

# THE COURTS

## Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

### Order

*And Now*, this 12th day of February 2004, Dauphin County Local Rules of Civil Procedure are promulgated and amended as follows:

#### Rule 1920 Actions in Divorce or Annulment

##### 1920.2 Question of Jurisdiction or Venue

Preliminary objections to the existence or exercise of jurisdiction or venue in any divorce action shall be assigned to a judge for disposition in accordance with Dauphin County Local Rule of Civil Procedure 215.2. **Either party may submit a non-jury assignment request form to the Court Administrator's Office and the matter will be assigned to a judge in accordance with Dauphin County Local Rule of Civil Procedure 215.2.**

##### 1920.14 Rescinded

##### 1920.43 Special Relief

A petition for special relief filed in accordance with Pennsylvania Rule of Civil Procedure 1920.43 shall include a rule to show cause. When a response to the rule to show cause is filed, either party may submit a non-jury assignment request form to the Court Administrator's Office and the matter will be assigned to a judge in accordance with Dauphin County Local Rule of Civil Procedure 215.2.

##### 1920.45 Rescinded

##### 1920.46 Rescinded

##### 1920.51 Appointment of Master

(a) [ **1** ] (2)(i) A Master shall be appointed by the Court to take testimony and file a report in the form prescribed by the Pennsylvania Rules of Civil Procedure for an action for divorce or annulment and the claims for alimony, alimony pendente lite, equitable distribution of marital property, counsel fees, costs, or expenses, or any aspect thereof. **A motion for appointment of master shall be served on the non-moving party. Proof of service shall be filed with the Prothonotary.**

(a)(2)(iii) Rescinded

(a)(3) [ **Motion for the appointment of a Master shall set forth whether or not the grounds for divorce or annulment are likely to be contested and shall, in addition, set forth those claims permitted to be joined under the Divorce Code which are at issue. No such motion shall be filed until twenty (20) days have expired from the service of the Complaint in Divorce or Annulment.** ] The documents required under Pa.R.C.P. 1920.31 and 1920.33 shall be filed before or simultaneously with the motion for appointment of Master. If the non-moving party has not filed the required documents at the time the motion for appointment of master is filed, the court shall issue an order staying the

motion for appointment of master and requiring the filing of these documents within fourteen (14) days.

(b) [ **The Master shall give at least ten (10) days written notice of the time and place of taking testimony to the persons entitled thereto.** ] If the [ **defendant** ] party is in custodia legis, the notice shall advise [ **him or her of his right to a Writ of Habeas Corpus ad Testificatum** ] the party that arrangements will be made with the institution for the individual to participate in the hearing by telephone.

##### 1920.51A Filing Fee; Compensation of Master and Stenographer

(2) [ **The Court shall maintain a list of Divorce Masters appointed from names of qualified persons submitted by the Dauphin County Bar Association. No attorney shall have his name listed unless he shall first have made application therefore on a form approved by the court, which form shall set forth the date upon which the attorney was first admitted to practice before the Supreme Court of Pennsylvania, and shall furnish the office address of the attorney in this County. The attorney shall further certify in his application that he continues on the date of such application to be a member in good standing of the Bar of the Supreme Court of Pennsylvania and that he maintains his principal office at the office address indicated in the application, which office is staffed for the major portion of normal business hours for his private law practice. Any attorney may be removed from the list upon his own application, or at the direction of the Court. Reinstatement of an attorney to the list after his having been removed therefrom upon his own application shall be by further application as provided hereinbefore for listing in the first instance. An attorney who has been removed from the list at the direction of the Court shall not be reinstated except upon further direction of the Court. Any attorney who shall change the place of his principal office or place of law practice within the County shall notify the Court of such change within ten (10) days thereof. In order to maintain the correctness of the list, the Court, upon proper order and in such form and at such times as it deems necessary, may require any attorney listed to renew his certification as to his continued eligibility for listing. Notwithstanding that they are not engaged in private law practice, attorneys employed by Central Pennsylvania Legal Services and the Dauphin County District Attorney's or Public Defender's Office shall, upon application as set forth herein, be deemed eligible for appointment as Masters in divorce, unless otherwise prohibited by the terms of their employment.**

A Master shall serve for one year and thereafter until the Court appoints a successor. One of such Masters shall also be designated as Administrative Master to perform such supervisory duties as the Court may direct. ] Divorce Masters shall be appointed by the Court.

(3) Divorce Masters [and the stenographers who record masters' proceedings] shall be compensated at a rate set by order of court.

(4) The Court shall pay an appearance fee by a stenographer who is hired to record the masters' proceedings. The cost of transcripts shall be borne by the parties.

1920.53(a)(1) HEARING BY MASTER. [REPORT. The Master shall conduct a hearing within thirty (30) days following his appointment by the Court and shall file his Report with the Prothonotary within the time limits prescribed by the Pennsylvania Rules of Civil Procedure unless the time for filing has been extended by the Court, for cause shown.

The Master shall cause a record to be kept of all proceedings. If objection be made to the admission or rejection of evidence, the Master shall note on the record the offer, its purpose, the objection, and its grounds.

As part of the report to the Court, the Master shall make a recommendation for allocation of costs and expenses between the parties.

The Master shall give notice to each party of the filing of the report with the Court in accordance with the Pennsylvania Rules of Civil Procedure. ] If the moving party is seeking a divorce under section 3301 (c) of the Divorce Code, the moving party shall file the executed affidavits of consent and waiver of notice of intention to secure entry of the divorce decree prior to the Master taking testimony. If the moving party is seeking a divorce under section 3301 (d) of the Divorce Code, the moving party shall serve the 3301 (d) affidavit and the relevant notices prior to the Master taking testimony.

1920.55.(a) Rescinded

1920.77 Divorce Information Sheet

(a) The Divorce Information Sheet shall be filed with the Prothonotary simultaneously with the filing of the Praecepto to Transmit Record pursuant to Pa.R.C.P. 1920.42 or the filing of the Motion for Appointment of Master pursuant to Pa.R.C.P. 1920.51. The Divorce Information Sheet shall be obtained from the Prothonotary's Office. The Divorce Information Sheet shall contain the Social Security Numbers of the parties to the divorce in accordance with 23 Pa.C.S. Section 4304.1(a)(3). The Divorce Information Sheet shall also contain information to enable the Prothonotary to submit required statistical information to the Commonwealth of Pennsylvania, Department of Health, Vital Statistics Division.

(b) After the Divorce Decree is signed by a judge, the Divorce Information Sheet shall be removed from the public file by the Prothonotary and shall be kept confidential in accordance with 23 Pa.C.S. Section 4304.1 (a)(3).

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH H. KLEINFELTER,  
*President Judge*

[Pa.B. Doc. No. 04-323. Filed for public inspection February 27, 2004, 9:00 a.m.]

ERIE COUNTY  
Transcription; Misc. 90011-04

Administrative Order

And Now to-wit this 9th day of February 2004, effective immediately, all requests for transcriptions shall include identification of the proceeding(s) to be transcribed and the date(s) of such proceedings. Only matters identified in the request will be transcribed. If the request does not have any identified proceeding(s), then nothing will be transcribed.

By the Court

WILLIAM R. CUNNINGHAM,  
*President Judge*

[Pa.B. Doc. No. 04-324. Filed for public inspection February 27, 2004, 9:00 a.m.]

## COMMONWEALTH COURT

### Notice to the Bar; Change of Address

The former address of the Commonwealth Court was:

Commonwealth Court of Pennsylvania  
P. O. Box 11730  
Harrisburg, PA 17108

or

Commonwealth Court of Pennsylvania  
6th Floor, South Office Building  
Harrisburg, PA 17120

The current address of the Commonwealth Court, which should be used in all future correspondence, is:

Commonwealth Court of Pennsylvania  
6th Floor, Irvis Office Building  
Harrisburg, PA 17120

G. RONALD DARLINGTON,  
*Executive Administrator*  
*Commonwealth Court*

[Pa.B. Doc. No. 04-325. Filed for public inspection February 27, 2004, 9:00 a.m.]