

**CHAPTER 1920. ACTIONS OF DIVORCE OR FOR  
ANNULMENT OF MARRIAGE**

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**Source**

The provisions of these Rules 1920.1—1920.92 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967, unless otherwise noted.

**Rule 1920.1. Definitions. Conformity to Civil Action.**

(a) As used in this chapter:

“action,” an action of divorce or an action for annulment of marriage, which may include the ancillary claims that may be joined with the action of divorce or for annulment under the Divorce Code, except as otherwise provided in these rules;

“custody,” includes partial custody;

“divorce,” divorce from the bonds of matrimony or dissolution of a civil union;

“hearing officer,” shall have the same meaning as “master” as that term is used in the Divorce Code, 23 Pa.C.S. §§ 3101 *et seq.*

“marital property rights” means those rights created solely by Section 3501 of the Divorce Code; and

“nonmarital property rights” means all property rights other than marital property rights.

(b) Except as otherwise provided in this chapter, the procedure in the action shall be in accordance with the rules relating to a civil action.

**Official Note:** See Section 3104 of the Divorce Code for the ancillary claims that may be joined in a divorce action, except as otherwise provided in these rules.

See Pa.R.C.P. No. 1920.31(a)(2) as to raising claims for child support, spousal support, and alimony *pendente lite*.

The definition of divorce has been expanded to include civil unions. See *Neyman v. Buckley*, 153 A.3d 1010 (Pa. Super. 2016).

**Source**

The provisions of this Rule 1920.1 amended December 16, 1983, effective July 1, 1984, 13 Pa.B. 3999; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended July 30, 2018, effective January 1, 2019, 48 Pa.B. 4960; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial page (402500).

**Rule 1920.2. Venue.**

(a) The action, except a claim for custody, may be brought only in the county

(1) in which the plaintiff or the defendant resides, or

(2) upon which the parties have agreed

(i) in a writing which shall be attached to the complaint, or

(ii) by participating in the proceeding.

**Official Note:** Rule 1920.2 governs the venue of related claims, except a claim for custody, when joined with an action of divorce or for annulment. Venue in an action for custody is governed by Rule 1915.2.

See Rule 1006(d) for the transfer of an action for the convenience of parties and witnesses.

Under subdivision (a)(2), the agreement of the parties is an independent basis for venue and is not a waiver of improper venue.

(b) The record shall establish compliance with the venue requirement of subdivision (a) prior to the entry of the decree.

(c) Notwithstanding any agreement of the parties, if neither the plaintiff nor the defendant has resided in the county at any time during the pendency of the action, the court, upon its own motion and for its own convenience, may transfer the action to the appropriate court of any other county where the action originally could have been brought.

**Source**

The provisions of this Rule 1920.2 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended February 7, 1989, effective July 1, 1989, 19 Pa.B. 764. Immediately preceding text appears at serial page (99926).

**Rule 1920.3. Commencement of Action.**

An action shall be commenced by filing a complaint with the prothonotary.

**Rule 1920.4. Service.**

(a) Service of original process and proof of service in an action pursuant to this chapter shall be in accordance with Rule 1930.4.

(b) Service of the complaint in the manner provided by Rule 1930.4 shall constitute service of process with respect to any claim which may under the Divorce Code be joined with an action of divorce or for annulment.

(c) In an action under Section 3301(d) of the Divorce Code, if no appearance has been entered and plaintiff avers that defendant cannot be located after diligent search, the court may waive service of the affidavit.

(d) The defendant may accept service of the complaint as provided by Rule 1930.4. Acceptance of service shall not be deemed collusive.

**Source**

The provisions of this Rule 1920.4 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended through June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended October 2, 1995, effective January 1, 1996, 25 Pa.B. 4518. Immediately preceding text appears at serial page (200375).

**Rule 1920.5. Warrant of Attorney.**

No attorney shall be required to file of record a warrant of attorney from a party in the action.

**Source**

The provisions of this Rule 1920.5 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677.

**Rule 1920.6. Multiple Actions. Priority. Stay.**

(a) If, within ninety days of service of the complaint, a second action is brought in another county and one of the two counties is the county in which the last family domicile was located and in which one of the parties continues to reside, the court of the county of the last family domicile shall determine, based upon the purposes of the Divorce Code, which of the two actions shall be stayed and which shall proceed. If neither action was brought in the county of the last family domicile and in which one of the parties continues to reside, the court in which the first action was brought shall make the determination.

(b) If a second action is brought in another county more than ninety days after service of the complaint in the first action, the second action shall be stayed until the conclusion of the first action.

**Source**

The provisions of this Rule 1920.6 adopted February 7, 1989, effective July 1, 1989, 19 Pa.B. 764.

**Rule 1920.11. Pleadings Allowed.**

The pleadings in an action shall be limited to those authorized by Rule 1017, a bill of particulars, a petition authorized by the Divorce Code and an answer thereto.

**Official Note:** For limitations as to judgment by default or on the pleadings, see Rule 1920.41.

**Rule 1920.12. Complaint.**

(a) Except as provided by subdivision (b), the plaintiff shall set forth in the complaint as to the cause of action of divorce or for annulment

- (1) the names of the plaintiff and defendant and, if either party is a minor or incompetent, a statement to that effect and the name and address of such party's guardian, if any;
- (2) the residence of the plaintiff;
- (3) the last known residence and present whereabouts of the defendant, or that the plaintiff has no knowledge thereof, and in that case the names and addresses of near relatives and other persons who would be likely to know the present residence and whereabouts of the defendant;
- (4) an averment that the plaintiff, defendant or both have resided in the Commonwealth for at least six months immediately previous to the commencement of the action;
- (5) the date and place of marriage;
- (6) the ground on which the action is based, stated substantially in the language of the Divorce Code;
- (7) whether there has been any prior action of divorce or for annulment of marriage between the parties in this or any other jurisdiction and if so the cap-

tion, court, term and number thereof, the date commenced, the grounds therefor and the present status if pending or the final disposition thereof;

(8) in an action under Section 3301(a)(6), 3301(c) or 3301(d) of the Divorce Code, an averment that the plaintiff has been advised of the availability of counseling and that the plaintiff may have the right to request that the court require the parties to participate in counseling; and

(9) a prayer for relief.

(b) The complaint in an action based upon Section 3301(c) or (d) of the Divorce Code shall be substantially in the form prescribed by Rule 1920.72(a).

(c) Every complaint shall begin with a notice substantially in the form prescribed by Rule 1920.71.

#### Source

The provisions of this Rule 1920.12 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943. Immediately preceding text appears at serial pages (134360) and (168423).

### **Rule 1920.13. Pleading More Than One Cause of Action. Alternative Pleading.**

(a) The plaintiff may state in the complaint one or more grounds for divorce and may join in the alternative a cause of action for annulment.

(b) Except as otherwise provided in these rules, the plaintiff may:

(1) join as separate counts in the complaint the ancillary claims that may be joined with an action of divorce or for annulment under the Divorce Code;

(2) amend the complaint to include the ancillary claims;

(3) file to the same term and number a separate supplemental complaint or complaints limited to the ancillary claims; or

(4) file to the same term and number a subsequent petition raising the ancillary claims.

(c) The court may order reasonable counsel fees and costs and expenses pending final disposition of any claim.

**Official Note:** See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

See Pa.R.C.P. No. 1920.31(a)(2) as to raising claims for child support, spousal support, and alimony *pendente lite*.

See Pa.R.C.P. No. 1910.26(b) for interim or special relief for support and alimony *pendente lite* actions proceeding through the domestic relations section.

#### Source

The provisions of this Rule 1920.13 amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 477; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3520; amended July 30, 2018, effective January 1, 2019, 48 Pa.B. 4960. Immediately preceding text appears at serial page (392645).

### **Rule 1920.14. Answer. Denial. Affidavit under Section 3301(d) of the Divorce Code.**

(a) The averments in the complaint as to the divorce or annulment, ancillary claims that may be joined under the Divorce Code, and petitions for special relief

under these rules shall be deemed denied unless admitted by an answer. Notwithstanding the foregoing, the court may require a response to a petition for special relief.

(b) The averments of the Affidavit under Section 3301(d) of the Divorce Code and the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code shall be deemed admitted unless denied by counter-affidavit.

**Official Note:** See Pa.R.C.P. No. 1920.72(e)(2) and (3) for the counter-affidavits.

#### Explanatory Comment

Subdivision (a) has been amended to clarify that the averments in a petition for special relief in a divorce or annulment action are deemed to be denied unless admitted by an answer.

Subdivision (b) has been amended to include divorces under Section 3301(c)(2) of the Divorce Code. The process for obtaining a divorce under Sections 3301(c)(2) and (d) are similar. Subdivision (b) requires that the averments in the affidavit be denied by counter-affidavit and, as such, if the non-moving party fails to file a counter-affidavit denying the averments in the Affidavit to Establish Presumption of Consent or the Affidavit under Section 3301(d) of the Divorce Code, the affidavit's averments are deemed admitted.

#### Source

The provisions of this Rule 1920.14 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5324; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended April 11, 2007, effective immediately, 37 Pa.B. 1959; amended June 3, 2019, effective October 1, 2019, 49 Pa.B. 3059. Immediately preceding text appears at serial pages (394387) to (394388).

### Rule 1920.15. Counterclaim. Subsequent Petition.

(a) The defendant may state a cause of action of divorce or for annulment in an answer under the heading "Counterclaim".

(b) Except as otherwise provided in these rules, the defendant may:

(1) join as separate counts in the counterclaim the ancillary claims that may be joined with an action of divorce or for annulment under the Divorce Code; or

(2) file to the same term and number a subsequent petition raising the ancillary claims that may be joined with an action of divorce or for annulment under the Divorce Code.

(c) The averments in the counterclaim shall be deemed denied unless admitted by an answer.

**Official Note:** See Pa.R.C.P. No. 1920.31, which requires the joinder of certain related claims under penalty of waiver. A claim for alimony must be raised before the entry of a final decree of divorce or annulment.

See Pa.R.C.P. No. 1920.31(a)(2) as to raising claims for child support, spousal support, and alimony *pendente lite*.

See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

#### Source

The provisions of this Rule 1920.15 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 477; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3520; amended July 30, 2018, effective July 1, 2019, 48 Pa.B. 4960. Immediately preceding text appears at serial page (392646).

**Rule 1920.16. Severance of Actions and Claims.**

The court, in furtherance of convenience or to avoid prejudice, may on its own motion or on motion of any party order a separate trial of any cause of action or claim or of any number of causes of action or claims.

**Rule 1920.17. Withdrawing Complaint and Discontinuing Divorce Action. Withdrawing Ancillary Claims Raised in Pleadings. Notice. Death of a Party.**

(a) *Withdrawing Complaint and Discontinuing Divorce Action.* A plaintiff may withdraw a divorce complaint and discontinue the divorce action by:

- (1) a motion, except as provided in subdivision (a)(2), which has been served on the defendant; or
- (2) a *praecipe*, which includes the plaintiff’s certification that:
  - (i) neither equitable division of marital property nor custody claims are pending;
  - (ii) the defendant has filed neither a counterclaim nor a separate petition raising claims; and
  - (iii) the parties have not established grounds for divorce.

(b) *Withdrawing Ancillary Claims Raised in Pleadings.* Without discontinuing the divorce action, the party who raised an ancillary claim may withdraw the claim by a *praecipe* filed with the prothonotary, except:

- (1) a party who raised an equitable division of marital property claim may withdraw the claim only:
  - (i) with the parties’ written and filed agreement, including as required by Pa.R.C.P. No. 1920.42(a)(4), (b)(4), or (c)(4);
  - (ii) with the opposing party’s written consent; or
  - (iii) after filing and serving on the opposing party a notice that the party intends to withdraw the equitable division claim 20 days after service of the notice.

**Official Note:** See subdivision (c) for the notice.

(2) a party who raised a custody claim in a divorce action may withdraw the claim only as provided in Pa.R.C.P. No. 1915.3-1(b).

(c) The notice required in subdivision (b)(1)(iii) shall be substantially in the following form:

(Caption)  
 NOTICE OF INTENTION TO WITHDRAW CLAIM FOR EQUITABLE  
 DIVISION OF MARITAL PROPERTY

TO: \_\_\_\_\_  
 (PLAINTIFF) (DEFENDANT)

(Plaintiff) (Defendant) intends to withdraw his or her pending claim for equitable division of marital property 20 days after the service of this notice. Unless you have already filed ancillary claims, which are permitted under the Divorce Code, including equitable division of marital property, you should do so within 20 days of the service of this notice, or you may lose the right to assert those ancillary claims, if the court enters a decree in divorce.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMA-

TION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone)

(d) *Death of a Party.*

(1) If a party dies after the parties have established grounds for divorce but before the court has entered the divorce decree:

(i) the surviving spouse or the decedent's personal representative may only withdraw the complaint or an ancillary claim with the parties' written consent;

(ii) the Divorce Code shall determine the disposition of an ancillary claim raised in a pleading, unless:

(A) the parties have an agreement that resolves the ancillary claim; or

(B) the parties have withdrawn the complaint or ancillary claim as provided in subdivision (d)(1)(i); and

**Official Note:** See 23 Pa.C.S. § 3323(g) for establishing grounds for divorce when a party dies during the pendency of the divorce action.

(iii) if a personal representative has not been appointed within one year of the decedent's death, upon motion of the surviving party, the court may allow the withdrawal or dismissal of the complaint or a pending ancillary claim.

(2) If a party dies before the parties have established grounds for divorce, the divorce action abates, and the Probate, Estates, and Fiduciaries Code, 20 Pa.C.S. §§ 101 *et seq.*, controls the decedent's property disposition.

**Official Note:** See *In re Estate of Bullotta*, 838 A.2d 594, 596 (Pa. 2003) ("Generally, a divorce action abates with the death of one of the spouses.").

To the extent that *Tosi v. Kizis*, 85 A.3d 585 (Pa. Super. 2014), holds that 23 Pa.C.S. § 3323(d.1) does not prevent the plaintiff in a divorce action from discontinuing the divorce action following the death of the defendant after grounds for divorce have been established, it is superseded.

**Comment—2020**

As the Divorce Code permits a party to raise a child custody claim in a divorce complaint, subdivision (b)(2) addresses withdrawing a custody count. Pa.R.C.P. No. 1920.32 requires a custody claim raised in a divorce action to follow the custody practices and procedures, and Pa.R.C.P. No. 1915.3-1(b) provides specific limitations on withdrawing a custody action. As such, subdivision(b)(2) has been added to clarify that a party desiring to withdraw a custody claim raised in a divorce pleading shall do so consistent with Pa.R.C.P. No. 1915.3-1(b).

**Source**

The provisions of this Rule 1920.17 adopted May 6, 2015, effective July 1, 2015, 45 Pa.B. 2457; amended August 18, 2020, effective October 1, 2020, 50 Pa.B. 4385. Immediately preceding text appears at serial pages (394389) to (394390).



**Rule 1920.21. Bill of Particulars in Divorce or Annulment. Non Pros.**

(a) The prothonotary on praecipe filed within such time as not to delay the trial shall enter a rule as of course upon the party seeking a divorce under Section 3301(a) or (b) of the Divorce Code or an annulment to file a bill of particulars as to such cause of action.

(b) If a bill of particulars is not filed within twenty days after service of the rule or within such further time as the court may allow, the prothonotary upon praecipe shall enter a judgment of non pros against the defaulting party with respect to the cause of action for divorce under Section 3301(a) or (b) of the Divorce Code, or the cause of action for annulment.

(c) No answer to a bill of particulars is required.

**Source**

The provisions of this Rule 1920.21 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended April 8, 1992, effective July 1, 1992, 22 Pa.B. 2221. Immediately preceding text appears at serial pages (134362) and (159453).

**Rule 1920.22. Discovery [Rescinded].**

**Official Note:** The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

**Source**

The provisions of this Rule 1920.22 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended July 20, 1994, effective September 1, 1994, 24 Pa.B. 3804; rescinded May 5, 1997, effective July 1, 1997, 27 Pa.B. 2532. Immediately preceding text appears at serial page (229633).

**Rule 1920.31. Joinder of Related Claims. Ancillary Claims. Alimony. Counsel Fees. Costs and Expenses.**

(a) *Ancillary Claims.*

(1) If a party has raised a claim for alimony, counsel fees, or costs and expenses, the parties shall file a true copy of the most recent federal income tax return, pay stubs for the preceding six months, a completed Income Statement in the form required by Pa.R.C.P. No. 1910.27(c)(1), and a completed Expense Statement in the form required by Pa.R.C.P. No. 1910.27(c)(2)(B).

(i) A party may not file a motion for the appointment of a hearing officer or a request for court action regarding alimony, counsel fees, or costs and expenses until at least 30 days following the filing of that party's tax returns, Income Statement, and Expense Statement.

(ii) The other party shall file the tax returns, Income Statement, and Expense Statement within 20 days of service of the moving party's documents.

**Official Note:** See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

(2) A divorce complaint shall not include claims for child support, spousal support, and alimony *pendente lite*. Instead, claims for child support, spousal

support, and alimony *pendente lite* shall be raised in the domestic relations section by filing a complaint pursuant to Pa.R.C.P. No. 1910.4.

(3) If a party fails to file the documents as required by subdivision (a)(1), the court on motion may make an appropriate order under Pa.R.C.P. No. 4019 governing sanctions.

(b) *Alimony*.

(1) Orders for alimony may be enforced as provided by the rules governing actions for support and divorce, and in the Divorce Code.

**Official Note:** See, *inter alia*, Section 3323(b) of the Divorce Code relating to enforcement of the rights of any party under a decree, Section 3505(a) of the Divorce Code relating to an injunction against disposition of property pending suit, and Section 3703 of the Divorce Code relating to the collection of arrearages.

(2) When so ordered by the court, payments for alimony shall be made to the domestic relations section of the court that issued the order.

(c) The failure to claim spousal support, alimony, alimony *pendente lite*, counsel fees, and costs and expenses prior to the entry of a final decree of divorce or annulment shall be deemed a waiver of those claims, unless the court expressly provides otherwise in its decree. The failure to claim child support before the entry of a final decree of divorce or annulment shall not bar a separate and subsequent action.

(d) Upon entry of a decree in divorce, an existing order for spousal support shall be deemed an order for alimony *pendente lite* if any economic claims remain pending.

#### Explanatory Comment—2018

As amended, Pa.R.C.P. No. 1920.31 precludes parties from raising claims for child support, spousal support, and alimony *pendente lite* as counts in a divorce action. Instead, parties shall file those claims in the domestic relations section as a separate action from the divorce. The amendment of this rule is not intended to affect the legal distinction between spousal support and alimony *pendente lite*.

#### Source

The provisions of this Rule 1920.31 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263; amended April 21, 1995, effective July 1, 1995, 25 Pa.B. 1837; amended August 17, 1995, effective immediately, 25 Pa.B. 3584; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7113; amended October 30, 2007, effective immediately, 37 Pa.B. 5976; amended May 6, 2015, effective July 1, 2015, 45 Pa.B. 2457; amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 477; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3520; amended July 30, 2018, effective January 1, 2019, 48 Pa.B. 4960; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial pages (402503) and (394391) to (394392).

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

(a) Claims for custody of children shall be heard by the court. The practice and procedure with respect to these claims shall follow the practice and procedure governing custody.

(b) The failure to claim custody of minor children prior to the entry of a final decree shall not bar subsequent claims for custody.

**Rule 1920.33. Joinder of Related Claims. Equitable Division.  
Enforcement.**

(a) If a pleading or petition raises a claim for equitable division of marital property under Section 3502 of the Divorce Code, the parties shall file and serve on the other party an inventory, which shall include the information in subdivisions (a)(3)(i)—(iii), and shall be substantially in the form set forth in Pa.R.C.P. No. 1920.75.

(1) Within 20 days of service of the moving party's inventory, the non-moving party shall file an inventory.

(2) A party may not file a motion for the appointment of a hearing officer or a request for court action regarding equitable division until at least 30 days following the filing of that party's inventory.

**Official Note:** See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

(3) The inventory shall set forth as of the date of separation:

(i) a specific description of the marital assets, which either or both parties have a legal or equitable interest, individually or jointly with another person, the name of the co-owners, if applicable, and the marital liabilities, which either party incurred individually or jointly with another person, and the name of any co-debtors, if applicable;

(ii) a specific description of the assets or liabilities claimed to be non-marital and the basis for such claim; and

(iii) the estimated value of the marital and non-marital assets and the amount due for each marital and non-marital liability.

**Official Note:** Subdivision (c) provides for sanctions for failure to file an inventory as required by subdivision (a). An inventory may be incomplete if a party lacks comprehensive knowledge of the assets and liabilities involved in the claim for equitable division. Consequently, the rule does not contemplate that a party will be precluded from presenting testimony or offering evidence as to assets or liabilities omitted from the inventory. The omission may be remedied by inclusion of the omitted information in the pre-trial statement required by subdivision (b).

(b) Within the time required by order of court or written directive of the hearing officer or, if none, at least 60 days before the scheduled hearing on the claim for equitable division, the parties 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) a list of assets, which may be in chart form, specifying:

(i) The marital assets:

a. the value;

b. the date of the valuation;

c. the value of any non-marital portion;

d. the facts and documentation upon which the party relies to support the valuation; and

e. any liens or encumbrances associated with the asset.

(ii) The non-marital assets:

a. the value;

- b. the date of the valuation;
  - c. the facts and documentation upon which the party relies to support the valuation; and
  - d. any liens or encumbrances associated with the asset.
- (2) the name and address of the expert witness(es) the party intends to call at trial. A report of each expert witness listed shall be attached to the pre-trial statement. The report shall describe the expert's qualifications and experience, state the substance of the facts and opinions to which the expert is expected to testify and summarize the grounds for each opinion;
- (3) the name, address, and a short summary of the testimony of the witnesses, other than the party, whom the party intends to call at trial;
- (4) a list of exhibits that the party expects to offer into evidence. Exhibits not exceeding three pages shall be attached to the pre-trial statement and shall have an identifying exhibit number affixed to or incorporated into the document, and exhibits exceeding three pages shall be described specifically and shall have an exhibit number in the description;
- (5) the party's gross income from all sources, payroll deductions, net income, and the party's most recent state and federal income tax returns and pay stubs;
- (6) if the party intends to offer testimony as to his or her expenses, an Expense Statement in the form required by Pa.R.C.P. No. 1910.27(c)(2)(B);
- (7) if there is a claim for counsel fees, the amount of fees to be charged, the basis for the charge, and a detailed itemization of the services rendered;
- (8) the description and value of disputed tangible personal property, specifically the personalty contemplated by item number 25 of the form in Pa.R.C.P. No. 1920.75, the method of valuing each item, and the evidence, including documentation, to be offered in support of the valuation;
- (9) a list of liabilities, which may be in chart form, specifying:
- (i) The marital liabilities:
    - a. amount of the liability;
    - b. date of the valuation;
    - c. amount of any non-marital portion;
    - d. the facts and documentation upon which the party relies to support the valuation; and
    - e. amount, if any, of payments made on the liabilities after the date of separation.
  - (ii) The non-marital liabilities:
    - a. amount of the liability;
    - b. date of the valuation; and
    - c. the facts and documentation upon which the party relies to support the valuation.
- (10) a proposed resolution of the economic issues raised in the pleadings.

**Official Note:** See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

(c) If a party fails to file either an inventory, as required by subdivision (a), or a pre-trial statement, as required by subdivision (b), the court may make an appropriate order under Pa.R.C.P. No. 4019(c) governing sanctions.

(d)(1) A party who fails to comply with a requirement of subdivision (b) may be barred from offering testimony or introducing evidence in support of or in opposition to claims for the matters omitted.

(2) A party may be barred from offering testimony or introducing evidence that is inconsistent with or goes beyond the fair scope of the information set forth in the pre-trial statement.

(e) An order entered by the court pursuant to Section 3502 of the Divorce Code may be enforced as provided by the rules governing actions for support and divorce and in the Divorce Code.

#### Explanatory Comment—1994

23 Pa.C.S. § 3105(a) states that an agreement is enforceable by any means available pursuant to the Divorce Code for enforcement on an order, as though the agreement were an order of court, except as otherwise provided in the agreement. Thus, although Rule 1920.33 refers only to enforcement of orders, it also applies to enforcement of agreements.

#### Source

The provisions of this Rule 1920.33 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7113; amended May 6, 2015, effective July 1, 2015, 45 Pa.B. 2457; amended June 10, 2016, effective October 1, 2016, 46 Pa.B. 3233; amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 477; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3520; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial pages (394392) to (394394).

#### Rule 1920.34. Joinder of Parties.

At any stage of an action, the court may order the joinder of any additional person who could have joined or been joined in the action and may stay the proceedings in whole or in part until such person has been joined. The action may proceed although such person has not been made a party if jurisdiction over that person cannot be obtained and that person is not an indispensable party to the action.

**Official Note:** The joinder of persons other than husband and wife may be essential in claims for child custody where neither has custody or custody is claimed by others, or where persons other than the parties have an interest in property which is the subject matter of a distribution.

The intervention in an action by a person not a party is governed by Rule 2326 et seq.

#### Source

The provisions of this Rule 1920.34 amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943. Immediately preceding text appears at serial page (159457).

#### Rule 1920.41. No Default Judgment.

No judgment may be entered by default or on the pleadings.

**Rule 1920.42. Obtaining Divorce Decrees under Section 3301(c) or Section 3301(d) of the Divorce Code. Affidavits and Counter-Affidavits. Requirements of the Affidavit of Consent. Ancillary Claims. Orders Approving Grounds for Divorce. Notice of Intention to File the Praeceptum to Transmit Record. Praeceptum to Transmit Record.**

(a) *Obtaining a divorce decree under Section 3301(c)(1) of the Divorce Code.*

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown, the court shall enter a decree in divorce after:

- (i) proof of service of the complaint has been filed;
- (ii) the parties have signed Affidavits of Consent 90 days or more after service of the complaint and have filed the affidavits within 30 days of signing, which may only be withdrawn by an order of court;
- (iii) the ancillary claims under Pa.R.C.P. Nos. 1920.31 and 1920.33 have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;
- (iv) the parties have signed and filed Waivers of Notice of Intention to File the Praeceptum to Transmit Record or, alternatively, the party requesting the divorce decree has served on the other party a Notice of Intention to File the Praeceptum to Transmit Record, which included a blank Counter-Affidavit under Section 3301(c)(1) and a copy of the proposed Praeceptum to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the Praeceptum to Transmit Record; and
- (v) the party requesting the divorce decree has completed and filed a Praeceptum to Transmit Record. If the parties have not waived the Notice of Intention to File the Praeceptum to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praeceptum to Transmit Record before filing the Praeceptum to Transmit Record.

**Official Note:** See Pa.R.C.P. No. 1920.72(b) for the Affidavit of Consent.

See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.72(e)(1) for the Counter-Affidavit under Section 3301(c)(1) of the Divorce Code.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praeceptum to Transmit Record.

(2) To the extent that grounds for divorce have been established under Section 3301(c)(1) of the Divorce Code as outlined in subdivision (a)(1)(ii) and the parties have been unable to resolve the ancillary claims, the court shall enter an order approving grounds for divorce after:

- (i) the parties have signed and filed Waivers of Notice of Intention to File the Praeceptum to Transmit Record or, alternatively, the party requesting the order approving grounds has served on the other party a Notice of Intention to File the Praeceptum to Transmit Record, which included a blank Counter-Affidavit under Section 3301(c)(1) and a copy of the proposed Prae-

cipe to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the Praecipe to Transmit Record; and

(ii) the party requesting the order approving grounds has completed and filed a Praecipe to Transmit Record requesting the court enter an order approving grounds for divorce. If the parties have not waived the Notice of Intention to File the Praecipe to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praecipe to Transmit Record before filing the Praecipe to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.

**Official Note:** See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecipe to Transmit Record.

(3) After the court enters an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, that the court either hears the ancillary claims or appoints a hearing officer to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

**Official Note:** See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Hearing Officer.

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but before the court enters an order disposing of the ancillary claims, the parties shall file a Praecipe to Transmit Record requesting the court enter the appropriate divorce decree. To the extent the agreement does not address all of the parties' claims raised in the pleadings, the party raising the outstanding claims shall withdraw the claims before the court enters a divorce decree.

(b) *Obtaining a divorce decree under Section 3301(c)(2) of the Divorce Code.*

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown and a party has been convicted of a personal injury crime against his or her spouse, the court shall enter a decree in divorce after:

(i) proof of service of the complaint has been filed;

(ii) the party who is the victim of the personal injury crime:

(A) has signed and filed an Affidavit of Consent consistent with subdivision (a)(1)(ii); and

(B) has signed and filed an Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code alleging his or her status as a victim of a personal injury crime and that his or her spouse has been convicted of that crime;

(iii) the filed affidavits and a blank Counter-Affidavit under Section 3301(c)(2) of the Divorce Code have been served on the other party consistent with Pa.R.C.P. No. 1930.4, and the other party has admitted or failed to deny the averments in the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code;

(A) If a party files a Counter-Affidavit under Section 3301(c)(2) of the Divorce Code denying an averment in the Affidavit to Establish Presump-



tion of Consent under Section 3301(c)(2) of the Divorce Code, either party may present a motion requesting the court resolve the issue.

(B) After presentation of the motion in subdivision (A), the court may hear the testimony or, consistent with Pa.R.C.P. No. 1920.51(a)(1)(ii)(D), appoint a hearing officer to hear the testimony and to issue a report and recommendation.

**Official Note:** This subdivision requires service of the counter-affidavit on the non-moving party consistent with original process since the averments in the moving party's Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code are deemed admitted unless denied. *See* Pa.R.C.P. No. 1930.4 for service of original process and Pa.R.C.P. No. 1920.14(b) regarding failure to deny averments in the affidavit.

(iv) the ancillary claims under Pa.R.C.P. Nos. 1920.31 and 1920.33 have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;

(v) a minimum of 20 days from the date of service of the affidavits and blank Counter-Affidavit under Section 3301(c)(2) as set forth in (b)(1)(iii), the party requesting the divorce decree has served on the other party a Notice of Intention to File the Praeceptum to Transmit Record, which included a copy of the proposed Praeceptum to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the Praeceptum to Transmit Record, except that service of such Notice of Intention is not required if:

(A) the parties have signed and filed Waivers of Notice of Intention to File the Praeceptum to Transmit Record; or

(B) the court finds that an attorney has not entered an appearance on the defendant's behalf and that the defendant cannot be located after a diligent search; and

(vi) the party requesting the divorce decree has completed and filed a Praeceptum to Transmit Record. If the parties have not waived the Notice of Intention to File the Praeceptum to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praeceptum to Transmit Record before filing the Praeceptum to Transmit Record.

**Official Note:** *See* Pa.R.C.P. No. 1920.72(b) for the Affidavit of Consent.

*See* Pa.R.C.P. No. 1920.72(c) for the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code.

*See* Pa.R.C.P. No. 1920.72(e)(2) for the Counter-Affidavit under Section 3301(c)(2) of the Divorce Code.

*See* Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praeceptum to Transmit Record.

*See* Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praeceptum to Transmit Record.

*See* Pa.R.C.P. No. 1920.73(c) for the Praeceptum to Transmit Record.

(2) To the extent that grounds for divorce have been established under Section 3301(c)(2) of the Divorce Code as outlined in subdivision (b)(1)(ii)-(iii) and the parties have been unable to resolve the ancillary claims, the court shall enter an order approving grounds for divorce after:



(i) a minimum of 20 days from the date of service of the affidavits and blank Counter-Affidavit under Section 3301(c)(2) of the Divorce Code as set forth in (b)(1)(iii), the party requesting the order approving grounds has served on the other party a Notice of Intention to File the Praeceptum to Transmit Record, which included a copy of the proposed Praeceptum to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the Praeceptum to Transmit Record, except that service of such Notice of Intention is not required if:

(A) the parties have signed and filed Waivers of Notice of Intention to File the Praeceptum to Transmit Record; or

(B) the court finds that an attorney has not entered an appearance on the defendant's behalf and that the defendant cannot be located after a diligent search; and

(ii) the party requesting the order approving grounds has completed and filed a Praeceptum to Transmit Record requesting the court enter an order approving grounds for divorce. If the parties have not waived the Notice of Intention to File the Praeceptum to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praeceptum to Transmit Record before filing the Praeceptum to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.

**Official Note:** See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praeceptum to Transmit Record.

(3) After the court enters an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, that the court either hears the ancillary claims or appoints a hearing officer to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

**Official Note:** See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Hearing Officer.

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but before the court enters an order disposing of the ancillary claims, the parties shall file a Praeceptum to Transmit Record requesting the court enter the appropriate divorce decree. To the extent the agreement does not address all of the parties' claims raised in the pleadings, the party raising the outstanding claims shall withdraw the claims before the court enters a divorce decree.

(c) *Obtaining a divorce decree under Section 3301(d) of the Divorce Code.*

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown and the requisite separation period has elapsed, the court shall enter a decree in divorce after:

(i) proof of service of the complaint has been filed;

(ii) a party has signed and filed an Affidavit under Section 3301(d) of the Divorce Code averring that the marriage is irretrievably broken and that the parties have been separate and apart for the required separation period;

(iii) the filed affidavit and a blank Counter-Affidavit under Section 3301(d) of the Divorce Code have been served on the other party consistent with Pa.R.C.P. No. 1930.4, and the other party has admitted or failed to deny the averments in the Affidavit under Section 3301(d) of the Divorce Code;

(A) If a party files a Counter-Affidavit under Section 3301(d) of the Divorce Code denying an averment in the Affidavit under Section 3301(d) of the Divorce Code, including the date of separation, either party may present a motion requesting the court resolve the issue.

(B) After presentation of the motion in subdivision (A), the court may hear the testimony or, consistent with Pa.R.C.P. No. 1920.51(a)(1)(ii)(D), appoint a hearing officer to hear the testimony and to issue a report and recommendation.

**Official Note:** This subdivision requires service of the counter-affidavit on the non-moving party consistent with original process since the averments in the moving party's Affidavit under § 3301(d) of the Divorce Code are deemed admitted unless denied. *See* Pa.R.C.P. No. 1930.4 for service of original process and Pa.R.C.P. No. 1920.14(b) regarding failure to deny averments in the affidavit.

(iv) the ancillary claims under Pa.R.C.P. Nos. 1920.31 and 1920.33 have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;

(v) a minimum of 20 days from the date of service of the affidavit and blank Counter-Affidavit under Section 3301(d) of the Divorce Code as set forth in (c)(1)(iii), the party requesting the divorce decree has served on the other party a Notice of Intention to File the Praeceptum to Transmit Record, which included a copy of the proposed Praeceptum to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the Praeceptum to Transmit Record, except that service of such Notice of Intention is not required if:

(A) the parties have signed and filed Waivers of Notice of Intention to File the Praeceptum to Transmit Record; or

(B) the court finds that an attorney has not entered an appearance on the defendant's behalf and that the defendant cannot be located after a diligent search; and

(vi) the party requesting the divorce decree has completed and filed a Praeceptum to Transmit Record. If the parties have not waived the Notice of Intention to File the Praeceptum to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praeceptum to Transmit Record before filing the Praeceptum to Transmit Record.

**Official Note:** *See* Pa.R.C.P. No. 1920.72(d) for the Affidavit under Section 3301(d) of the Divorce Code.

*See* Pa.R.C.P. No. 1920.72(e)(3) for the Counter-Affidavit under Section 3301(d) of the Divorce Code.

*See* Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praeceptum to Transmit Record.

*See* Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praeceptum to Transmit Record.

*See* Pa.R.C.P. No. 1920.73(c) for the Praecepte to Transmit Record.

(2) To the extent that grounds for divorce have been established under Section 3301(d) of the Divorce Code as outlined in subdivision (c)(1)(ii)-(iii) and the parties have been unable to resolve the ancillary claims, the court shall enter an order approving grounds for divorce after:

(i) a minimum of 20 days from the date of service of the affidavit and blank Counter-Affidavit under Section 3301(d) of the Divorce Code as set forth in (c)(1)(iii), the party requesting the order approving grounds has served on the other party a Notice of Intention to File the Praecepte to Transmit Record, which included a copy of the proposed Praecepte to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the Praecepte to Transmit Record, except that service of such Notice of Intention is not required if:

(A) the parties have signed and filed Waivers of Notice of Intention to File the Praecepte to Transmit Record; or

(B) the court finds that an attorney has not entered an appearance on the defendant's behalf and that the defendant cannot be located after a diligent search; and

(ii) the party requesting the order approving grounds has completed and filed a Praecepte to Transmit Record requesting the court enter an order approving grounds for divorce. If the parties have not waived the Notice of Intention to File the Praecepte to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praecepte to Transmit Record before filing the Praecepte to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.

**Official Note:** *See* Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecepte to Transmit Record.

*See* Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecepte to Transmit Record.

*See* Pa.R.C.P. No. 1920.73(c) for the Praecepte to Transmit Record.

(3) After the court enters an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, that the court either hears the ancillary claims or appoints a hearing officer to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

**Official Note:** *See* Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Hearing Officer.

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but before the court enters an order disposing of the ancillary claims, the parties shall file a Praecepte to Transmit Record requesting the court enter the appropriate divorce decree. To the extent the agreement does not address all of the parties' claims raised in the pleadings, the party raising the outstanding claims shall withdraw the claims before the court enters a divorce decree.

**Explanatory Comment—2019**

On April 21, 2016, Act 24 of 2016 (Act of Apr. 21, 2016, P.L. 166, No. 24) amended the Divorce Code by adding 23 Pa.C.S. § 3301(c)(2). Section 3301(c)(2) creates a presumption of consent to a divorce if a party is the victim of a personal injury crime committed by his or her spouse, as outlined in 23 Pa.C.S. § 3103. The Act amended other correlative statutes in the Divorce Code, as well. To effectively incorporate procedures for the newly enacted Section 3301(c)(2) into the Rules of Civil Procedure, Pa.R.C.P. No. 1920.42 was rescinded and replaced.

In implementing Section 3301(c)(2), the rule utilizes an affidavit/counter-affidavit procedure similar to a Section 3301(d) divorce, which served as a template for the new procedure. The process for establishing the presumption of consent in Section 3301(c)(2) requires the party to aver in an affidavit that he or she had been the victim of a personal injury crime and that his or her spouse had been convicted of that personal injury crime. In response, the allegedly convicted spouse may oppose the establishment of the presumption by completing and filing a counter-affidavit. If the allegedly convicted spouse opposes the establishment of the presumption, the court may either schedule a hearing on the establishment of the presumption or appoint a master to do so. As part of the revised divorce procedures, amended Pa.R.C.P. No. 1920.51(a)(1) permits the appointment of a master for a determination of the presumption under Section 3301(c)(2). To effectuate the new procedures for Section 3301(c)(2) divorces, several additional forms, including an Affidavit to Establish Presumption of Consent and a Counter-Affidavit under Section 3301(c)(2), have been added to the rules. *See* Pa.R.C.P. No. 1920.72(c) and (e)(2).

In addition to the changes to the rule related to 23 Pa.C.S. § 3301(c)(2), the rule has been further revised to provide a uniform practice across the Commonwealth for establishing a definitive point when the parties can move the court for resolution of any ancillary claims. As the court cannot resolve the ancillary claims until grounds for divorce have been established, Pa.R.C.P. No. 1920.42 includes procedures for obtaining approval of grounds for divorce in cases in which the parties have unresolved ancillary claims. This process requires that the parties obtain a court order approving grounds for divorce before seeking the appointment of a divorce master or requesting the court hear the ancillary claims raised in the pleadings. Forms have been correlatively amended or retitled to reflect this new procedure. The Waiver of Notice of Intention has been moved from Pa.R.C.P. No. 1920.72 to Pa.R.C.P. No. 1920.73.

As a result of these changes, Pa.R.C.P. No. 1920.42 specifically outlines the process for obtaining a decree for Section 3301(c)(1), Section 3301(c)(2), and Section 3301(d) divorces. Although the rule's length has expanded extensively, the detailed procedure alleviates confusion on when and how to obtain a divorce decree and further assists unrepresented parties to maneuver through a complicated procedure.

**Source**

The provisions of this Rule 1920.42 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5324; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended September 11, 1995, effective January 1, 1996, 25 Pa.B. 4099; amended April 10, 1997, effective July 1, 1997, 27 Pa.B. 2042; amended March 2, 2000, effective immediately, 30 Pa.B. 1646; amended May 6, 2015, effective July 1, 2015, 45 Pa.B. 2457; amended June 3, 2019, effective October 1, 2019, 49 Pa.B. 3059; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial pages (396991) to (396998).

**Rule 1920.43. Special Relief.**

(a) At any time after the filing of the complaint, on petition setting forth facts entitling the party to relief, the court may, upon such terms and conditions as it deems just, including the filing of security:

- (1) issue preliminary or special injunctions necessary to prevent the removal, disposition, alienation or encumbering of real or personal property in accordance with Rule 1531(a), (c), (d) and (e); or
- (2) order the seizure or attachment of real or personal property; or
- (3) grant other appropriate relief.

1920-20

**Official Note:** See Section 3505 of the Divorce Code relating to injunction against disposition of property pending suit.

(b) Where property ordered attached is in the possession of a garnishee, the practice and procedure shall conform as nearly as may be to Rules 3111 to 3113 and Rules 3142 to 3145 governing attachment execution. Judgment shall not be entered against a garnishee except by order of the court.

**Source**

The provisions of this Rule 1920.43 amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943. Immediately preceding text appears at serial pages (159458) to (159459).

**Rule 1920.44. Party Leaving Jurisdiction. Security.**

At any stage of the proceeding, upon affidavit that a party is about to leave the jurisdiction, the court may issue appropriate process directing that the party be brought before the court at such time as the court may direct. At that time, the court may direct that the party give security, with one or more sureties, to appear when directed by the court or to comply with any order of court.

**Rule 1920.45. Counseling.**

(a) If the Divorce Code provides for counseling, the parties shall be notified of the availability of counseling as prescribed in Pa.R.C.P. Nos. 1920.12(a)(8) and 1920.71.

**Official Note:** See Section 3302 of the Divorce Code for the divorce actions in which the parties may request counseling, but note the counseling exceptions in Section 3302(g).

(b) The court shall maintain in the prothonotary's office a list of qualified professionals that provide counseling services, which shall be available to the parties upon request.

**Official Note:** Section 3103 of the Divorce Code defines the term "qualified professionals."

(c) If the ground for divorce is under:

(1) Section 3301(c) of the Divorce Code and the court orders counseling as requested by a party, the parties must complete counseling within 90 days of the divorce complaint's filing; or

(2) Section 3301(d) of the Divorce Code and a court orders counseling, the parties must complete counseling within 120 days, unless the parties agree to a longer period.

**Official Note:** See Section 3301(d)(2) of the Divorce Code providing for a period "not less than 90 days nor more than 120 days. . ."

(d) If the court has referred a divorce action to a hearing officer and a party requests counseling pursuant to the Divorce Code, without leave of court, the hearing officer may require counseling and continue the hearing pending the counselor's report.

**Source**

The provisions of this Rule 1920.45 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended June 3, 2019, effective October 1, 2019, 49 Pa.B. 3059; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial page (396999).

**Rule 1920.46. Affidavit of Non-Military Service.**

If the defendant fails to appear in the action, the plaintiff shall file an affidavit regarding military service with the motion for appointment of a hearing officer, prior to a trial by the court, or with the plaintiff's affidavit required by Pa.R.C.P. No. 1920.42(b)(1)(ii) and (c)(1)(ii).

**Official Note:** The Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901—4043, requires that in cases in which the defendant does not make an appearance, the plaintiff must file an affidavit of non-military service before the court may enter judgment. If the defendant is in the military service and an attorney has not entered an appearance on behalf of the defendant, a judgment shall not be entered until the court appoints an attorney to represent the defendant and protect his or her interest.

Actions for divorce under Section 3301(c)(2) and (d)(1)(i) of the Divorce Code are governed by Pa.R.C.P. No. 1920.42(b) and (c), respectively.

**Explanatory Comment—2003**

35 P. S. § 450.602 previously required a certificate of each divorce or annulment decreed in the commonwealth to be transmitted to the Vital Statistics Division of the Commonwealth of Pennsylvania Department of Health. The statute was amended October 30, 2001 (P. L. 826, No. 82), § 1, effective in 60 days, to require that the prothonotary submit a monthly statistical summary of divorces and annulments, rather than individual forms for each decree. Thus, subdivision (a) of Rule 1920.46, requiring the filing of the vital statistics form, is no longer necessary. Former subdivision (b) now comprise the entirety of the rule and the title has been amended to reflect that the rule applies only to the affidavit regarding military service.

**Source**

The provisions of this Rule 1920.46 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended July 30, 2003, effective immediately, 33 Pa.B. 4072; amended August 13, 2008, effective immediately, 38 Pa.B. 4736; amended June 3, 2019, effective October 1, 2019, 49 Pa.B. 3059; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial pages (396999) to (397000).

**Rule 1920.51. Hearing by the Court. Appointment of Hearing Officer. Notice of Hearing.**

- (a) In an action of divorce or annulment:
  - (1) the court may:
    - (i) hear the testimony; or
    - (ii) upon motion of a party or of the court, appoint a hearing officer:
      - (A) before entry of the divorce decree to hear the testimony for the ancillary claims of alimony, equitable division of marital property, partial physical custody, supervised physical custody, counsel fees, and costs and expenses, which are raised in the pleadings, and to issue a report and recommendation, provided that grounds for divorce under Sections 3301(c) or 3301(d) of the Divorce Code have been established and approved by the court as outlined in Pa.R.C.P. No. 1920.42;

(B) before approving grounds for divorce under Sections 3301(c) or 3301(d) of the Divorce Code for the limited purpose of assisting the parties and the court on issues of discovery or settlement;

(C) to hear the testimony for establishing grounds for divorce under Sections 3301(a) or 3301(b) of the Divorce Code or annulment and the ancillary claims, which are raised in the pleadings, and to issue a report and recommendation; or

(D) after a party files a counter-affidavit denying the averments in the affidavit in an action under Section 3301(c)(2) or 3301(d) of the Divorce Code, including the date of separation, to hear the testimony and to issue a report and recommendation.

(2) the court shall not appoint a hearing officer:

(i) to approve grounds for divorce under Sections 3301(c) or 3301(d) of the Divorce Code; or

**Official Note:** See Pa.R.C.P. No. 1920.42 for approving grounds for divorce under Sections 3301(c) and 3301(d) of the Divorce Code.

(ii) for the claims of legal custody, sole physical custody, primary physical custody, shared physical custody, or paternity.

**Official Note:** Section 3321 of the Divorce Code prohibits the appointment of a hearing officer as to the claims of custody and paternity. However, as set forth in Pa.R.C.P. No. 1920.91(3), the Supreme Court of Pennsylvania suspended Section 3321 insofar as that section prohibits the appointment of a hearing officer in partial physical custody cases.

(3) The Motion for the Appointment of a Hearing Officer and the order shall be substantially in the form prescribed by Pa.R.C.P. No. 1920.74. The order appointing the hearing officer shall specify the issues or ancillary claims that are referred to the hearing officer.

(4) A permanent or standing hearing officer employed by or under contract with a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, permanent or standing hearing officer, or judge of the same judicial district.

**Official Note:** Conference officers preside at office conferences under Pa.R.C.P. No. 1910.11. Hearing officers preside at hearings under Pa.R.C.P. No. 1910.12. The appointment of hearing officer to hear actions in divorce or annulment is authorized by Section 3321 of the Divorce Code.

(b) Written notice of the hearing shall be given to each attorney of record by the hearing officer. If a hearing officer has not been appointed, the prothonotary, clerk, or other officer designated by the court shall give the notice.

(c) If no attorney has appeared of record for a party, notice of the hearing shall be given to the party by the hearing officer, or if a hearing officer has not been appointed, by the prothonotary, clerk, or other officer designated by the court, as follows:

(1) to the plaintiff, by ordinary mail to the address on the complaint;

(2) to the defendant,

(i) if service of the complaint was made other than pursuant to special order of court, by ordinary mail to the defendant's last known address; or

(ii) if service of the complaint was made pursuant to special order of court, (a) by sending a copy of the notice by ordinary mail to the persons, if any, named in the investigation affidavit, likely to know the present where-



abouts of the defendant; and (b) by sending a copy by registered mail to the defendant's last known address.

**Official Note:** Under Rule 76, registered mail includes certified mail.

- (d) Advertising of notice of the hearing shall not be required.
- (e) Proof of notice shall be filed of record.

**Official Note:** Consistent with § 3301(e) of the Divorce Code as amended, these rules contemplate that if a divorce decree may be entered under the no fault provisions of §§ 3301(c) or (d), a divorce decree will be entered on these grounds and no hearing shall be required on any other grounds.

#### **Explanatory Comment—1994**

While subdivision (a)(2)(ii) clearly prohibits appointment of a master to determine a divorce claim brought under §§ 3301(c) or 3301(d), the provision does permit a master to hear claims which are joined with the divorce action.

The rule is amended to conform with proposed new Rules 1915.4-1 and 1915.4-2, and to remove the implied prohibition against the use of hearing officers in partial custody or visitation cases.

#### **Explanatory Comment—2010**

The rule is amended to clarify the role of the master in a divorce case when either party has asserted grounds for divorce pursuant to § 3301(c) or § 3301(d) of the Divorce Code. The rule had been interpreted in some jurisdictions as requiring the entry of a bifurcated decree before a master could be appointed to hear economic claims.

#### **Explanatory Comment—2019**

Subdivision (a)(1)(ii)(A) provides for the appointment of a master to hear, *inter alia*, partial physical custody cases. The authority for a master to hear partial physical custody cases is 23 Pa.C.S. § 3321, which the Supreme Court of Pennsylvania suspended in part to allow masters to hear partial physical custody cases. However, this rule should not be construed to require a court to appoint masters in partial physical custody or supervised physical custody cases. Nor should the rule be construed as inconsistent with Pa.R.C.P. Nos. 1915.4-1, 1915.4-2, or 1915.4-3 that provide for conference officers and hearing officers in custody cases.

#### **Source**

The provisions of this Rule 1920.51 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended September 29, 1989, effective October 15, 1989, 19 Pa.B. 4451; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; amended July 15, 1994, effective January 1, 1995, 24 Pa.B. 3803; amended September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097; amended July 8, 2010, effective September 6, 2010, 40 Pa.B. 4140; amended March 4, 2015, effective in 30 days on April 3, 2015, 45 Pa.B. 1354; amended July 30, 2018, effective January 1, 2019, 48 Pa.B. 4960; amended June 3, 2019, effective October 1, 2019, 49 Pa.B. 3059; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial pages (397000) to (397002).

### **Rule 1920.52. Hearing by the Court. Decision. No Post-trial Relief. Decree.**

- (a) In claims involving:
  - (1) marital property;
  - (2) enforcement of marital agreements;
  - (3) alimony; or
  - (4) a contested action of divorce or for annulment,
 the order of the court shall state the reasons for its decision. A motion for post-trial relief may not be filed to orders with the actions or claims enumerated in this subdivision.
- (b) In claims involving:
  - (1) paternity;



- (2) custody;
- (3) counsel fees;
- (4) costs and expenses;
- (5) an uncontested action of divorce or annulment; or
- (6) protection from abuse,

the order of the court may set forth only general findings. A motion for post-trial relief may not be filed to orders with the actions or claims enumerated in this subdivision.

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

(c) The court need not determine all claims at one time but may enter a decree adjudicating a specific claim or claims. However, unless by agreement of the parties, no bifurcated decree of divorce shall be entered except as set forth in 23 Pa.C.S.A. § 3323(c.1). In any bifurcated decree entered by the court without the agreement of the parties, the court shall state with specificity the compelling circumstances that exist for the entry of the decree and the economic provisions sufficient to protect the non-moving party.

(d) In all cases the court shall enter a decree separately adjudicating each claim raised.

#### **Explanatory Comment—2010**

The Divorce Code was amended in 2004 to make it more difficult for the court to enter a bifurcated divorce decree absent the agreement of the parties. Section 3323(c.1) became effective on January 28, 2005 and limits the circumstances in which the court may enter a bifurcated decree, requiring the establishment of grounds for divorce, compelling circumstances for the entry of the decree and sufficient economic protections for the non-moving party.

#### **Source**

The provisions of this Rule 1920.52 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended July 22, 1983, effective July 1, 1983, 13 Pa.B. 2254; amended October 19, 1983, effective January 1, 1984, 13 Pa.B. 3629; amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1941; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended July 8, 2010, effective September 6, 2010, 40 Pa.B. 4140; amended July 30, 2018, effective January 1, 2019, 48 Pa.B. 4960. Immediately preceding text appears at serial pages (384539) to (384540).

#### **Rule 1920.53. Hearing by Hearing Officer. Report.**

In an action for divorce or annulment that has been referred to a hearing officer, the hearing officer's report and recommendation shall include findings of fact, conclusions of law, and a recommended disposition of the case or issue.

(a) The findings of fact shall include, as appropriate for the circumstances and issues before the hearing officer:

- (1) the method and date of service of process;
- (2) the manner and date of service of the notice of the hearing officer's hearing or the hearing officer's efforts to notify the parties;
- (3) the date and place of marriage;
- (4) information relating to any prior marriage of the parties and proof of dissolution of such prior marriage;
- (5) the residences of the parties at the time of the marriage and subsequent thereto, the actual length of time the parties have resided in the Commonwealth, and whether the residence requirement of Section 3104(b) of the Divorce Code has been met;
- (6) the age and occupation of the parties;

- (7) the initials and age of the children of the parties, if any, and with whom the children reside;
  - (8) the grounds upon which the action is based;
  - (9) defenses to the action, if any;
  - (10) whether the court should grant or deny the divorce, annulment, or other relief on the basis of the complaint, the counterclaim, if filed, or a motion requesting relief; and
  - (11) other relevant facts related to the appointment.
- (b) The conclusions of law shall include a discussion of the law as it relates to the facts, as well as the legal conclusions reached by the hearing officer.
- (c) If a divorce or an annulment is recommended, the hearing officer shall attach a proposed decree to the report and recommendation.

**Source**

The provisions of this Rule 1920.53 amended September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097; amended June 3, 2019, effective October 1, 2019, 49 Pa.B. 3059; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial pages (397003) to (397004).

**Rule 1920.54. Hearing by Hearing Officer. Report. Related Claims.**

- (a) If claims for counsel fees and costs and expenses have been referred to a hearing officer pursuant to Pa.R.C.P. No. 1920.51(a), the hearing officer's report shall contain a separate section captioned "Counsel Fees and Costs and Expenses." The report may be in a narrative form stating the reasons for the recommendation and shall include a proposed order stating:
- (1) the amount;
  - (2) by and for whom it shall be paid; and
  - (3) the effective date of the order.
- (b) If a claim for alimony has been referred to a hearing officer, the report shall contain a separate section captioned "Alimony." The report shall conform to the requirements of subdivision (a) and, in addition, shall set forth:
- (1) the findings required by Section 3701(a) of the Divorce Code,
  - (2) the relevant factors considered under Section 3701(b) of the Divorce Code,
  - (3) the nature, amount, duration and manner of payment of alimony, if any, and
  - (4) the reason or reasons for the recommended denial or award of alimony.
- (c) If a claim for the determination and distribution of existing property rights and interests between the parties has been referred to a hearing officer, the report shall contain a separate section captioned "Division of Property." The section shall be divided into two parts:
- (1) one captioned "Marital Property," listing all property to be designated as such and including a proposed equitable distribution thereof with a discussion of the relevant factors considered under Section 3502(a) of the Divorce Code; and
  - (2) one captioned "Nonmarital Property," listing all property to be designated as such.

**Source**

The provisions of this Rule 1920.54 amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7113; amended May 6, 2015, effective July 1, 2015, 45 Pa.B. 2457; amended July 30, 2018, effective January 1, 2019, 48 Pa.B.

4960; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial pages (397004) to (397005).

**Rule 1920.55. [Rescinded].**

**Source**

The provisions of this Rule 1920.55 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended October 19, 1983, effective January 1, 1984, 13 Pa.B. 3629; amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; rescinded September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097. Immediately preceding text appears at serial pages (197011) to (197012).

**Rule 1920.55-1. Alternative Hearing Procedures for Matters Referred to a Hearing Officer.**

(a) Matters referred to a hearing officer for hearing shall proceed as prescribed by Pa.R.C.P. No. 1920.55-2 unless the court by local rule adopts the alternative procedure of Pa.R.C.P. No. 1920.55-3.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all divorce proceedings which are referred to a hearing officer in that county are conducted in accordance with either Pa.R.C.P. No. 1920.55-2 or Pa.R.C.P. No. 1920.55-3. The certification shall be filed with the Domestic Relations Procedural Rules Committee and shall be substantially in the following form:

I hereby certify that \_\_\_\_\_ County conducts its divorce proceedings that are referred to a hearing officer in accordance with Pa.R.C.P. No. \_\_\_\_\_ .

\_\_\_\_\_  
(PRESIDENT JUDGE)

(ADMINISTRATIVE JUDGE)

**Official Note:** For a complete list of the Alternative Hearing Procedures for each county: <http://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>.

**Explanatory Comment**

The 1995 amendments created alternative procedures for appeal from the recommendation of a master in divorce. Pa.R.C.P. No. 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in proposed Pa.R.C.P. No. 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of proposed Pa.R.C.P. No. 1920.55-3.

In lieu of continuing the practice of including in the Note a 67-county list identifying the hearing procedure selected by the local county court, the list can now be found on the Domestic Relations Procedural Rules Committee website.

**Source**

The provisions of this Rule 1920.55-1 adopted September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097; amended March 16, 2011, effective immediately, 41 Pa.B. 1758; amended October 14, 2016, effective December 1, 2016, 46 Pa.B. 6819; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial page (397005).

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**Rule 1920.55-2. Hearing Officer’s Report. Notice. Exceptions. Final Decree.**

- (a) After conclusion of the hearing, the hearing officer shall:
- (1) file the record and the report within:
    - (i) twenty days in uncontested actions; or
    - (ii) thirty days from the last to occur of the receipt of the transcript by the hearing officer or close of the record in contested actions; and
  - (2) immediately serve upon counsel for each party, or, if unrepresented, upon the party, a copy of the report and recommendation and written notice of the right to file exceptions.
- (b) Within 20 days of the date of receipt or the date of mailing of the hearing officer’s report and recommendation, whichever occurs first, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final decree, leave is granted to file exceptions raising those matters.
- (c) If exceptions are filed, any other party may file exceptions within 20 days of the date of service of the original exceptions. The court shall hear argument on the exceptions and enter a final decree.
- (d) If no exceptions are filed, the court shall review the report and, if approved, shall enter a final decree.
- (e) No Motion for Post-Trial Relief may be filed to the final decree.

**Explanatory Comment—1995**

The amendments created alternative procedures for appeal from the recommendation of a master in divorce. Rule 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in Rule 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of Rule 1920.55-3.

**Explanatory Comment—2006**

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the report and recommendation, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

**Source**

The provisions of this Rule 1920.55-2 adopted September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097; amended August 8, 2006, effective immediately, 36 Pa.B. 4709; amended May 6, 2015, effective July 1, 2015, 45 Pa.B. 2457; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial page (397006).

**Rule 1920.55-3. Hearing Officer’s Report. Notice. Hearing De Novo. Final Decree.**

- (a) No record shall be made of the hearing in proceedings held pursuant to this rule.
- (b) After the conclusion of hearing, the hearing officer shall:
- (1) file the report within:
    - (i) twenty days in uncontested actions; or
    - (ii) thirty days in contested actions; and

- (2) immediately serve upon counsel for each party, or, if unrepresented, upon the party, a copy of the report and recommendation, and written notice of the right to demand a hearing *de novo*.
- (c) Within 20 days of the date the hearing officer's report is mailed or received, whichever occurs first, any party may file a written demand for a hearing *de novo*. If a demand is filed, the court shall hold a hearing *de novo* and enter a final decree.
- (d) If no demand for *de novo* hearing is filed within the 20-day period, the court shall review the report and recommendation and, if approved, shall enter a final decree.
- (e) No Motion for Post-Trial Relief may be filed to the final decree.

**Explanatory Comment—1995**

The amendments create alternative procedures for appeal from the recommendation of a master in divorce. Rule 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in Rule 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of Rule 1920.55-3.

**Explanatory Comment—2006**

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the report and recommendation, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

**Source**

The provisions of this Rule 1920.55-3 adopted September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097; amended August 8, 2006, effective immediately, 36 Pa.B. 4709; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial page (397007).

**Rule 1920.56. [Rescinded].**

**Source**

The provisions of this Rule 1920.56 adopted September 29, 1989, effective October 1, 1989, 19 Pa.B. 4450; rescinded July 30, 2018, effective January 1, 2019, 48 Pa.B. 4960. Immediately preceding text appears at serial pages (384544) and (385507).

**Rule 1920.61. Testimony Outside the County.**

On motion of a party and upon such terms as it may order, the court may authorize and direct the hearing officer to take testimony of witnesses within any other county of the Commonwealth or in any other state or territory subject to the jurisdiction of the United States, or in any foreign country.

**Source**

The provisions of this Rule 1920.61 amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial page (397008).

**Rule 1920.62. Proceedings by Indigent Parties.**

The procedures set forth in Rule 240 are incorporated herein, and shall govern proceedings by indigent parties in divorce and annulment.

**Source**

The provisions of this Rule 1920.62 amended April 19, 1995, effective July 1, 1995, 25 Pa.B. 1767. Immediately preceding text appears at serial pages (188380) to (188381).

**Rule 1920.71. Form of Notice.**

The notice required by Rule 1920.12(c) shall be substantially in the following form:

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the court. A judgment may also be entered against you for any other claim or relief requested in these papers by the plaintiff. You may lose money or property or other rights important to you, including custody of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at

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(Room Number—Address)

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER’S FEES OR EXPENSES BEFORE A DIVORCE OR AN ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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(Name)

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(Address)

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(Telephone number)

**Source**

The provisions of this Rule 1920.71 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended March 18, 2004, effective June 16, 2004, 34 Pa.B. 1754; amended May 6, 2015, effective July 1, 2015, 45 Pa.B. 2457. Immediately preceding text appears at serial pages (322563) and (303587).

**Rule 1920.72. Form of Complaint. Affidavits under Section 3301(c) or Section 3301(d) of the Divorce Code. Counter-Affidavits.**

(a) The complaint in an action of divorce under Section 3301(c) or Section 3301(d) shall begin with the Notice to Defend and Claim Rights required by Pa.R.C.P. No. 1920.71 and shall be substantially in the following form:

(Caption)  
COMPLAINT UNDER SECTION 3301(c) OR 3301(d)  
OF THE DIVORCE CODE

1. Plaintiff is \_\_\_\_\_, who currently resides at  
(Name)  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
(Address) (City) (County)  
\_\_\_\_\_, since \_\_\_\_\_.  
(State) (Date)
  2. Defendant is \_\_\_\_\_, who currently resides at  
(Name)  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
(Address) (City) (County)  
\_\_\_\_\_, since \_\_\_\_\_.  
(State) (Date)
  3. \_\_\_\_\_ has/have been a bona fide resident(s)  
(Plaintiff and/or Defendant)
- in the Commonwealth for at least six months immediately previous to the filing of this Complaint.
4. The plaintiff and defendant were married on \_\_\_\_\_ at  
(Date)  
\_\_\_\_\_, \_\_\_\_\_  
(City) (State/Country)
  5. There have been no prior actions of divorce or for annulment between the parties except \_\_\_\_\_.
  6. The marriage is irretrievably broken.
  7. Plaintiff has been advised that counseling is available and that plaintiff may have the right to request that the court require the parties to participate in counseling.
  8. Plaintiff requests the court to enter a decree of divorce.

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
Plaintiff

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Plaintiff

(b) The Affidavit of Consent required by Section 3301(c) of the Divorce Code and Pa.R.C.P. No. 1920.42(a)(1)(ii) or (b)(1)(ii) shall be substantially in the following form:

(Caption)

AFFIDAVIT OF CONSENT

1. A Complaint in divorce under Section 3301(c) of the Divorce Code was filed on \_\_\_\_\_ and served on the defendant on \_\_\_\_\_ .  
(Date) (Date)

2. The marriage of plaintiff and defendant is irretrievably broken and 90 days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce after service of the Notice of Intention to File Praecipe to Transmit Record.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

(c) The Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code and required by Pa.R.C.P. No. 1920.42(b)(1)(ii)(B) shall be substantially in the following form:

(Caption)

NOTICE

If you wish to deny any of the statements set forth in this affidavit, you must file a counter-affidavit within 20 days after this affidavit has been served on you or the statements will be admitted.

AFFIDAVIT TO ESTABLISH PRESUMPTION OF CONSENT UNDER SECTION 3301(c)(2) OF THE DIVORCE CODE

1. I am the victim of a personal injury crime as defined in 23 Pa.C.S. § 3103.  
2. My spouse was convicted of the crime averred in Paragraph 1 on \_\_\_\_\_ insert date \_\_\_\_\_ in the Court of Common Pleas of \_\_\_\_\_ insert county name \_\_\_\_\_ County. The docket number(s) is/are \_\_\_\_\_ insert docket number \_\_\_\_\_.

3. The personal injury crime(s) for which my spouse was convicted:  
Check all that apply:  
 18 Pa.C.S. Ch. 25 (relating to criminal homicide)  
 18 Pa.C.S. Ch. 27 (relating to assault)  
 18 Pa.C.S. Ch. 29 (relating to kidnapping)  
 18 Pa.C.S. Ch. 30 (relating to human trafficking)  
 18 Pa.C.S. Ch. 31 (relating to sexual offenses)  
 18 Pa.C.S. § 3301 (relating to arson and related offenses)  
 18 Pa.C.S. Ch. 37 (relating to robbery)  
 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation)  
 75 Pa.C.S. § 3732 (relating to homicide by vehicle)  
 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury)



I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date (PLAINTIFF) (DEFENDANT)

(d) The Affidavit under Section 3301(d) of the Divorce Code required by Pa.R.C.P. No. 1920.42(c)(1)(ii) shall be substantially in the following form:

(Caption)

NOTICE

If you wish to deny any of the statements outlined in this affidavit, you must file a counter-affidavit within 20 days after this affidavit has been served on you or the statements will be admitted.

AFFIDAVIT UNDER SECTION 3301(d)  
OF THE DIVORCE CODE

1. The parties to this action separated on \_\_\_\_\_ insert date \_\_\_\_\_.
2. Check (a) or (b):
  - (a) The date of separation was prior to December 5, 2016, and the parties have continued to live separate and apart for a period of at least two years.
  - (b) The date of separation was on or after December 5, 2016, and the parties have continued to live separate and apart for a period of at least one year.
3. The marriage is irretrievably broken.
4. I understand that I may lose rights concerning alimony, division of property, lawyer’s fees, costs and expenses, or other important rights if I do not claim them before a divorce is granted.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

(e) *Counter-Affidavits.*

(1) The Counter-Affidavit under Section 3301(c)(1) of the Divorce Code required by Pa.R.C.P. No. 1920.42(a)(1)(iv) and (a)(2)(i) shall be substantially in the following form:

(Caption)

COUNTER-AFFIDAVIT UNDER SECTION 3301(c)(1) OF THE  
DIVORCE CODE

I wish to claim economic relief, which may include alimony, division of property, lawyer’s fees, costs and expenses, or other important rights.

I UNDERSTAND THAT I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD, THE DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

(2) The Counter-Affidavit under Section 3301(c)(2) of the Divorce Code required by Pa.R.C.P. No. 1920.42(b)(1)(iii) and (b)(2)(i) shall be substantially in the following form:

(Caption)

COUNTER-AFFIDAVIT  
UNDER SECTION 3301(c)(2) OF THE DIVORCE CODE

1. Check either (a) or (b):

(a) I do not oppose the entry of a divorce decree.

(b) I oppose the entry of a divorce decree because:

(Check (i), (ii), or both)

(i) I have not been convicted of a personal injury crime as defined in 23 Pa.C.S. § 3103.

(ii) My spouse was not the victim of a personal injury crime for which I have been convicted.

2. Check (a), (b), or (c):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer’s fees, costs and expenses, or other important rights if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief, which may include alimony, division of property, lawyer’s fees, costs and expenses, or other important rights.

I UNDERSTAND THAT IN ADDITION TO CHECKING 2(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD, THE DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

(c) Economic claims have been raised and are not resolved.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

(3) The Counter-Affidavit under Section 3301(d) of the Divorce Code required by Pa.R.C.P. No. 1920.42(c)(1)(iii) and (c)(2)(i) shall be substantially in the following form:

(Caption)

COUNTER-AFFIDAVIT UNDER SECTION 3301(d) OF THE  
DIVORCE CODE

1. Check either (a) or (b):

- (a) I do not oppose the entry of a divorce decree.
- (b) I oppose the entry of a divorce decree because:

Check (i), (ii), (iii) or all:

- (i) The parties to this action have not lived separate and apart for the required separation period: two years for parties that separated prior to December 5, 2016, and one year for parties that separated on or after December 5, 2016.
- (ii) The marriage is not irretrievably broken.
- (iii) There are economic claims pending.

(2) Check (a), (b) or (c):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer’s fees, costs and expenses, or other important rights if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief, which may include alimony, division of property, lawyer’s fees, costs and expenses, or other important rights.

I UNDERSTAND THAT IN ADDITION TO CHECKING (2)(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD, THE DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

(c) Economic claims have been raised and are not resolved.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
\_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

**Source**

The provisions of this Rule 1920.72 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5324; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended September 11, 1995, effective January 1, 1996, 25 Pa.B. 4099; amended April 10, 1997, effective July 1, 1997, 27 Pa.B. 2042; amended March 2, 2000, effective immediately, 30 Pa.B. 1646; amended May 6, 2015, effective July 1, 2015, 45 Pa.B. 2457; amended November 18, 2016, effective December 5, 2016, 46 Pa.B. 7620; amended June 3, 2019, effective October 1, 2019, 49 Pa.B. 3059. Immediately preceding text appears at serial pages (394406) to (394410).

**Rule 1920.73. Notice of Intention to File Praecepte to Transmit Record. Waiver of Notice of Intention to File Praecepte to Transmit Record. Praecepte to Transmit Record.**

(a) *Notice of Intention to File the Praecepte to Transmit Record.*

(1) If there is an attorney of record, the Notice of Intention to File the Praecepte to Transmit Record required by Pa.R.C.P. No. 1920.42(a)(1)(iv), (a)(2)(i), (b)(1)(v), (b)(2)(i), (c)(1)(v), and (c)(2)(i), shall be substantially in the following form:

(Caption)  
NOTICE OF INTENTION TO FILE  
THE PRAECEPTE TO TRANSMIT RECORD

TO: \_\_\_\_\_  
(PLAINTIFF/DEFENDANT)

\_\_\_\_\_ (PLAINTIFF/DEFENDANT) intends to file with the court the attached Praecepte to Transmit Record on or after \_\_\_\_\_, 20 \_\_\_\_\_ requesting that the court enter a final decree in divorce or an order approving grounds for divorce as indicated on the proposed Praecepte to Transmit Record.

\_\_\_\_\_  
Attorney for (PLAINTIFF/DEFENDANT)

(2) If there is no attorney of record:

(i) The Notice of Intention to File the Praecepte to Transmit Record required by Pa.R.C.P. No. 1920.42(a)(1)(iv) and (a)(2)(i) shall be substantially in the following form:

(Caption)

NOTICE OF INTENTION TO FILE  
THE PRAECEPTE TO TRANSMIT RECORD  
UNDER SECTION 3301(c)(1) OF THE DIVORCE CODE

TO: \_\_\_\_\_  
(PLAINTIFF/DEFENDANT)

You have signed an Affidavit of Consent under Section 3301(c) of the Divorce Code consenting to the entry of a divorce decree. Therefore, on or after \_\_\_\_\_, 20 \_\_\_\_\_, the other party can request the court to enter a final decree in divorce or, if there are unresolved ancillary claims, an order approving grounds for divorce as indicated on the proposed Praecepte to Transmit Record, which is attached.

Unless you have already filed with the court a written claim for economic relief, you must do so by the date in the paragraph above, or the court may grant the divorce or, if there are unresolved ancillary claims, an order approving grounds for divorce and you may lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(Telephone Number)

**Official Note:** The above lines are to be completed with the name, address, and telephone number of the officer, organization, agency, or person designated by the court in accordance with Pa.R.C.P. No. 1018.1(c).

The date to be inserted in the first paragraph of the notice must be at least 20 days after the date on which the notice was mailed or delivered.

(ii) The Notice of Intention to File the Praeceptum to Transmit Record required by Pa.R.C.P. No. 1920.42(b)(1)(v), (b)(2)(i), (c)(1)(v), and (c)(2)(i) shall be substantially in the following form:

(Caption)

NOTICE OF INTENTION TO FILE  
THE PRAECEPTUM TO TRANSMIT RECORD  
UNDER SECTION 3301(c)(2) OR SECTION 3301(d) OF THE  
DIVORCE CODE

TO: \_\_\_\_\_  
(PLAINTIFF/DEFENDANT)

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code or the Affidavit under Section 3301(d) of the Divorce Code. Therefore, on or after \_\_\_\_\_, 20\_\_\_\_\_, the other party can request the court to enter a final decree in divorce or, if there are unresolved ancillary claims, an order approving grounds for divorce as indicated on the proposed Praeceptum to Transmit Record, which is attached.

If you do not file an answer with your signature notarized or verified by the above date, the court can enter a final decree in divorce or, if there are unresolved ancillary claims, an order approving grounds for divorce.

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date, or the court may grant the divorce or an order approving grounds for divorce and you may lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFOR-

MATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(Telephone Number)

**Official Note:** The above lines are to be completed with the name, address, and telephone number of the officer, organization, agency, or person designated by the court in accordance with Pa.R.C.P. No. 1018.1(c).

The date to be inserted in the first paragraph of the notice must be at least 20 days after the date on which the notice was mailed or delivered.

(b) The Waiver of Notice of Intention to File the Praecipe to Transmit Record permitted by Pa.R.C.P. No. 1920.42(a)(1)(iv), (a)(2)(i), (b)(1)(v), (b)(2)(i), (c)(1)(v), and (c)(2)(i) shall be substantially in the following form:

(Caption)

WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD

1. Without further notice, I consent to the entry of:
  - a final decree of divorce; or
  - an order approving grounds for divorce.
2. I understand that I may lose rights concerning alimony, equitable division of property, lawyer’s fees, costs and expenses, or other important rights if I do not claim them before a divorce is granted.
3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.  
Date: \_\_\_\_\_

\_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

(c) The Praecipe to Transmit Record required by Pa.R.C.P. No. 1920.42(a)(1)(v), (a)(2)(ii), (b)(1)(vi), (b)(2)(ii), (c)(1)(vi), and (c)(2)(ii) shall be substantially in the following form:

(Caption)

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:  
Transmit the record, together with the following information, to the court for entry of (check one of the following):

- a divorce decree;
- a divorce decree with marital settlement agreement attached;
- a bifurcated divorce decree with the Court retaining jurisdiction over unresolved ancillary claims; or
- an order approving grounds for divorce with the Court retaining jurisdiction over unresolved ancillary claims.

1. Check the applicable section of the Divorce Code.

Grounds for divorce: ir retrievable breakdown under:

- Section 3301(c)(1)
- Section 3301(c)(2)
- Section 3301(d)

2. Service of the Complaint:

- (a) Date served: \_\_\_\_\_ .
- (b) Manner of service: \_\_\_\_\_ .

3. Complete either paragraph (a) or (b).

(a) *Section 3301(c)(1) or (2) of the Divorce Code*—Insert the date each party signed the Affidavit of Consent, and if the ground for divorce is under Section 3301(c)(2) of the Divorce Code, insert the date the spouse was convicted of the personal injury crime identified in 23 Pa.C.S. § 3103 next to the appropriate party and complete (1) and (2).

Plaintiff: \_\_\_\_\_ ;  
Defendant: \_\_\_\_\_ .

(1) The date the party signed the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code: \_\_\_\_\_ ;

(2) The date of filing and manner of service of the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code and a blank Counter-Affidavit under Section 3301(c)(2) upon the other party: \_\_\_\_\_ .

(b) *Section 3301(d) of the Divorce Code*:

(1) The date the Affidavit under Section 3301(d) of the Divorce Code was signed: \_\_\_\_\_ ;

(2) Date of filing and manner of service of the Affidavit under Section 3301(d) of the Divorce Code and blank Counter-Affidavit under Section 3301(d) of the Divorce Code upon the the other party: \_\_\_\_\_ .

4. Related ancillary claims pending: \_\_\_\_\_ .

5. Complete either (a) or (b).

(a) Notice of Intention to File the Praecepto to Transmit Record:

- (1) Date served: \_\_\_\_\_ .
- (2) Manner of service: \_\_\_\_\_ .

(b) The date of filing of the party’s Waiver of Notice of Intention to File the Praecepto to Transmit Record:

- (1) Plaintiff’s Waiver: \_\_\_\_\_ .
- (2) Defendant’s Waiver: \_\_\_\_\_ .

\_\_\_\_\_  
(Attorney for)(Plaintiff)(Defendant)

**Source**

The provisions of this Rule 1920.73 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5324; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended April 10, 1997, effective July 1, 1997, 27 Pa.B. 2042; amended March 2, 2000, effective immediately, 30 Pa.B. 1646; amended October 11, 2002, effective immediately, 32 Pa.B. 5263; amended March 18, 2004, effective June 16, 2004, 34 Pa.B. 1754; amended July 8, 2010, effective September 6, 2010, 40 Pa.B. 4140; amended June 3, 2019, effective October 1, 2019, 49 Pa.B. 3059. Immediately preceding text appears at serial pages (394410) to (394413).

**Rule 1920.74. Form of Motion for Appointment of Hearing Officer. Order.**

(a) The motion for appointment of a hearing officer shall be substantially in the following form:

(Caption)

MOTION FOR APPOINTMENT OF HEARING OFFICER

\_\_\_\_\_ (Plaintiff) (Defendant) moves the court to appoint a hearing officer with respect to the following claims:

- ( ) Divorce
- ( ) Annulment
- ( ) Alimony
- ( ) Equitable Division of Marital Property
- ( ) Counsel Fees
- ( ) Costs and Expenses
- ( ) Other: \_\_\_\_\_

and in support of the motion states:

(1) Discovery (is) (is not) complete as to the claim(s) for which the appointment of a hearing officer is requested.

(2) The non-moving party (has) (has not) appeared in the action (personally) (by his or her attorney, \_\_\_\_\_, Esquire).

(3) The statutory ground(s) for divorce (is) (are) \_\_\_\_\_.

(4) If the hearing officer's appointment is for resolution of a divorce, an annulment, or ancillary claims, the parties have complied with Pa.R.C.P. Nos. 1920.31, 1920.33, and 1920.46, as applicable.

(5) Check and complete the applicable paragraph(s):

- (a) The action is not contested.
- (b) An agreement has been reached with respect to the following claims:

\_\_\_\_\_  
 (c) The action is contested with respect to the following claims:

\_\_\_\_\_  
(6) The action (involves) (does not involve) complex issues of law or fact.

(7) The hearing is expected to take \_\_\_\_\_ (hours) (days).

(8) Additional information, if any, relevant to the motion: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for (Plaintiff) (Defendant)

(b) The order appointing a hearing officer shall be substantially in the following form:

(Caption)

ORDER APPOINTING HEARING OFFICER

AND NOW, \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, Esquire, is appointed hearing officer with respect to the following claims: \_\_\_\_\_.

BY THE COURT:  
\_\_\_\_\_



MOVING PARTY

NON-MOVING PARTY

Name:

Name:

\_\_\_\_\_

\_\_\_\_\_

Attorney's Name:

Attorney's Name:

\_\_\_\_\_

\_\_\_\_\_

Attorney's Address:

Attorney's Address:

\_\_\_\_\_

\_\_\_\_\_

Attorney's Telephone #:

Attorney's Telephone #:

\_\_\_\_\_

\_\_\_\_\_

Attorney's E-Mail:

Attorney's E-Mail

\_\_\_\_\_

\_\_\_\_\_

Party's Address and Telephone  
# if not represented by counsel:

Party's Address and Telephone  
# if not represented by counsel:

\_\_\_\_\_

\_\_\_\_\_

**Official Note:** See Pa.R.C.P. No. 1920.51(a)(1)(ii) for the issues and claims for which the court may appoint a hearing officer. It is within the discretion of the court to determine the point at which a hearing officer should be appointed in a case.

**Source**

The provisions of this Rule 1920.74 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended October 31, 2002, effective immediately, 32 Pa.B. 5632; amended June 30, 2018, effective January 1, 2019, 48 Pa.B. 4960; amended June 3, 2019, effective October 1, 2019, 49 Pa.B. 3059; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial pages (397018) to (397019).

**Rule 1920.75. Form of Inventory.**

The inventory required by Pa.R.C.P. No. 1920.33(a) shall be substantially in the following form:

1920-41

(Caption)  
INVENTORY  
OF

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(Plaintiff) (Defendant) files the following inventory of all property owned or possessed by either party at the date of separation and all property transferred within the preceding three years.

(Plaintiff) (Defendant) verifies that the statements made in this inventory are true and correct. (Plaintiff) (Defendant) understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

---

(Plaintiff) (Defendant)

ASSETS OF THE PARTIES

(Plaintiff) (Defendant) marks on the list below those items applicable to the case at bar and itemizes the assets on the following pages.

- 1. Real Property
- 2. Motor vehicles
- 3. Stocks, bonds, securities and options
- 4. Certificates of deposit
- 5. Checking accounts, cash
- 6. Savings accounts, money market and savings certificates
- 7. Contents of safe deposit boxes
- 8. Trusts
- 9. Life insurance policies (indicate face value, cash surrender value and current beneficiaries)
- 10. Annuities
- 11. Gifts
- 12. Inheritances
- 13. Patents, copyrights, inventions, royalties
- 14. Personal property outside the home
- 15. Business (list all owners, including percentage of ownership, and officer/director positions held by a party with company)
- 16. Employment termination benefits—severance pay, worker’s compensation claim/award
- 17. Profit sharing plans
- 18. Pension plans (indicate employee contribution and date plan vests)
- 19. Retirement plans, Individual Retirement Accounts
- 20. Disability payments
- 21. Litigation claims (matured and unmatured)
- 22. Military/V. A. benefits
- 23. Education benefits
- 24. Accounts receivable, including loans and mortgages payable to a party
- 25. Household furnishings and personalty (include as a total category and attach itemized list if distribution of such assets is in dispute)
- 26. Other

MARITAL PROPERTY

(Plaintiff) (Defendant) lists all marital property in which either or both spouses have a legal or equitable interest individually or with any other person as of the date of separation:

<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Owners</i>	<i>Estimated Value at Date of Separation</i>
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NON MARITAL PROPERTY

(Plaintiff) (Defendant) lists all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property:

<i>Item Number</i>	<i>Description of Property</i>	<i>Reason for Exclusion</i>	<i>Estimated Value at Date of Marriage</i>	<i>Estimated Value at Date of Separation</i>
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PROPERTY TRANSFERRED

<i>Item Number</i>	<i>Description of Property</i>	<i>Date of Transfer</i>	<i>Consideration</i>	<i>Person to Whom Transferred</i>	<i>Estimated Value at Date of Separation</i>
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LIABILITIES

<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Creditors</i>	<i>Names of All Debtors</i>	<i>Estimated Value at Date of Separation</i>
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**Official Note:** See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

Source

The provisions of this Rule 1920.75 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended May 6, 2015, effective July 1, 2015, 45 Pa.B. 2457; amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 477; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3520. Immediately preceding text appears at serial pages (390140) to (390142).

**Rule 1920.76. Form of Divorce Decree.**

The decree of divorce shall be substantially in the following form:

(Caption)  
DECREE

AND NOW, \_\_\_\_\_, 19\_\_\_\_, it is ordered and decreed that \_\_\_\_\_, plaintiff, and \_\_\_\_\_, defendant, are divorced from the bonds of matrimony.

## 231 Rule 1920.91

GENERAL

The court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered.

Any existing spousal support order shall hereafter be deemed an order for alimony pendente lite if any economic claims remain pending.

BY THE COURT:

---

**Official Note:** The court may add any other provisions which it deems necessary.

### Source

The provisions of this Rule 1920.76 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5324; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263. Immediately preceding text appears at serial page (190550).

## Rule 1920.91. Suspension of Acts of Assembly.

The following Acts of Assembly are suspended insofar as they apply to the practice and procedure in actions for divorce or annulment of marriage to the extent hereinafter set forth:

(1) Section 3104(e) of the Domestic Relations Code, 23 Pa.C.S. § 3104(e), absolutely;

**Official Note:** Suspended Section 3104(d) of the Divorce Code prescribes venue in actions of divorce or for annulment of marriage. Venue in such actions is prescribed by Rule of Civil Procedure 1920.2.

(2) Section 3505(b) of the Domestic Relations Code, 23 Pa.C.S. § 3505(b), absolutely;

**Official Note:** Suspended Section 3505(b) of the Divorce Code requires the submission to the court of an inventory and appraisal of property. Rule of Civil Procedure 1920.33(a) supplants this provision by requiring parties seeking the distribution of property to file an inventory while subdivision (b) of the rule requires the filing of a pre-trial statement.

(3) Section 3321 of the Domestic Relations Code, 23 Pa.C.S. § 3321, insofar as it prohibits the appointment of hearing officers in partial custody or visitation matters.

**Official Note:** Suspended Section 3321 of the Divorce Code states that the court may appoint a hearing officer to hear testimony on all issues relating to a divorce except custody or paternity.

(4) And all other Acts or parts of Acts of Assembly inconsistent with these rules to the extent of such inconsistency.

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**Source**

The provisions of this Rule 1920.91 amended February 7, 1989, effective July 1, 1989, 19 Pa.B. 764; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended July 15, 1994, effective January 1, 1994, 24 Pa.B. 3803; amended May 5, 1997, effective July 1, 1997, 27 Pa.B. 2532; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial pages (397022) to (397023).

**Rule 1920.92. Effective Date. Pending Actions.**

These rules shall become effective July 1, 1980. They shall not affect any suit or action pending on that date, but the case may be proceeded with and concluded under the rules in existence when such suit or action was instituted notwithstanding their rescission by this order, unless, upon application granted, the court orders that the action proceed under the Divorce Code and these rules.

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