a government unit or trial court.

(b) *Definition of [Final Order] final order.*—A final order [is any order that]:

- (1) disposes of all claims and of all parties; [or]
- (2) (Rescinded)[.];

(3) is entered as a final order pursuant to paragraph (c) of this rule[.]; or

(4) is an order pursuant to paragraph (f) of this rule.

(c) *Determination of finality.*—When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim or when multiple parties are involved, the trial court or other government unit may enter a final order as to one or more but fewer than all of the claims and parties only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Such an order becomes appealable when entered. In the absence of such a determination and entry of a final order, any order or other form of decision that adjudicates fewer than all the claims and parties shall not constitute a final order. In addition, the following conditions shall apply:

(1) The trial court or other government unit is required to act on an application for a determination of finality under paragraph (c) within 30 days of entry of the order. During the time an application for a determination of finality is pending the action is stayed.

(2) A notice of appeal may be filed within 30 days after entry of an order as amended unless a shorter time period is provided in Pa.R.A.P. 903(c). Any denial of such an application shall be reviewable only for abuse of discretion pursuant to Chapter 15.

(3) Unless the trial court or other government unit acts on the application within 30 days of entry of the order, the trial court or other government unit shall no longer consider the application and it shall be deemed denied.

(4) The time for filing a petition for review will begin to run from the date of entry of the order denying the application for a determination of finality or, if the application is deemed denied, from the 31st day. A petition for review may be filed within 30 days of the entry of the order denying the application or within 30 days of the deemed denial unless a shorter time period is provided by Pa.R.A.P. 1512(b).

(d) *Superior Court and Commonwealth Court [Orders] orders.*—Except as prescribed by Pa.R.A.P. 1101 no appeal may be taken as of right from any final order of the Superior Court or of the Commonwealth Court.

(e) *Criminal [Orders] orders.*—An appeal may be taken by the Commonwealth from any final order in a criminal matter only in the circumstances provided by law.

(f) PCRA orders.

(1) An order granting, denying, dismissing, or otherwise finally disposing of a petition for post-conviction collateral relief shall constitute a final order for purposes of appeal.

(2) An order granting sentencing relief, but denying, dismissing, or otherwise disposing of all other claims within a petition for post-conviction collateral relief shall constitute a final order for purposes of appeal.

Official Note: Related Constitutional and Statutory Provisions—Section 9 of Article V of the Constitution of Pennsylvania provides that “there shall be a right of

appeal from a court of record or from an administrative agency to a court of record or to an appellate court.” The constitutional provision is implemented by 2 Pa.C.S. § 702, 2 Pa.C.S. § 752, and 42 Pa.C.S. § 5105.

*Criminal Law Proceedings—Commonwealth Appeals—*Orders formerly appealable under Pa.R.A.P. 341 by the Commonwealth in criminal cases as heretofore provided by law, but which do not dispose of the entire case, are now appealable as interlocutory appeals as of right under paragraph (d) of Pa.R.A.P. 311.

*Final Orders—Pre- and Post-1992 Practice—*The 1992 amendment generally eliminates appeals as of right under Pa.R.A.P. 341 from orders not ending the litigation as to all claims and as to all parties. Formerly, there was case law that orders not ending the litigation as to all claims and all parties are final orders if such orders have the practical consequence of putting a litigant out of court.

A party needs to file only a single notice of appeal to secure review of prior non-final orders that are made final by the entry of a final order, *see K.H. v. J.R.*, 826 A.2d 863, 870-71 (Pa. 2003) (following trial); *Betz v. Pneumo Abex LLC*, 44 A.3d 27, 54 (Pa. 2012) (summary judgment). Where, however, one or more orders resolves issues arising on more than one docket or relating to more than one judgment, separate notices of appeal must be filed. *Commonwealth v. C.M.K.*, 932 A.2d 111, 113 & n.3 (Pa. Super. 2007) (quashing appeal taken by single notice of appeal from order on remand for consideration under Pa.R.Crim.P. 607 of two persons’ judgments of sentence).

The 1997 amendments to paragraphs (a) and (c), substituting the conjunction “and” for “or,” are not substantive. The amendments merely clarify that by definition any order which disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.

*Rescission of subparagraph (b)(2)—*The 2015 rescission of subparagraph (b)(2) eliminated a potential waiver trap created by legislative use of the adjective “final” to describe orders that were procedurally interlocutory but nonetheless designated as appealable as of right. Failure to appeal immediately an interlocutory order deemed final by statute waived the right to challenge the order on appeal from the final judgment. Rescinding subparagraph (b)(2) eliminated this potential waiver of the right to appeal. If an order designated as appealable by a statute disposes of all claims and of all parties, it is appealable as a final order pursuant to Pa.R.A.P. 341. If the order does not meet that standard, then it is interlocutory regardless of the statutory description. Pa.R.A.P. 311(a)(8) provides for appeal as of right from an order that is made final or appealable by statute or general rule, even though the order does not dispose of all claims or of all parties and, thus, is interlocutory; Pa.R.A.P. 311(g) addresses waiver if no appeal is taken immediately from such interlocutory order.

One of the further effects of the rescission of subparagraph (b)(2) is to change the basis for appealability of orders that do not end the case but grant or deny a declaratory judgment. *See Nationwide Mut. Ins. Co. v. Wickett*, 763 A.2d 813, 818 (Pa. 2000); *Pa. Bankers Ass’n v. Pa. Dep’t. of Banking*, 948 A.2d 790, 798 (Pa. 2008). The effect of the rescission is to eliminate waiver for failure to take an immediate appeal from such an order. A party aggrieved by an interlocutory order granting or denying a declaratory judgment, where the order satisfies

the criteria for “finality” under *Pennsylvania Bankers Association*, may elect to proceed under Pa.R.A.P. 311(a)(8) or wait until the end of the case and proceed under subparagraph (b)(1) of this rule.

An arbitration order appealable under 42 Pa.C.S. § 7320(a) may be interlocutory or final. If it disposes of all claims and parties, it is final and, thus, appealable pursuant to Pa.R.A.P. 341. If the order does not dispose of all claims and all parties, that is, the order is not final, but rather interlocutory, it is appealable pursuant to Pa.R.A.P. 311. Failure to appeal an interlocutory order appealable as of right may result in waiver of objections to the order. *See* Pa.R.A.P. 311(g).

*Paragraph (c)—Determination of Finality—*Paragraph (c) permits an immediate appeal from an order dismissing less than all claims or parties from a case only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Factors to be considered under paragraph (c) include, but are not limited to:

- (1) whether there is a significant relationship between adjudicated and unadjudicated claims;
- (2) whether there is a possibility that an appeal would be mooted by further developments;
- (3) whether there is a possibility that the court or government unit will consider issues a second time; and
- (4) whether an immediate appeal will enhance prospects of settlement.

The failure of a party to apply to the government unit or trial court for a determination of finality pursuant to paragraph (c) shall not constitute a waiver and the matter may be raised in a subsequent appeal following the entry of a final order disposing of all claims and all parties.

Where the government unit or trial court refuses to amend its order to include the express determination that an immediate appeal would facilitate resolution of the entire case and refuses to enter a final order, a petition for review under Chapter 15 of the unappealable order of denial is the exclusive mode of review to determine whether the case is so egregious as to justify prerogative appellate correction of the exercise of discretion by the lower tribunal. *See, e.g.,* Pa.R.A.P. 1311, Official Note. The filing of such a petition for review does not prevent the trial court or other government unit from proceeding further with the matter pursuant to Pa.R.A.P. 1701(b)(6). Of course, as in any case, the appellant could apply for a discretionary stay of the proceeding below.

Subparagraph (c)(2) provides for a stay of the action pending determination of an application for a determination of finality. If a petition for review is filed challenging denial, a stay or *supersedeas* will issue only as provided under Chapter 17 of these rules.

In the event that a trial court or other government unit enters a final order pursuant to paragraph (c) of this rule, the trial court or other government unit may no longer proceed further in the matter, except as provided in Pa.R.A.P. 1701(b)(1)—(5).

The following is a partial list of orders previously interpreted by the courts as appealable as final orders under Pa.R.A.P. 341 that are no longer appealable as of right unless the trial court or government unit makes an express determination that an immediate appeal would facilitate resolution of the entire case and expressly enters a final order pursuant to Pa.R.A.P. 341(c):

(1) an order dismissing one of several causes of action pleaded in a complaint but leaving pending other causes of action;

(2) an order dismissing a complaint but leaving pending a counterclaim;

(3) an order dismissing a counterclaim but leaving pending the complaint that initiated the action;

(4) an order dismissing an action as to less than all plaintiffs or as to less than all defendants but leaving pending the action as to other plaintiffs and other defendants;

(5) an order granting judgment against one defendant but leaving pending the complaint against other defendants; and

(6) an order dismissing a complaint to join an additional defendant or denying a petition to join an additional defendant or denying a petition for late joinder of an additional defendant.

The 1997 amendment adding subparagraph (c)(3) provided for a deemed denial where the trial court or other government unit fails to act on the application within 30 days.

Paragraph (f)—PCRA Orders—A failure to timely file an appeal pursuant to paragraph (f)(2) shall constitute a waiver of all objections to such an order.

EXPLANATORY COMMENT

The Appellate Court Procedural Rules Committee proposes to amend Pa.R.A.P. 341 to add new paragraph (f) to clarify the finality of resentencing orders resolving petitions filed pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S. §§ 9541—9546.

Pennsylvania Rule of Criminal Procedure 910 states: “An order granting, denying, dismissing, or otherwise finally disposing of a petition for post-conviction collateral relief shall constitute a final order for purposes of appeal.” Pa.R.Crim.P. 910. A question arose concerning the application of this rule and whether an order granting resentencing relief pursuant to the PCRA is final notwithstanding that resentencing has not occurred. In the absence of consensus within the Superior Court, see *Commonwealth v. Gaines*, 127 A.3d 15 (Pa. Super. 2015) (*en banc*), the Committee has discerned an emerging precedent among panel decisions that such an order is final notwithstanding resentencing. See, e.g., *Commonwealth v. Grove*, 170 A.3d 1127, 1138 (Pa. Super. 2017); *Commonwealth v. Watley*, 153 A.3d 1034, 1039 n. 3 (Pa. Super. 2016).

Accordingly, the Committee proposes to incorporate within Pa.R.A.P. 341 the language of Pa.R.Crim.P. 910 as new paragraph (f)(1) and codify *Grove, et al.* as new paragraph (f)(2). The Committee believes this approach hews more closely with *Commonwealth v. Bryant*, 780 A.2d 646, 648 (Pa. 2001) (applying similar procedure in capital cases) despite the cogently articulated policy arguments set forth in the dissenting opinion in *Gaines*.

The Committee invites all comments, concerns and suggestions regarding this proposal.

[Pa.B. Doc. No. 19-3. Filed for public inspection January 4, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Domestic Relations Fee Schedule; DRS MsD No. 051-18

Administrative Order of Court

And Now, this 17th day of December, 2018, upon its own motion, the Court hereby vacates the Administrative Order of Court entered on October 5, 2017 in which several Domestic Relations Section fees were established.

It is further ordered that, pursuant to the Pa. Rule of Civil Procedure § 1910.4 the Court hereby orders and directs that no fees shall be assessed by the Domestic Relations Section of the Court of Common Pleas of Butler County, Pennsylvania.

It is further ordered that this Administrative Order shall be effective immediately upon publication in the *Pennsylvania Bulletin*.

It is finally ordered that in accordance with Pa.R.J.A 103 that the District Court Administrator shall:

(a) File one copy hereof with the Administrative Office of Pennsylvania Courts,

(b) Distribute two paper copies and one electronic copy hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) Distribute a copy of the Administrative Order to the Judges of the Court of Common Pleas in Butler County.

(d) Publish this Administrative Order on the Butler County Court website.

(e) File a copy of the Administrative Order in the Butler County Domestic Relations Section for inspection and copying.

(f) Deliver a copy of this Administrative Order to the *Butler County Legal Journal* for publication as that organization deems appropriate.

By the Court

WILLIAM R. SHAFFER,
Administrative Judge

[Pa.B. Doc. No. 19-4. Filed for public inspection January 4, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Amendments to the Register of Wills and Clerk of Orphans' Court Division Fee Schedules; File No. 795-2018

Order

And Now, this 10th day of December, 2018, upon consideration of the Delaware County Register of Wills' and Clerk of Orphans' Court Division's common application to amend the register's and clerk's fee schedules to decrease the amount charged when obtaining a copy of certain records from the current such fees of three dollars (\$3.00) to one dollar (\$1.00) per page, it is hereby *Ordered* and *Decreed* that the fee schedules of the Delaware

County Register of Wills and Clerk of Orphans' Court Division previously adopted through such orders¹ *Shall* be *Amended* to reflect the following:

Fees of Register of Wills

Certification under an Act of Congress (Exemplification Certification) Each Additional Page—\$1.00

Certified copy of a Will Inventory, Appraisal and/or Account Per Page—\$1.00²

Fees of Clerk of Orphans' Court Division

Certified copies of Accounts Per Page—\$1.00³

Certified copies of Adjudications Per Page—\$1.00⁴

Certified copies of Decrees Per Page—\$1.00⁵

Exemplification of Record Per Page—\$1.00

The amendments directed immediately previously listed *Shall* each be *Effective February 1, 2019*.

Except to the extent amended to that previously set forth, the original fee schedule orders (Nos. 83 and 84-2007) dated January 31, 2007, and those subsequent, salient such orders (Nos. 785-2009, 786-2009, 467-2014, 638-2017, and 68-2018) *Shall* in *All* other material respects remain as past entered.

By the Court

KEVIN F. KELLY,
President Judge

[Pa.B. Doc. No. 19-5. Filed for public inspection January 4, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES
SUSQUEHANNA COUNTY
New Rules of the Criminal Division of the Court of
Common Pleas; 2018-34 AD

Order

Now, this 6th day of December, 2018, it is ordered that, effective upon publication on the UJS Portal, Susquehanna County Rule of Criminal Procedure 576.1 Electronic Filing Legal Papers, is hereby Adopted:

¹ Per two (2) orders dated January 31, 2007, the Fees of the Register of Wills and Clerk of Orphans' Court Division were adopted by then President Judge Edward J. Zetuskys, Jr. See Orders dated January 31, 2007, Nos. 83 and 84—2007.

President Joseph P. Cronin, Jr. entered two (2) orders on December 7, 2009, the first directing the Orphans' Court Computerization Fee to be charged at a rate of fifteen dollars and fifty cents (\$15.50), while the second set the Register of Wills Automation Fee also at fifteen dollars and fifty cents (\$15.50). See Orders dated December 7, 2009, Nos. 785 and 786-2009.

On July 15, 2014, President Judge Chad F. Kenney amended President Judge Zetuskys's January 31, 2007, orders to reflect the JCS Fee as thirty-five dollars and fifty cents (\$35.50), effective August 8, 2014. See Order dated July 15, 2014, No. 467-2014.

This court on November 6, 2017, amended such order(s) of its predecessors directing in accordance with Acts 40 and 44 of 2017 the JCS Fee be set at forty dollars and twenty-five cents (\$40.25), as well as that the Register of Wills Automation Fee and the Orphans' Court Computerization Fee being increased to fifteen dollars and seven-fifty cents (\$15.75). See Order dated November 6, 2017, No. 638-2017.

On March 14, 2018, this court amended those past such order(s) of the prior president judges to include for purposes of both the Register of Wills and Orphans' Court Clerk Fee Schedules a Video Conference Technology Fee. See Order dated March 14, 2018, No. 68-2018.

² This one dollar (\$1.00) per page copying fee is in addition to the twenty dollar (\$20.00) certification cost.

³ This one dollar (\$1.00) per page copying fee is in addition to the twenty dollar (\$20.00) certification cost.

⁴ This one dollar (\$1.00) per page copying fee is in addition to the twenty dollar (\$20.00) certification cost.

⁵ This one dollar (\$1.00) per page copying fee is in addition to the twenty dollar (\$20.00) certification cost.

Criminal Rule 576.1. Electronic Filing Legal Papers.

A. The electronic filing of motions and other legal papers in the Susquehanna County Court of Common Pleas—Criminal Division is authorized and specifically provided in this rule. Parties shall electronically file documents using the PACFile electronic filing system developed by the Administrative Office of Pennsylvania Courts. The application of general rules of court and court policies that implement the rules, shall continue to apply to all filings regardless of the method of filing.

B. *Legal papers Defined.* The "legal papers" which shall be filed electronically shall encompass all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, exhibits and attachments except for the following:

1. Legal papers filed or authorized to be filed under seal;
2. Applications for a search warrant;
3. Applications for an arrest warrant;
4. Grand jury materials;
5. Subpoenas;
6. Wiretap Act, cell phone, tracker and Internet petitions.

C. All attorneys shall establish a PACFile account using the United Judicial System of Pennsylvania Web Portal. Parties who are proceeding without counsel are not required to establish a PACFile account and are not required to file legal papers using the electronic PACFile system.

D. Applicable filing fees shall be paid electronically through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, court rule or order, or established by any e-published fee schedule.

E. Use of the PACFile system shall constitute the filer's certification that electronic notice and service of other documents through the PACFile system will be accepted by the filer. The submission of an electronic filing shall satisfy the service requirements of Pa.R.Crim.P. 576 on any attorney or party who established an account as provided in subsection C. Service of electronic filings on any party proceeding without counsel shall be made by the traditional methods required under Pa.R.Crim.P. 576.

F. Where an electronic filing cannot be submitted due to no fault of the filing party, traditional filing shall be accepted.

By the Court

JASON J. LEGG,
President Judge

Order

Now, this 6th day of December, 2018, it is hereby Ordered that the previous Susquehanna County Rule of Criminal Procedure Criminal Rule 576.1 Electronic Filing Legal Papers., is hereby promulgated to become effective upon publication on the UJS Portal.

By the Court

JASON J. LEGG,
President Judge

[Pa.B. Doc. No. 19-6. Filed for public inspection January 4, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Adoption of Local Rules; Rules of Civil Procedure; No. 2018-1

Order

And Now, this 13th day of December, 2018, it is hereby *Ordered, Adjudged, and Decreed* that the following Washington County Local Rules of Civil Procedure are hereby adopted, effective thirty (30) days after publication of this *Order* in the *Pennsylvania Bulletin*.

It is further *Ordered* that the following listed Washington County Local Rules of Civil Procedure are rescinded, effective thirty (30) days after publication of this *Order* in the *Pennsylvania Bulletin*:

1. L-1012-1;
2. L-1910.1 through L-1910.50;
3. L-1915.1;
4. L-1915.3;
5. L-1915.5;
6. L-1915.12 and L-1915.13;
7. L-1915.27 and L-1915.28;
8. L-1915.37;
9. L-1920.1 through L-1920.74; and
10. L-1930.4 through L-1930.8.

It is further *Ordered* that all other Washington County Local Rules of Civil Procedure shall remain effective and unchanged by this *Order*, including L-1915.29, L-1915.30, L-1915.31, L-1915.32, and L-1915.33.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(d). The District Court Administrator is directed to do the following:

1. Publish the local rules on the Court's website to be incorporated into the set of local rules on the website within thirty (30) days after the publication of the local rules in the *Pennsylvania Bulletin*.

2. File one (1) copy of the local rules in the appropriate filing office(s) for public inspection and copying.

3. Cause a copy hereof to be published in the *Washington County Bar Journal* once a week for two successive weeks at the expense of the County of Washington.

By the Court

JOHN F. DiSALLE,
Judge

ACTIONS FOR SUPPORT

Rule 1910.4. Commencement of Action. Fees.

Any statutorily authorized fee shall not be collected from a party otherwise obligated to pay such a fee in the following circumstances:

- (1) Where a party has been granted leave by the Court to proceed in forma pauperis;
- (2) Where the hearing officer or the Court finds that the party is financially unable to pay;
- (3) Where the party is a recipient of cash assistance from any state Department of Human Services;
- (4) Where any action requiring a fee is taken by the IV-D Attorney; or
- (5) Where the Court otherwise directs.

Rule 1910.5. Complaint. Order of Court. Continuances.

(a) Motions for continuances of proceedings before the hearing officer or a conference officer will be presented by the moving party to the judge to whom the case is assigned in motions court prior to the scheduled proceeding. The moving party shall file the order granting or denying the continuance in the Domestic Relations Section.

(b) A motion for a continuance shall set forth the following information:

1. A clear, concise and certain reason for the motion;
2. A statement that opposing counsel or the opposing party, if unrepresented, has no objection to the request for continuance, if applicable;
3. A statement of the number of prior continuances, if any; and
4. If another court appearance is the reason for the request, a copy of the notice or order of the conflicting proceeding shall be attached.

(c) The Notice of Presentation shall include the date of service of the motion upon the opposing counsel or the opposing party, if unrepresented, and the date of service of the motion upon the Domestic Relations Section.

Rule 1910.10.1. Hearing Procedure.

(a) The alternative hearing procedure of Pa.R.C.P. 1910.12 is adopted in all actions for support through the Domestic Relations Section.

(b) If the parties are unable to reach an agreement during the support conference the procedures of Pa.R.C.P. 1910.12(b)(1) shall be followed and an interim order of support entered pending hearing before the Hearing Officer.

Rule 1910.10.2. Alimony Pendente Lite.

A claim for alimony pendente lite shall be raised by filing a complaint with the domestic relations section pursuant to Pa.R.C.P. No. 1920.31(a)(2).

Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

(a) All exceptions must be filed with the Domestic Relations Sections Docket Clerk. Any party filing exceptions shall provide an original and two (2) copies of the exceptions at the time of filing. Further, the party filing exceptions shall provide to the Docket Clerk a receipt indicating that the \$50.00 deposit required by subsection (c) of this rule has been paid (subject to the provisions of Rule L-1910.4(b)) unless an attorney filing the exceptions on behalf of the party certifies in writing that no transcript is required.

(b) The party filing exceptions shall serve opposing counsel or the opposing party, if unrepresented, with copies of the exceptions by the end of the next business day following the filing of the exceptions.

(c) Any party filing exceptions shall order from the court reporter the transcript of testimony unless the attorney for the party filing exceptions certifies in writing that the transcript is not required. Any party ordering the transcript shall pay a deposit of \$50.00 to the Court Administrator for the court reporter before the transcript is prepared. The deposit shall be applied against the total cost of the transcript. The judge to whom the case is assigned shall not be provided with a copy of the transcript unless the same has been ordered and paid for in full by a party or counsel.

(d) Briefs in support and in opposition to the exceptions shall be filed with the Domestic Relations Section no later than the dates directed in the order of court setting the argument date on the exceptions. Each party filing a brief shall serve a copy of the brief on the opposing party and counsel not later than the end of the next business day following the filing of the brief with the Domestic Relations Section Docket Clerk. Every brief filed with the Domestic Relations Section shall contain an original and one (1) copy.

(e) If the party filing for exceptions fails to file a brief in support of those exceptions by the designated filing date, the responding party shall not be required to file a brief in opposition to those exceptions, but may file a brief if desired. However, if the responding party has filed exceptions in response to the other party's exceptions filing, the responding party shall file a brief in support of those cross or counter exceptions by the date directed in argument notice.

Rule 1910.17.2. Consent Support Orders.

(a) All consent support orders should be prepared on current forms provided by the Domestic Relations Section in conformance with the Pennsylvania Child Support System (PACSES).

(b) The order must be clear and concise and shall adhere to both procedural and substantive statutory and case law requirements.

(c) If a support action has not yet been initiated for the case for which the consent support order is being filed, the consent support order shall include along with filing the current intake information sheet and a properly completed complaint for support.

Rule 1910.17.3. Marriage Settlement Agreements.

In existing support cases where a marriage settlement agreement is signed following the entry of the support order which modifies the terms of the current support obligation, counsel for either party shall file the marriage settlement agreement and a copy of the divorce decree with the Domestic Relations Section. Upon filing of this marriage settlement agreement, a new order of support in conformance with the marriage settlement agreement and divorce decree shall be drafted by the Domestic Relations Section and forwarded to the Court for entry. If the marriage settlement agreement does not address arrears or resolve the issue of medical coverage, including medical expense reimbursement, for the involved dependents, the Domestic Relations Section will schedule a conference with the parties.

Rule 1910.17.4. Stipulations Before the Divorce Master.

In existing support cases where the parties enter into a stipulation before the Divorce Master following the entry of the support order which modifies the terms of the current support obligation, counsel for either party shall file the stipulation and a copy of the divorce decree with the Domestic Relations Section. Upon filing of this stipulation, a new order of support in conformance with that stipulation and divorce decree shall be drafted by the Domestic Relations Section and forwarded to the Court for entry. If the stipulation does not address arrears and medical coverage, including medical expense reimbursement, for the involved dependents, the Domestic Relations Section will schedule a Conference with the parties.

Rule 1910.19. Support. Modification. Termination. Guidelines as Substantial Change in Circumstances.

(a) The petitioner shall file an original and three (3) copies of the petition with the Domestic Relations Section Docket Clerk.

(b) The Domestic Relations Section shall not accept for filing a petition which seeks any of the following without leave of court:

(1) To modify an order that is on appeal to the court pursuant to a recommended order; or,

(2) To modify an order which has been entered within the past six (6) months.

(c) The Domestic Relations Section shall provide notice of the refusal to the party seeking the modification.

(d) A party whose petition has been refused may present to the judge to whom the case is assigned a motion to permit the filing of the modification, on forms provided by the Domestic Relations Section. Notice of presentment of the motion must be given to the opposing party in accordance with the applicable local rules of civil procedure.

(e) If leave of court is granted to file the petition for modification, the date of the first attempted filing shall be used as the filing date.

Rule 1910.25.2. Civil Contempt. Office Conference. Agreement. Alternative Procedures Upon Failure to Agree.

The alternate hearing procedure of Pa.R.C.P. 1910.25-4 is adopted in all civil contempt actions for support through the Domestic Relations Section.

ACTIONS FOR CUSTODY, PARTIAL CUSTODY, AND VISITATION OF MINOR CHILDREN

Rule 1915.1. Scope.

(a) These rules shall apply to actions for custody and partial custody of minor children and to modification of existing orders relating thereto as governed by the Pa.R.C.P. 1915.1—1915.25 and by reference, 1920.32.

(b) A copy of these rules shall be accessible by the public in the Washington County Law Library and on the website of the Twenty-seventh Judicial District at www.washingtoncourts.us.

Rule 1915.3. Commencement of Action. Complaint. Order.

(a) All actions raising custody, partial custody, or modification of an existing order for a minor child shall be commenced by the filing of a verified complaint or, in the case of a custody count in an action for divorce, a petition and a separate scheduling order as set forth in subsection (h) of this rule. The scheduling order shall be filed and processed in accordance with this rule.

(b) The moving party shall proceed to the Office of the Court Administrator—Civil Division with an original and two (2) copies of the complaint or petition and the separate scheduling order for an assignment of a date and a time for the Initial Custody Meeting. The Initial Custody Meeting shall be scheduled for a date and a time not later than forty-five (45) days after the filing of the complaint or petition. The Court Administrator shall present the complaint or petition to the judge to whom the case is assigned for signature and return the signed complaint or petition to the moving party, along with information about the Parenting Program. The moving party shall immediately file the complaint or petition

with the Prothonotary, and provide a copy of the scheduling order to the Office of the Court Administrator—Civil Division. A copy of the scheduling order will then be delivered by the moving party to Office of the Court Administrator—Civil Division. The moving party shall attach copies of each to the filed, time-stamped copies of the complaint or petition and serve the defendant(s) with the complaint or petition, the Parenting Program information and a copy of the Parent Plan form.

(c) The moving party shall file proof of service of the complaint or petition with the Washington County Prothonotary and provide a copy of the proof of service of the complaint or petition, the Parenting Program information, and a copy of the Parent Plan form to the Office of the Court Administrator—Civil Division prior to the Initial Custody Meeting.

(d) The presentation of the pleadings referred to in subdivision (a) shall be the responsibility of the moving party and if necessary, may be ex parte. The moving party shall be responsible for filing and serving the pleadings in accordance with Pa.R.C.P. 1930.4. The moving party shall ensure that a minimum of seven (7) days' notice of the meeting or conference or any other appropriate proceeding is afforded to any interested parties. In the event minimum notice cannot be afforded to any interested parties, the moving party shall immediately notify the Office of the Court Administrator—Civil Division.

(e) All appropriate costs and fees shall be paid at the time of filing.

(f) A duplicate copy of all other pleadings and documents shall be provided to the Office of the Court Administrator—Civil Division.

(g) *Custody Education Program.* As a prerequisite to court involvement, following the filing of a complaint or petition, all parties to the action are ordered to attend the mandatory Parenting Program, which has been approved, sanctioned, and authorized by the Court, prior to the Initial Custody Meeting. Failure of a party to attend the Parenting Program may result in sanctions being imposed, including, but not limited to, being prohibited from proffering evidence at the conference, or being held in contempt by the Court.

(h) Form copies of the complaint, petition, and separate scheduling order referenced in subdivision (a) shall be accessible to the public in the Office of the Court Administrator—Civil Division and on the website of the Twenty-seventh Judicial District at www.washingtoncourts.us.

Rule 1915.5. Preliminary Objections. Discovery.

(a) Objections to jurisdiction, venue, joinder of parties, and standing shall be filed and presented to the judge to whom the case is assigned. The Court shall order a briefing schedule and schedule argument on the objections.

(b) Discovery shall be permitted only by leave of court; however, nothing in these rules shall prohibit an agreement among the parties for discovery not otherwise authorized by these rules.

Rule 1915.6. Intervenor.

If a person has standing to pursue custody under 23 Pa. Con. Stat. §§ 5324 or 5325, but is not a party to an existing custody action, he or she may file a petition to intervene in accordance with the procedure set forth in Wash.L.R.C.P. 1932.

Rule 1915.7. Custody Consent Agreement.

(a) When parties have reached a consent agreement concerning custody of their minor child(ren) and the appointment of a child custody conference officer is unnecessary, the party (parties) may seek to have the consent agreement approved by the Court and may submit a proposed order of court by using the following procedure:

(1) a complaint in custody in substantial compliance with Pa.R.C.P. 1915.15(a) along with the proposed Custody Consent Agreement, signed by the parties and counsel, if any, and captioned as "Complaint for Custody/Proposed Custody Consent Agreement," shall be filed with the Prothonotary after paying the appropriate filing fees and costs;

(2) the complaint and the Custody Consent Agreement with proposed order attached shall be presented to the judge to whom the case is assigned for approval;

(3) if approved by the Court, the Custody Consent Agreement with signed order of court attached shall be filed with the Prothonotary; and

(4) if the agreement is not approved by the Court, the moving party shall pay any additional filing fees within thirty (30) days and prepare a scheduling order for an assignment of a date and a time for the Initial Custody Meeting in accordance with Wash.L.R.C.P. 1915.3(b). The failure to comply with this rule shall result in dismissal of the action without further notification to the parties.

(b) If the custody issue arises from a count in a divorce complaint or counterclaim, there is no need to draft and file a custody complaint as outlined in subsection (a) above or Wash.L.R.C.P. 1930.27(a). Rather, the parties should include the docket number for the divorce case on the proposed Order attached to the Custody Consent Agreement before presenting it to the judge to whom the case is assigned for review.

(c) When using these procedures, there is no condition precedent that the parties attend the Custody Education Program set forth in Wash.L.R.C.P. 1915.3(g).

Rule 1915.8. Physical and Mental Examinations of Persons.

All motions or petitions concerning the physical and/or mental examination of a person shall be presented directly to the judge to whom the case is assigned in accordance with Wash.L.R.C.P. 1932.

Rule 1915.12. Contempt.

(a) All petitions for contempt for failure to comply with an order related to custody shall be presented to the judge to whom the case is assigned. After consideration of the argument of the parties and the certification, the Court shall determine whether the petition is to be heard directly by the Court or by a child custody conference officer.

(b) If the Court chooses to hear the petition directly, a hearing on the matter shall be scheduled.

(c) If the Court chooses to refer the matter to a child custody conference officer, the petitioner shall present a copy of the executed order doing so to the Office of the Court Administrator—Civil Division so that the matter may be scheduled.

(d) Absent the specific approval of the Court, all contempt hearings conducted by a child custody conference officer shall be limited to one and one-half hours. During the course of that hearing, the child custody conference officer shall attempt to conciliate the matter. If the child

custody conference officer is unable to resolve the matter, he or she shall direct the parties to present evidence. The evidentiary portion of the proceeding shall be recorded.

(e) The child custody conference officer shall prepare a recommended order disposing of the contempt petition as well as a narrative report specifying the reasons in support of the recommendation. While only the former shall be filed with the Prothonotary, the latter shall be available for review in the Office of the Court Administrator—Civil Division.

(f) In the event that either party disagrees with the recommended order, that party may file exceptions with the Prothonotary within twenty (20) days after the recommended order is filed. Each exception shall set forth a separate objection precisely and without elaboration. Matters not covered by exceptions are deemed waived unless, prior to the entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within twenty (20) days of the date of service of the original exceptions.

(g) If no exceptions are filed within the twenty-day period, the recommended order shall become a final order of court.

(h) If exceptions are filed, the Court shall hear argument on them within forty-five (45) days of the date the last party files exceptions, and enter an appropriate final order within fifteen (15) days of argument.

Rule 1915.13. Special Relief.

Motions for special relief should be for matters of an emergency nature and shall be presented to the judge to whom the case is assigned. A complaint in custody must be filed prior to presentation of the motion. Other matters of a non-emergent nature shall be disposed of in accordance with Wash.L.R.C.P. 1932. A motion for special relief may be denied without a hearing.

Rule 1915.26. Child Custody Conference Officer.

The position of child custody conference officer is hereby established. The child custody conference officer shall be appointed by the Court and shall be a member in good standing of the Pennsylvania Bar. The child custody conference officer may act as a hearing officer when presiding over matters pursuant to Pa.R.C.P. 1915.4-2.

Rule 1915.27. Assignment of Petitions to Modify.

A petition to modify a custody order will be assigned to the child custody conference officer who handled the original custody complaint whenever possible.

Rule 1915.28. Continuances.

(a) A motion for a continuance of a proceeding before the child custody conference officers shall be presented to the judge to whom the case is assigned in Motions Court prior to the scheduled proceeding. The order granting or denying the continuance shall be filed with the Prothonotary, and copy contemporaneously provided to the Office of the Court Administrator—Civil Division.

(b) A \$50.00 fee will be charged for continuances except that a party who seeks and receives a continuance on the day of a scheduled meeting or conference the party will be charged a \$100.00 fee. The continuance fee shall be paid by the moving party to the Prothonotary at the time the order is filed.

(c) A motion for a continuance shall contain the following information:

1. a clear, concise, and certain reason for the motion;

2. whether the continuance is consented to by the opposing party;

3. a statement of the number of prior continuances, if any; and

4. if another court appearance is the reason for the request, a copy of the notice or order of the conflicting hearing shall be attached.

(d) The Notice of Presentation shall comply with Wash.L.R.C.P. 208.2 and 208.3(a).

Rule 1915.4-3. Request for Trial De Novo and Pre-trial Conference.

(a) A party may file a Request for a Trial De Novo and Pretrial Conference with the Prothonotary within twenty (20) days after the Recommended Order issued following the custody conciliation conference is mailed or received by the parties, whichever occurs first. The request must be presented to the judge to whom the case is assigned for the scheduling of the pretrial conference. The form of the scheduling Order may be found at the website of the Twenty-seventh Judicial District at www.washingtoncourts.us.

(b) A copy of the filed request with the scheduled pretrial conference date and time must be served on the other counsel, or if the party is a pro se litigant, the request must be served on the party. A copy must be delivered to the Office of the Court Administrator—Civil Division.

(c) A trial de novo will be scheduled, barring extenuating circumstances, within ninety (90) days of the request. The pretrial conference shall be held during the period between the request for trial de novo and the scheduled hearing. Any psychological reports ordered should be obtained during the same period and presented to the judge to whom the case is assigned, along with the parties' pretrial statements, at least five (5) days in advance of the pretrial conference.

Rule 1915.4-4. Pre-trial Conference before the Court.

(a) All parties shall be present at the judicial pretrial conference unless said required attendance is waived by way of Court Order. Failure of a party to appear at the judicial pretrial conference may result in the entry of a custody/visitation order by the Court. Any child for whom custody is sought shall not attend unless ordered to do so.

(b) The Court will attempt to obtain a consent agreement on any pending custody issues. Any agreement shall be reduced to writing and entered as an order of Court. Upon request, the judge to whom the case is assigned will meet privately with the parties' counsel in an attempt to better define the issues and settle the custody dispute.

Rule 1915.37. Limited Representation in Custody.

(a) Any individual who is referred under the Washington County Bar Association Limited Representation Custody Program to Southwestern Pennsylvania Legal Services or another participating member of the Washington County Bar Association for representation as a litigant in a custody action, shall be granted leave to proceed in forma pauperis. Counsel representing these individuals shall present to the Prothonotary a Praecepto to Proceed in Forma Pauperis which shall be endorsed by counsel and which shall have attached to it a Certificate of Eligibility. The Praecepto shall be in the format set forth on the website of the Twenty-seventh Judicial District at www.washingtoncourts.us.

(b) An attorney who provides representation to the litigant under the Washington County Bar Association Limited Representation Custody Program shall be permitted to enter a Limited Appearance. The Limited Appearance shall be set forth on the website of the Twenty-seventh Judicial District at www.washingtoncourts.us.

(c) Upon completion of the representation under the above described referral program, the attorney shall file a Praeceptum for Withdrawal of Limited Appearance. This praecipe shall be filed without leave of court. The litigant shall be given notice of the filing of the Praeceptum for Withdrawal of Limited Appearance five (5) days before the filing of the praecipe with the Prothonotary. The praecipe may contain information about another attorney who may be entering his/her appearance. The praecipe shall direct the Prothonotary to send all future notices directly to the client and shall set forth the client's last known address unless there is a substitute attorney. The Withdrawal of Appearance shall be in the attached format set forth on website of the Twenty-seventh Judicial District at www.washingtoncourts.us.

ACTIONS FOR DIVORCE OR ANNULMENT

Rule 1920.3. Commencement of Action.

(a) A duplicate copy of the complaint shall be filed with the Prothonotary who shall forward it to the Office of the Court Administrator—Civil Division. Upon receipt of the complaint, the Court Administrator shall assign the case to a judge pursuant to Wash.L.R.C.P. 200.1.

(b) A duplicate copy of other pleadings and other substantive documents shall be filed with the Prothonotary who shall forward it to the Office of the Court Administrator—Civil Division, specifically including petitions and orders to bifurcate proceedings.

(c) At the time of the filing of the complaint, the plaintiff will pay the non-refundable charge as set forth in the Custody/Divorce Fee Schedule, which is accessible to the public in the Prothonotary and on the website of the Twenty-seventh Judicial District at www.washingtoncourts.us. Each item of relief requested in the original complaint or any future amended complaints shall be designated in a separate numbered count. The Prothonotary shall in the monthly report indicate the amount collected pursuant to this rule.

(d) When a request for appointment of a master in divorce or child custody conference officer is made, the request must be accompanied with proof of payment of the non-refundable master fee as set forth in the applicable fee schedule.

Rule 1920.32. Joinder of Related Claims. Custody. Hearing by Court.

(a) All complaints containing a custody count and all counts of custody filed separately must be accompanied with a proposed scheduling order if the moving party is seeking to have the custody count immediately addressed by the Court. The order shall be processed in accordance with Wash.L.R.C.P. 1915.3. If the moving party does not seek to have the custody count immediately addressed by the Court, the party may subsequently seek Court action on the custody count by presenting a scheduling order to the Office of the Court Administrator—Civil Division.

(1) The proposed scheduling order shall be in substantially similar form to that found on the Court's website at www.washingtoncourts.us, or in the Washington County Law Library.

(b) The custody count shall follow the practice and procedures governing custody by filing a custody com-

plaint or petition and scheduling order at the divorce case number with the Prothonotary.

Rule 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.

(a) If a party fails to comply with the requirements of Pa.R.C.P. 1920.33 in a proceeding before a master in a divorce case, the master shall, except upon good cause shown, bar the offending party from offering any testimony or introducing any evidence in support of or in opposition to claims for the matters not covered therein.

(b) During a proceeding before a master in a divorce case, 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.

Rule 1920.42. Affidavit and Decree under § 3301(c) or § 3301(d) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in § 3301(c) and § 3301(d) Divorces. Counter-Affidavit.

(a) Where both parties have filed affidavits under § 3301(c) of the Divorce Code evidencing consent to the entry of a final decree, the plaintiff shall file with the Prothonotary a Praeceptum to Transmit Record indicating whether a marital settlement agreement should be incorporated or merged into the decree.

(b) If a complaint has been filed requesting a divorce on the grounds of irretrievable breakdown and the party has filed an affidavit under § 3301(d) of the Divorce Code, the averments of which the parties have either admitted or not denied, the parties shall file with the Prothonotary a Praeceptum to Transmit Record indicating whether a marital settlement agreement should be incorporated or merged into the decree.

Note: See requirements of Wash.L.R.C.P. 1920.73.

Rule 1920.43. Special Relief.

Requests for injunctive relief shall be presented to the judge to whom the case is assigned and not to the master in divorce. All motions must be presented to the judge to whom the case is assigned including motions to continue master's hearings.

Rule 1920.45. Counseling.

(a) The Office of the Court Administrator—Civil Division will maintain a list of counselors approved for use by the Court. The parties may agree to use the services of a counselor or agency not on the list approved by the Court.

(b) In the event the parties cannot agree on any or all of the following issues, the moving party shall petition the Court to determine:

(1) Which party shall pay for counseling or how the payments for counseling shall be apportioned;

(2) The counselor or agency to be utilized; and

(3) The number of counseling sessions pursuant to § 3302 of the Divorce Code.

Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

(a) Any divorce case may be referred to a master appointed by the Court. The order appointing the master shall specify the matters which are referred to the master.

(b) If a party brings a motion to appoint a master, the motion and proposed order shall be in substantially the

same form as that found on the Court's website at www.washingtoncourts.us, or in the Washington County Law Library. Proof of payment of the master fee shall accompany the motion and proposed order, unless the fee is waived by the Court.

(i) The motion and proposed order shall be delivered to the Office of the Court Administrator—Civil Division. The Court shall act upon the motion, and, if granted, the Court Administrator shall assign the master. The Office of the Court Administrator—Civil Division shall then contact the moving party to pick up the motion and order and file same with the Prothonotary.

(ii) The parties may jointly seek the appointment of a special master in appropriate cases by filing and presentation of a motion. The motion shall specify the payment terms of the special master, including the apportionment of the payment and the terms and conditions of the payment. The motion shall also address the provisions made by the parties for stenographic services and shall set forth the apportionment and terms and conditions of the payment for these services. The special master shall comply with the Pennsylvania Rules of Civil Procedure and the Local Rules of Civil Procedure. The moving party shall provide a copy of the motion and order to the Office of the Court Administrator—Civil Division.

(c) A master in divorce shall give counsel of record or a party who is not represented by counsel at least ten (10) days' notice before conducting any conference or hearing.

(d) At least ten (10) days prior to the first conference, both parties shall file a summary of assets and liabilities, a designation of the parties' incomes and support obligations and a proposal for a resolution of all issues.

(e) The statutory grounds for the divorce shall be specifically set forth in the motion for appointment and shall be consistent with the pleadings in the action.

(f) When the grounds for the divorce are based on Section 3301(c) of the Divorce Code, the movant shall have filed an Affidavit of Consent prior to or at the time of the presentation of the motion.

(1) When the grounds for the divorce are based on Section 3301(d) of the Divorce Code, at least one of the parties shall have filed a 3301(d) affidavit and shall have filed proof of service of a section 3301(d) counter affidavit upon the other party.

(2) Prior to the filing of a motion to appoint a master, the moving party shall file his or her inventory pursuant to Pa.R.C.P. 1920.33(a) & 1920.75.

(g) A copy of any order granting a continuance of a proceeding before a master must be provided by the moving party to the Office of the Court Administrator—Civil Division.

(1) A \$50.00 fee shall be charged for continuances; provided, however, that the fee shall be \$100.00 for a party who seeks and receives a continuance on the day of the proceeding before a master. The continuance fee shall be paid by the moving party to the Prothonotary upon the filing of the motion and order.

(2) A motion for continuance shall be set forth in writing and contain the following information:

- (i) A clear, concise, and certain reason for the request;
- (ii) A statement that opposing counsel or the opposing party, if unrepresented, has no objection to the request for continuance, if applicable;
- (iii) A statement of the number of prior continuances, if any; and

(iv) If another court appearance is the reason for the request, a copy of the notice or Order of the conflicting hearing shall be attached.

Rule 1920.53. Hearing by Master. Report.

Subject to the direction of the Court, the master shall have procedural and administrative control of the proceedings in regard to the detention of witnesses for examination and the general course of the proceedings. The master shall rule on objections to the competency or relevance of testimony, as well as the admissibility of evidence. If the master sustains the objection, the testimony shall not be heard or reported. Parties may file exceptions to the rulings of a master in accordance with Wash.L.R.C.P. 1920.55.

Rule 1920.54. Hearing by Master. Report. Related claims.

(a) The master shall subdivide the report into separate sections, one for each claim for relief raised in the proceedings.

(b) The master may afford the parties the opportunity to submit suggested findings of fact and/or conclusions of law within 30 days of the close of testimony.

(c) The master shall file the original and two copies of the report and recommendations with the Prothonotary who shall mail notice of the filing and a copy of the report and recommendations to counsel of record or to a party, if unrepresented.

(d) The master may file a preliminary report and recommendations concerning matters such as the basis for the divorce or the payment of counsel fees and expenses.

Rule 1920.55.2. Report of the Master. Notice. Exceptions. Final Decree.

(a) Exceptions to the report and recommendations of the master shall be filed with the Prothonotary and a copy shall be delivered to the Office of the Court Administrator—Civil Division. They shall then schedule argument on the exceptions or order that the matter will be decided on the briefs. The Prothonotary shall mail notices of the date and time of the argument on the exceptions, if one is scheduled, by first class mail to the counsel for the parties or to the parties if unrepresented.

(b) Exceptions may be filed to a preliminary master's report and recommendations only if the preliminary report and recommendations addresses the underlying basis for the divorce and must be limited to that issue only. In such a case, exceptions must be filed within twenty (20) days after the preliminary report and recommendations are mailed or received by the parties, whichever occurs first. No exceptions may be taken to any other issues included in the preliminary master's report and recommendations. Such issues will be included in the final master's report and recommendations, and parties may take exceptions thereto at that time.

(c) If exceptions are filed by a party, any other party may file exceptions within twenty (20) days of the date of service of the original exceptions.

(d) The excepting party must file its brief with the judge to whom the case is assigned no later than twenty (20) days before the scheduled argument, and the non-excepting party must file its brief no later than ten (10) days before the scheduled argument. If both parties file exceptions, the first party to file the exceptions must file its brief no later than twenty (20) days before the scheduled argument, and the opposing party must file its

brief no later than ten (10) days before the scheduled argument. The Court may order submission on the briefs or the parties may agree to submit to the Court on the briefs without argument.

(e) Oral arguments shall be restricted to issues addressed in the exceptions.

(f) The Judge may remand the case to the master for further review, hear argument, conduct an evidentiary hearing, or grant any other appropriate relief.

Rule 1920.62. Proceedings by Indigent Parties.

The procedures set forth in Wash.L.R.C.P. 240 are incorporated herein, and shall govern proceedings by indigent parties in divorce and annulment; provided, however, that the petition shall include a request that the Court require the other party to bear the costs of the action. In acting upon the petition, the Court may order the other party to pay all or part of such costs, or any other appropriate relief.

Rule 1920.73. Notice of Intention to Request Entry of Divorce Decree. Praecepto to Transmit Record. Forms.

When the grounds for divorce are based on § 3301(c) or § 3301(d) of the Divorce Code, the Praecepto to Transmit Record shall include the following:

6. Check applicable box:

(a) Section 3301(c) with incorporation of property/marital settlement Yes () No ()

(b) Section 3301(d) with incorporation of property/marital settlement Yes () No ()

RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.4-1. Service of Original Process in Domestic Relations Matters.

(a) The affidavit of service must set forth with particularity the pleadings, attachments and documents so served. In all domestic relations actions, including protection from abuse matters, the plaintiff shall serve the following notice to the defendant simultaneously with original process:

(Caption)

NOTICE

You are being served with original process in a domestic relations matter, and a proceeding has been, or may be scheduled, which could affect your rights. In the event a proceeding has been scheduled, you will be served with notice of the proceeding. If you are incarcerated and want to testify or present evidence, you must apply to the Court for a writ of habeas corpus ad testificandum to enable you to participate in the proceeding. The writ is available where an incarcerated individual wishes to testify as provided by statute or rule, as well as where the testimony is sought by another.

IF YOU FAIL TO APPLY TO THE COURT FOR A WRIT, YOU MAY BE UNABLE TO PARTICIPATE IN ANY PROCEEDINGS WHILE INCARCERATED.

(b) Proof of service shall be made that the notice in subsection (a) has been served in the manner set forth in Pa.R.C.P. 1930.4(h).

(c) Nothing contained in this rule shall alter, or otherwise modify, the rules governing the form of a complaint in an action for custody, partial custody, or visitation, complaint in divorce, or petition for protection from abuse.

(d) When service is made by registered or certified mail, restricted delivery, return receipt requested, the return receipt card shall be attached to the affidavit of service.

(e) When a special order for service is sought, a motion, or petition, shall be presented to the Court, setting forth what attempts have been made to serve the defendant, as well as the nature and extent of the good faith search to locate the defendant.

(f) The affidavit of service required under section 3301(d) of the Divorce Code may be served with the complaint.

Rule 1930.8. Self-Represented Party. Entry of Appearance.

All appearances in domestic relations matters shall be entered in accordance with Wash.L.R.C.P. 1012 or Pa.R.C.P. 1930.8, if applicable.

Rule 1932. Motions.

Motions practice in all domestic relations matters shall comport with Wash.L.R.C.P. 208.2 and 208.3 unless stated otherwise within this chapter.

Rule 1933. Sanctions.

The master in a divorce case, the hearing officer in an action for support, or a child custody conference officer in a child custody case may invoke appropriate sanctions for failure to comply with the Pennsylvania Rules of Civil Procedure or the Local Rules of Civil Procedure or for conduct which is vexatious or which unreasonably serves to delay proceedings or make them more complicated. Appropriate sanctions include, but are not limited to, one or more of the following: a negative inference may be drawn against the party; the meeting, conference, or hearing may be rescheduled with the assessment of a continuance fee; the party who fails to comply with the rules may be barred from offering any testimony or introducing any evidence on the issue at bar; or other sanctions reasonably designed to ensure compliance with these rules and respect for the proceedings may be imposed.

[Pa.B. Doc. No. 19-7. Filed for public inspection January 4, 2019, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Suspension

Notice is hereby given that Louis Alfred Piccone having been suspended from the practice of law by the United States Patent and Trademark Office; the Supreme Court of Pennsylvania issued an Order dated December 14, 2018 suspending Louis Alfred Piccone from the practice of law in this Commonwealth for a period of three years, effective January 13, 2019. 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*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

[Pa.B. Doc. No. 19-8. Filed for public inspection January 4, 2019, 9:00 a.m.]