

# THE COURTS

## SUPREME COURT

### Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 179 Disciplinary Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 30th day of May, 2019, it is hereby Ordered that the financial institutions named on the following list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

#### FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

##### Bank Code A.

595	Abacus Federal Savings Bank
2	ACNB Bank
613	Allegent Community Federal Credit Union
375	Altoona First Savings Bank
376	Ambler Savings Bank
<b>532</b>	<b>AMERICAN BANK (PA)</b>
615	Americhoice Federal Credit Union
<b>116</b>	<b>AMERISERV FINANCIAL</b>
648	Andover Bank (The)
377	Apollo Trust Company

##### Bank Code B.

558	Bancorp Bank (The)
485	Bank of America, NA
662	Bank of Bird in Hand
415	Bank of Landisburg (The)
642	BB & T Company
519	Beaver Valley Federal Credit Union
501	BELCO Community Credit Union
397	Beneficial Bank
652	Berkshire Bank
663	BHCU
5	BNY Mellon, NA
<b>392</b>	<b>BRENTWOOD BANK</b>
495	Brown Brothers Harriman Trust Co., NA
161	Bryn Mawr Trust Company (The)

##### Bank Code C.

654	CACL Federal Credit Union
618	Capital Bank, NA
16	CBT Bank, a division of Riverview Bank
136	Centric Bank
<b>394</b>	<b>CFS BANK</b>
623	Chemung Canal Trust Company
599	Citibank, NA
238	Citizens & Northern Bank
561	Citizens Bank, NA
206	Citizens Savings Bank
602	City National Bank of New Jersey
576	Clarion County Community Bank
660	Clarion FCU
591	Clearview Federal Credit Union
23	CNB Bank

354	Coatesville Savings Bank
223	Commercial Bank & Trust of PA
21	Community Bank (PA)
371	Community Bank, NA (NY)
132	Community State Bank of Orbisonia
<b>647</b>	<b>CONGRESSIONAL BANK</b>
380	County Savings Bank
617	Covenant Bank
536	Customers Bank

##### Bank Code D.

339	Dime Bank (The)
239	DNB First, NA
27	Dollar Bank, FSB

##### Bank Code E.

500	Elderton State Bank
567	Embassy Bank for the Lehigh Valley
<b>541</b>	<b>ENTERPRISE BANK</b>
28	Ephrata National Bank
601	Esquire Bank, NA
340	ESSA Bank & Trust

##### Bank Code F.

629	1st Colonial Community Bank
158	1st Summit Bank
31	F & M Trust Company—Chambersburg
658	Farmers National Bank of Canfield
205	Farmers National Bank of Emlenton (The)
34	Fidelity Deposit & Discount Bank (The)
<b>343</b>	<b>FIDELITY SAVINGS &amp; LOAN ASSOCIATION OF BUCKS COUNTY</b>
583	Fifth Third Bank
661	First American Trust, FSB
643	First Bank
174	First Citizens Community Bank
191	First Columbia Bank & Trust Company
539	First Commonwealth Bank
504	First Federal S & L Association of Greene County
525	First Heritage Federal Credit Union
42	First Keystone Community Bank
51	First National Bank & Trust Company of Newtown (The)
48	First National Bank of Pennsylvania
426	First Northern Bank & Trust Company
604	First Priority Bank, a division of Mid Penn Bank
<b>592</b>	<b>FIRST RESOURCE BANK</b>
657	First United Bank & Trust
408	First United National Bank
151	Firstrust Savings Bank
416	Fleetwood Bank
175	FNCB Bank
291	Fox Chase Bank
241	Franklin Mint Federal Credit Union
639	Freedom Credit Union
<b>58</b>	<b>FULTON BANK, NA</b>

##### Bank Code G.

499	Gratz Bank (The)
498	Greenville Savings Bank

**Bank Code H.**

402	Halifax Branch, of Riverview Bank
244	Hamlin Bank & Trust Company
362	Harleysville Savings Bank
363	Hatboro Federal Savings
463	Haverford Trust Company (The)
655	Home Savings Bank
606	Hometown Bank of Pennsylvania
68	Honesdale National Bank (The)
350	HSBC Bank USA, NA
<b>364</b>	<b>HUNTINGDON VALLEY BANK</b>
605	Huntington National Bank (The)
608	Hyperion Bank

**Bank Code I.**

365	InFirst Bank
557	Investment Savings Bank
526	Iron Workers Savings Bank

**Bank Code J.**

70	Jersey Shore State Bank
127	Jim Thorpe Neighborhood Bank
488	Jonestown Bank & Trust Company
659	JPMorgan Chase Bank, NA
<b>72</b>	<b>JUNIATA VALLEY BANK (THE)</b>

**Bank Code K.**

651	KeyBank NA
414	Kish Bank

**Bank Code L.**

<b>74</b>	<b>LAFAYETTE AMBASSADOR BANK</b>
554	Landmark Community Bank
78	Luzerne Bank

**Bank Code M.**

361	M & T Bank
386	Malvern Federal Savings Bank
510	Marion Center Bank
387	Marquette Savings Bank
81	Mars Bank
43	Marysville Branch, of Riverview Bank
367	Mauch Chunk Trust Company
619	MB Financial Bank, NA
511	MCS (Mifflin County Savings) Bank
641	Members 1st Federal Credit Union
555	Mercer County State Bank
192	Merchants Bank of Bangor
610	Meridian Bank
420	Meyersdale Branch, of Riverview Bank
<b>294</b>	<b>MID PENN BANK</b>
<b>276</b>	<b>MIFFLINBURG BANK &amp; TRUST COMPANY</b>
457	Milton Savings Bank
614	Monument Bank, a division of Citizens & Northern Bank
<b>596</b>	<b>MOREBANK, A DIVISION OF BANK OF PRINCETON (THE)</b>
<b>484</b>	<b>MUNCY BANK &amp; TRUST COMPANY (THE)</b>

**Bank Code N.**

433	National Bank of Malvern
168	NBT Bank, NA
347	Neffs National Bank (The)
<b>434</b>	<b>NEW TRIPOLI BANK</b>

15	NexTier Bank, NA
636	Noah Bank
638	Norristown Bell Credit Union
439	Northumberland National Bank (The)
93	Northwest Bank

**Bank Code O.**

653	OceanFirst Bank
489	OMEGA Federal Credit Union
94	Orrstown Bank

**Bank Code P.**

<b>598</b>	<b>PARKE BANK</b>
584	Parkview Community Federal Credit Union
40	Penn Community Bank
540	PennCrest Bank
419	Pennian Bank
447	Peoples Security Bank & Trust Company
99	PeoplesBank, a Codorus Valley Company
556	Philadelphia Federal Credit Union
448	Phoenixville Federal Bank & Trust
79	PNC Bank, NA
449	Port Richmond Savings
451	Progressive-Home Federal Savings & Loan Association
637	Provident Bank
456	Prudential Savings Bank
491	PS Bank

**Bank Code Q.**

107	QNB Bank
560	Quaint Oak Bank

**Bank Code R.**

452	Reliance Savings Bank
220	Republic First Bank d/b/a Republic Bank
628	Riverview Bank

**Bank Code S.**

153	S & T Bank
316	Santander Bank, NA
460	Second Federal S & L Association of Philadelphia
646	Service 1st Federal Credit Union
458	Sharon Bank
462	Slovenian Savings & Loan Association of Franklin-Conemaugh
<b>486</b>	<b>SOMERSET TRUST COMPANY</b>
633	SSB Bank
<b>518</b>	<b>STANDARD BANK, PASB</b>
542	Stonebridge Bank
440	SunTrust Bank
<b>122</b>	<b>SUSQUEHANNA COMMUNITY BANK</b>

**Bank Code T.**

143	TD Bank, NA
<b>656</b>	<b>TIOGA FRANKLIN SAVINGS BANK</b>
<b>182</b>	<b>TOMPKINS VIST BANK</b>
609	Tristate Capital Bank
640	TruMark Financial Credit Union
467	Turbotville National Bank (The)

**Bank Code U.**

483	UNB Bank
481	Union Building and Loan Savings Bank

634 United Bank, Inc.  
 472 United Bank of Philadelphia  
 475 United Savings Bank  
 600 Unity Bank  
 232 Univest Bank & Trust Co.

**Bank Code V.**

611 Victory Bank (The)

**Bank Code W.**

**119 WASHINGTON FINANCIAL BANK**  
 121 Wayne Bank  
 631 Wells Fargo Bank, NA  
 553 Wesbanco Bank, Inc.  
 494 West View Savings Bank  
 473 Westmoreland Federal S & L Association  
 476 William Penn Bank  
 272 Woodlands Bank  
**573 WOORI AMERICA BANK**  
 630 WSFS (Wilmington Savings Fund Society), FSB

**Bank Code X.****Bank Code Y.**

577 York Traditions Bank

**Bank Code Z.****PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

**IOLTA EXEMPTION**

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at [www.paiolta.org](http://www.paiolta.org) or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

**FINANCIAL INSTITUTIONS WHO HAVE FILED  
 AGREEMENTS TO BE APPROVED AS A  
 DEPOSITORY OF TRUST ACCOUNTS AND TO  
 PROVIDE DISHONORED CHECK REPORTS IN  
 ACCORDANCE WITH RULE 221, Pa.R.D.E.**

*New*

660 Clarion FCU  
 661 First American Trust, FSB  
 662 Bank of Bird in Hand  
 663 BHCU

*Name Change*

561 Citizens Bank of PA—Change to Citizens Bank,  
 NA  
 46 First Community Bank of Mercersburg—  
 Change to 94 Orrstown Bank  
 614 Monument Bank—Change to Monument Bank,  
 a division of Citizens & Northern Bank  
 133 Union Community Bank—Change to 93  
 Northwest Bank

*Platinum Leader Change*

2 ACNB Bank—Remove  
 136 Centric Bank—Remove

*Correction**Removal*

[Pa.B. Doc. No. 19-887. Filed for public inspection June 14, 2019, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

**PART I. GENERAL****[ 231 PA. CODE CH. 1915 ]**

### Order Amending Rules 1915.7 and 1915.10 of the Pennsylvania Rules of Civil Procedure; No. 697 Civil Procedural Rules Doc.

**Order***Per Curiam*

*And Now*, this 3rd day of June, 2019, upon the recommendation of the Domestic Relations Procedural Rules Committee, the proposal having been published for public comment in the *Pennsylvania Bulletin*, 48 Pa.B. 1813 (March 31, 2018) and republished in the *Pennsylvania Bulletin*, 48 Pa.B. 5843 (September 22, 2018):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1915.7 and 1915.10 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2019.

**Annex A****TITLE 231. RULES OF CIVIL PROCEDURE****PART I. GENERAL****CHAPTER 1915. ACTIONS FOR CUSTODY OF  
 MINOR CHILDREN****Rule 1915.7. Consent Order.**

[ If an agreement for custody is reached and the parties desire a consent order to be entered, they shall note their agreement upon the record or shall submit to the court a proposed order bearing the written consent of the parties or their counsel. ] If the parties have an agreement regarding custody and request that the court enter a consent order incorporating the agreement's terms:

(a) the parties shall submit to the court a proposed custody order bearing the parties' written consent; or

(b) the parties may state the agreement on the record, provided that:

(1) within ten days of placing the agreement on the record, the parties comply with subdivision (a); or

(2) the court memorializes the oral agreement from the record into a written custody order.

**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. 1915.10(b) regarding written custody order requirements.**

**Explanatory Comment—2019**

The rule has been amended to ensure that when a custody agreement is orally placed on the record that a written custody order prepared by the parties memorializing the parties' agreement is timely submitted to the court or the court memorializes the oral agreement into a written custody order. The amendment avoids the untenable circumstance that the only written record of the parties' oral agreement is a transcription of what had been placed on the record. Transcription agreements are often cumbersome and difficult to discern as to the custody terms and provisions, which makes enforcement difficult. This amendment is consistent with the holding in *R.L.P. v. R.F.M.*, 110 A.3d 201 (Pa. Super. 2015).

**Rule 1915.10. Decision. Order.**

(a) The court may make the decision before the testimony has been transcribed. The court shall state the reasons for its decision [ either ] on the record in open court [ , ] or in a written opinion [ , or in the ] or order.

**Official Note:** See 23 Pa.C.S. § 5323(d).

(b) [ The terms of the order shall be sufficiently specific to enforce the order. The court's decision shall include safety provisions designed to protect an endangered party or a child in any case in which the court has found that either is at risk of harm. ] The court shall enter a custody order as a separate written order or in a separate section of a written opinion.

(1) The court's order shall state sufficiently specific terms to enforce the order.

(2) If the court has made a finding that a party or child is at risk of harm, the court's order shall include safety provisions for the endangered party's or child's protection.

(c) [ Any custody order shall include notice of a party's obligations pursuant to 23 Pa.C.S. § 5337 dealing with a party's intention to relocate with a minor child. ] A custody order shall include a notice outlining the parties' obligations under 23 Pa.C.S. § 5337, regarding a party's intention to relocate with a minor child.

**Official Note:** See 23 Pa.C.S. § 5323(c) and Pa.R.C.P. No. 1915.17.

(d) [ No ] A party may not file a motion for post-trial relief [ may be filed ] to an order of legal or physical custody.

**[ Explanatory Comment—2013**

The custody statute, at 23 Pa.C.S. § 5323(d), requires the court to delineate the reasons for its decision on the record in open court or in a written opinion or order. Subdivision (b) further defines and reinforces the requirements found in 23 Pa.C.S.

§ 5323(e). Examples of safety provisions include, but are not limited to: supervised physical custody, supervised or neutral custody exchange location, neutral party presence at custody exchange, telephone or computer-facilitated contact with the child, no direct contact between the parties, third-party contact for cancellations, third-party transportation and designating secure, neutral location for a child's passport. The statute, at 23 Pa.C.S. § 5323, requires that any custody order must include notice of a party's obligations when there is a proposed relocation under 23 Pa.C.S. § 5337. Rule 1915.17 also addresses relocation. ]

**Explanatory Comment—2019**

Subdivision (b) further defines and reinforces the requirements in 23 Pa.C.S. § 5323(e). Examples of safety provisions include, but are not limited to, supervised physical custody, a supervised or neutral custody exchange location, a neutral third-party present at custody exchanges, telephone or computer-facilitated contact with the child, no direct contact between the parties, third-party contact for cancellations, third-party transportation, and designating a secure, neutral location as repository for a child's passport.

Additionally, subdivision (b) requires a court to enter a custody order as a separate written order or in a separate section of a written opinion. The subdivision also addresses the practice of orally entering a custody order on the record without formalizing the custody order in writing. In such circumstances, the parties' only documentation of the custody order is a transcription of the oral record. In *R.L.P. v. R.F.M.*, 110 A.3d 201 (Pa. Super. 2015), the Superior Court held that "in order to be sufficiently specific to be enforced, an order of custody must be entered as a separate written order, or as a separate section of a written opinion." Id. at 206. Despite the Superior Court's decision, the practice of placing custody orders on the record without subsequently entering a written order has continued, which has been problematic for enforcement and understanding of the agreement's or order's terms.

[Pa.B. Doc. No. 19-888. Filed for public inspection June 14, 2019, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1920 ]

Order Amending Rules 1920.14, 1920.42, 1920.45, 1920.46, 1920.51, 1920.53, 1920.72, 1920.73 and 1920.74 of the Pennsylvania Rules of Civil Procedure; No. 698 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

And Now, this 3rd day of June, 2019, upon the recommendation of the Domestic Relations Procedural Rules Committee, the proposal having been published for public comment in the *Pennsylvania Bulletin*, 46 Pa.B.

6113 (October 1, 2016), republished 47 Pa.B. 7424 (December 9, 2017), and republished 48 Pa.B. 1814 (March 31, 2018):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1920.14, 1920.42, 1920.45, 1920.46, 1920.51, 1920.53, 1920.72, 1920.73, and 1920.74 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2019.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

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

#### 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, [ **all other claims which** ] **ancillary claims that** may be joined under the Divorce Code, and [ **any petition** ] **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** ] **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 [ **counteraffidavit** ] **counter-affidavit**.

*Official Note:* See [ **Rule 1920.72(d)** ] **Pa.R.C.P. No. 1920.72(e)(2) and (3)** for the [ **form of counteraffidavit** ] **counter-affidavits**.

#### [ Explanatory Comment—1994

Subdivision (b) requires that the averments of the plaintiff's affidavit under Section 3301(d) of the Divorce Code be denied by counteraffidavit. If the defendant fails to file a counteraffidavit, all allegations are deemed admitted.

#### Explanatory Comment—2007

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. ]

#### 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.

Rule 1920.42. [ **Affidavit and Decree under § 3301(c) or § 3301(d)(1) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in § 3301(c) and § 3301(d)(1)(i) Divorces. Counter-affidavit** ] **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 Praecepto to Transmit Record. Praecepto to Transmit Record.**

[ (a) If a complaint has been filed requesting a divorce on the ground of irretrievable breakdown and

(1) both parties have filed an affidavit under § 3301(c) of the Divorce Code substantially in the form prescribed by Rule 1920.72(b), or

(2) either party has filed a § 3301(d) affidavit under § 3301(d) of the Divorce Code substantially in the form prescribed by Rule 1920.72(d) and has served it upon the other party along with a form counter-affidavit and the other party has admitted or failed to deny the averments of the § 3301(d) affidavit, the prothonotary on praecipe in the form prescribed by Rule 1920.73(b) shall transmit the record to the court, which shall review the record and enter the appropriate decree. No master shall be appointed.

(b) The affidavit required by § 3301(c) of the Divorce Code must have been executed

(1) ninety days or more after both filing and service of the complaint and

(2) within thirty days of the date the affidavit was filed.

(c) An affidavit of consent may be withdrawn only with leave of court.

(d)(1) Except as provided in (e), no decree shall be entered by the court under § 3301(c) or § 3301(d)(1)(i) of the Divorce Code unless a notice of intention to request entry of divorce decree, substantially in the form prescribed by Rule 1920.73(a), was mailed or delivered to the attorney of record of the party against whom the decree is to be entered or, if there is no attorney of record, to the party, along with a form counter-affidavit if none has been filed, at least twenty days prior to the date of the filing of the praecipe to transmit the record. A copy of the praecipe, which shall state the date and manner of service of the notice, shall be attached.

(2) The affidavit required under § 3301(d) of the Divorce Code shall be filed with the prothonotary and served upon the other party, along with a form counter-affidavit. The moving party must wait a minimum of 20 days after service of the § 3301(d) affidavit before serving the Notice of Intention to File Praecepto to Transmit the Record and another form counter-affidavit or filing the waiver of notice pursuant to Rule 1920.72(c).

(e) Notice of intention to request entry of divorce decree shall not be required prior to entry of a divorce decree

(1) where the parties have executed and filed with the prothonotary a waiver of notice substantially in the form set forth in Rule 1920.72(c); or

(2) under § 3301(d) where the court finds that no appearance has been entered on defendant's behalf and that defendant cannot be located after diligent search.

*Official Note:* This counter-affidavit will be filed only if the party against whom the decree is to be entered has not previously denied the allegations of the other party's affidavit or has not previously claimed economic relief by counterclaim or petition. ]

(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 Praecepte to Transmit Record or, alternatively, the party requesting the divorce decree has served on the other party a Notice of Intention to File the Praecepte to Transmit Record, which included a blank Counter-Affidavit under Section 3301(c)(1) and 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; and

(v) the party requesting the divorce decree has completed and filed a Praecepte to Transmit Record. 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.

*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 Praecepte 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 Praecepte 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(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 Praecepte 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 Praecepte to Transmit Record, which included a blank Counter-Affidavit under Section 3301(c)(1) and 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; 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 master 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 Master.

(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.

(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 Presumption 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 master 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 master 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 Master.

(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 master 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 Trans-

mit 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 Praeceptum 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 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 Re-



cord. 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 Praecepto to Transmit Record.

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

See Pa.R.C.P. No. 1920.73(c) for the Praecepto 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 master 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 Master.

(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 Praecepto 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 Sec-

tion 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.

#### Rule 1920.45. Counseling.

(a) [ When counseling is provided for in the Divorce Code ] If the Divorce Code provides for counseling, the parties shall be notified of the availability of counseling as prescribed [ by Rules ] 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 and make available to all parties in the prothonotary's office a list of qualified professionals who provide counseling services. ] 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)(1) When the ground for divorce is under Section 3301(c) of the Divorce Code and counseling is requested by either party, the counseling must be completed within ninety days after filing the complaint.

Official Note: See Section 3302(b) of the Divorce Code providing for the ninety-day period.

(2) When the ground for divorce is under Section 3301(d) of the Divorce Code and the court orders counseling, it must be completed within one hundred twenty days unless the parties agree to a longer period. ]

(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 [ divorce has been referred ] to a master and [ there is a request for ] a party requests counseling pursuant to the Divorce Code, [ the master, ] without leave of court, the master may require counseling and continue the hearing pending the counselor's report.

[ *Official Note:* See Section 3302 of the Divorce Code for the instances in which counseling may be requested or required. ]

**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 master, prior to a trial by the court, or with the plaintiff's affidavit required by [ Rule 1920.42(a)(2) ] Pa.R.C.P. No. 1920.42(b)(1)(ii) and (c)(1)(ii).

*Official Note:* The Servicemembers Civil Relief Act, [ 50 App. U.S.C.A. § 521 ] 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 [ nonmilitary ] 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, [ no ] a judgment [ may ] shall not be entered until the court appoints an attorney to represent the defendant and protect his or her interest.

[ Rule 1920.42(a)(2) governs an action ] Actions for divorce under [ section 3301(d)(1)(i) ] 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.

\* \* \* \* \*

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

[ (a)(1)nThe court may hear the testimony or, upon motion of a party or of the court, the court may appoint a master to hear the actions and ancillary claims specified in subdivision (a)(2)(i) and issue a report and recommendation. The order of appointment shall specify the actions and ancillary claims that are referred to the master.

(2)(i) The court may appoint a master in an action of divorce under Section 3301(a), (b), and (d)(1)(ii) of the Divorce Code, an action for annulment, and the ancillary claims for alimony, equitable division of marital property, partial custody, counsel fees, and costs and expenses, or any aspect of those actions or claims.

(ii) If there are no claims other than divorce, no master may be appointed to determine grounds for divorce if either party has asserted grounds for divorce pursuant to § 3301(c) or § 3301(d)(1)(i) of the Divorce Code. A master may be appointed to hear ancillary economic claims in a divorce action pursuant to § 3301(c) or § 3301(d) of the Divorce Code. The master may be appointed to hear ancillary economic claims prior to the entry of a divorce decree if grounds for divorce have been established.

(iii) No master may be appointed in a claim for legal, physical or shared custody or paternity.

*Official Note:* Section 3321 of the Divorce Code, 23 Pa.C.S. § 3321, prohibits the appointment of a master as to the claims of custody and paternity.

(3) The motion for the appointment of a master and the order shall be substantially in the form prescribed by Rule 1920.74.

(4) A permanent or standing master 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 master, or judge of the same judicial district.

*Official Note:* Hearing conference officers preside at office conferences under Rule 1910.11. Hearing officers preside at hearings under Rule 1910.12. The appointment of masters to hear actions in divorce or for annulment of marriage is authorized by Rule 1920.51. ]

(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 master:

(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 master:

(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 master 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 masters in partial physical custody cases.

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

(4) A permanent or standing master 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 master, 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 master to hear actions in divorce or annulment is authorized by Section 3321 of the Divorce Code.

\* \* \* \* \*

**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.

**Rule 1920.53. Hearing by Master. Report.**

In an action for divorce or annulment [ which ] that has been referred to a master, the master'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 master:

(1) the method and date of service of process[ . ];

(2) the manner and date of service of the notice of the master's hearing or the master's efforts to notify the [ defendant. ] parties;

(3) the date and place of marriage[ . ];

(4) information relating to any prior marriage of [ either party ] 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 [ each party. ] the parties;

(7) the [ name ] initials and age of [ each child ] the children of the parties, if any, and with whom [ each resides. ] the children reside;

(8) the grounds upon which the action is based[ . ];

(9) defenses to the action, if any[ , and ];

(10) whether the court should grant or deny the divorce [ should be granted ], annulment, or other relief on the basis of the complaint [ or ], 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 master.

(c) [ The report shall include the master's recommendation that the divorce or annulment be granted or denied. ] If a divorce or an annulment is recommended, the master shall attach a proposed decree to the report and recommendation.

Rule 1920.72. Form of Complaint. [ Affidavit ] Affidavits under [ § ] Section 3301(c) or [ § ] Section 3301(d) of the Divorce Code. [ Counter-affidavit ] Counter-Affidavits. [ Waiver of Notice of Intention to Request Decree under § 3301(c) and § 3301(d). ]

(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 [ Rule ] Pa.R.C.P. No. 1920.71 and shall be substantially in the following form:

\* \* \* \* \*

(b) The [ affidavit of consent ] Affidavit of Consent required by [ § ] Section 3301(c) of the Divorce Code and [ Rule 1920.42(a)(1) ] 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 \_\_\_\_\_ (Date)  
**and served on the defendant on \_\_\_\_\_**  
 (Date)

2. The marriage of plaintiff and defendant is irretrievably broken and [ **ninety** ] **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 [ **notice of intention to request entry of the decree** ] **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) ] **(PLAINTIFF) (DEFENDANT)**

[ (c) **The waiver permitted by Rule 1920.42(e) shall be in substantially the following form:**

(Caption)

**Waiver of Notice of Intention to Request  
 Entry of a Divorce Decree under  
 § 3301(c) and § 3301(d) of the Divorce Code**

1. I consent to the entry of a final decree of divorce without notice.
2. I understand that I may lose rights concerning alimony, division of property, lawyer’s fees or expenses 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 with the prothonotary.

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:**

*(Editor’s Note: The following is an entirely new form and is printed in regular text to enhance readability.)*

(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 required by §** ] **Affidavit under Section 3301(d)** of the Divorce Code [ **and** ] **required by Pa.R.C.P. No. [ 1920.42(a)(2) ] 1920.42(c)(1)(ii)** shall be substantially in the following form:

(Caption)

**NOTICE**

If you wish to deny any of the statements [ **set forth** ] **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 [ **or** ], **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 prescribed** ] **Counter-Affidavit under Section 3301(c)(1) of the Divorce Code required** by Pa.R.C.P. No. [ **1920.42(d)(2) for a divorce under § 3301(c) ] 1920.42(a)(1)(iv) and (a)(2)(i)** shall be substantially in the following form:

(Caption)

**COUNTER-AFFIDAVIT UNDER [ § 3301(c) ] SECTION 3301(c)(1) OF THE DIVORCE CODE**

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

[ **I understand that I must file my economic claims with the prothonotary 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 Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims. ]**

**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:**

*(Editor's Note: The following is an entirely new form and is printed in regular type to enhance readability.)*

(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.

**[ (2) ] (3) The [ counter-affidavit prescribed by § ] Counter-Affidavit under Section 3301(d) of the Divorce Code [ and ] required by Pa.R.C.P. No. [ 1920.42(d)(2) ] 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 **[ or ], 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 **[ or ], costs and expenses, or other important rights**.

I UNDERSTAND THAT IN ADDITION TO CHECKING **[ (b) ABOVE ] (2)(b)**, I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS **[ WITH THE PROTHONOTARY ]** 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 **[ REQUEST DIVORCE DECREE ] 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 **[ SHALL ] 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.**

Rule 1920.73. Notice of Intention to [ **Request Entry of Divorce Decree** ] **File Praecipe to Transmit Record. Waiver of Notice of Intention to File Praecipe to Transmit Record.** Praecipe to Transmit Record. [ **Forms.** ]

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

(1) [ **The notice of the intention to request entry of divorce decree prescribed by Rule 1920.42(d)** ] **if there is an attorney of record, the Notice of Intention to File the Praecipe 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 [ if there is an attorney of record ]:**

(Caption)  
[ **NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE** ]  
**NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD**

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

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

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

(2) **if there is no attorney of record:**

(i) The [ **notice of the intention to request entry of a § 3301(c) divorce decree prescribed by Rule 1920.42(d)** ] **Notice of Intention to File the Praecipe 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 [ **if there is no attorney of record** ]:

(Caption)  
[ **NOTICE OF INTENTION TO REQUEST ENTRY OF § 3301(c) DIVORCE DECREE** ]  
**NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD UNDER SECTION 3301(c)(1) OF THE DIVORCE CODE**

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

You have signed [ **a § 3301(c) affidavit** ] **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 Praecipe 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 [ **will** ] **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 [ Rule ] Pa.R.C.P. No. 1018.1(c).

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

(ii) The [ notice of the intention to request entry of § 3301(d) divorce decree prescribed by Rule 1920.42(d) ] **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 [ if there is no attorney of record ]:

(Caption)

[ NOTICE OF INTENTION TO REQUEST ENTRY  
OF § 3301(d) DIVORCE DECREE ]  
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 [ § 3301(d) affidavit ] **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 [ with the prothonotary of the court ] an answer with your signature notarized or verified [ or a counter-affidavit ] 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.** [ A counter-affidavit which you may file with the prothonotary of the court is attached to this notice. ]

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 [ will ] **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 [ Rule ] Pa.R.C.P. No. 1018.1(c).

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

**(b) The Waiver of Notice of Intention to File the Praeceptum 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:**

(Editor's Note: The following is an entirely new form and is printed in regular type to enhance readability.)

(Caption)

WAIVER OF NOTICE OF INTENTION TO FILE  
THE PRAECEPTUM 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)

[ (b) ] (c) The [ praecipe to transmit the record prescribed by Rule 1940.42 ] **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 [ in ] 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 a divorce decree:

1. **Grounds for divorce: irretrievable breakdown under § (3301(c)) § (3301(d)(1)) of the Divorce Code. (Strike out inapplicable section).**

2. **Date and manner of service of the complaint:** \_\_\_\_\_

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

(a) **Date of execution of the affidavit of consent required by § 3301(c) of the Divorce Code: by plaintiff ; by defendant** \_\_\_\_\_ .

(b)(1) **Date of execution of the affidavit required by § 3301(d) of the Divorce Code:** \_\_\_\_\_ ;

(2) **Date of filing and service of the § 3301(d) affidavit upon the opposing party:** \_\_\_\_\_ .

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

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

(a) **Date and manner of service of the notice of intention to file praecipe a copy of which is attached:** \_\_\_\_\_ .

(b) **Date plaintiff's Waiver of Notice was filed with the Prothonotary:** \_\_\_\_\_ .

**Date defendant's Waiver of Notice was filed with the Prothonotary:** \_\_\_\_\_

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

*(Editor's Note: The following is an entirely new form and is printed in regular type to enhance readability.)*

(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: irretrievable 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 Praecipe 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 Praecipe to Transmit Record:

(1) Plaintiff's Waiver: \_\_\_\_\_.

(2) Defendant's Waiver: \_\_\_\_\_.

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

**Rule 1920.74. Form of Motion for Appointment of Master. Order.**

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

(Caption)

**MOTION FOR APPOINTMENT OF MASTER**

\_\_\_\_\_ (Plaintiff) (Defendant)[ , ] moves the court to appoint a master 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 master 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) [ **Delete the inapplicable paragraph(s):** ] **If the master'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: \_\_\_\_\_

[ (5) ] (6) The action (involves) (does not involve) complex issues of law or fact.

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

[ (7) ] (8) Additional information, if any, relevant to the motion:

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

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

\* \* \* \* \*

**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 master.** It is within the discretion of the court to determine the point at which a master should be appointed in a case. **[The court may appoint a master to deal with discovery issues.]**

[Pa.B. Doc. No. 19-889. Filed for public inspection June 14, 2019, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E., which provides for trust account overdraft notification.

SUZANNE E. PRICE,  
*Attorney Registrar*

#### Financial Institutions Approved as Depositories of Trust Accounts of Attorneys

##### Bank Code A.

595 Abacus Federal Savings Bank  
2 ACNB Bank  
613 Allegent Community Federal Credit Union  
375 Altoona First Savings Bank  
376 Ambler Savings Bank  
532 **AMERICAN BANK (PA)**  
615 Americhoice Federal Credit Union  
116 **AMERISERV FINANCIAL**  
648 Andover Bank (The)  
377 Apollo Trust Company

##### Bank Code B.

558 Bancorp Bank (The)  
485 Bank of America, NA  
662 Bank of Bird in Hand  
415 Bank of Landisburg (The)  
642 BB & T Company  
519 Beaver Valley Federal Credit Union  
501 BELCO Community Credit Union  
397 Beneficial Bank  
652 Berkshire Bank  
663 BHC  
5 BNY Mellon, NA  
392 **BRENTWOOD BANK**  
495 Brown Brothers Harriman Trust Co., NA  
161 Bryn Mawr Trust Company (The)

##### Bank Code C.

654 CACL Federal Credit Union  
618 Capital Bank, NA  
16 CBT Bank, a division of Riverview Bank  
136 Centric Bank  
394 **CFS BANK**  
623 Chemung Canal Trust Company  
599 Citibank, NA  
238 Citizens & Northern Bank  
561 Citizens Bank, NA  
206 Citizens Savings Bank  
602 City National Bank of New Jersey  
576 Clarion County Community Bank

660 Clarion FCU  
591 Clearview Federal Credit Union  
23 CNB Bank  
354 Coatesville Savings Bank  
223 Commercial Bank & Trust of PA  
21 Community Bank (PA)  
371 Community Bank, NA (NY)  
132 Community State Bank of Orbisonia  
647 **CONGRESSIONAL BANK**  
380 County Savings Bank  
617 Covenant Bank  
536 Customers Bank

##### Bank Code D.

339 Dime Bank (The)  
239 DNB First, NA  
27 Dollar Bank, FSB

##### Bank Code E.

500 Elderton State Bank  
567 Embassy Bank for the Lehigh Valley  
541 **ENTERPRISE BANK**  
28 Ephrata National Bank  
601 Esquire Bank, NA  
340 ESSA Bank & Trust

##### Bank Code F.

629 1st Colonial Community Bank  
158 1st Summit Bank  
31 F & M Trust Company—Chambersburg  
658 Farmers National Bank of Canfield  
205 Farmers National Bank of Emlenton (The)  
34 Fidelity Deposit & Discount Bank (The)  
343 **FIDELITY SAVINGS & LOAN ASSOCIATION  
OF BUCKS COUNTY**  
583 Fifth Third Bank  
661 First American Trust, FSB  
643 First Bank  
174 First Citizens Community Bank  
191 First Columbia Bank & Trust Company  
539 First Commonwealth Bank  
504 First Federal S & L Association of Greene  
County  
525 First Heritage Federal Credit Union  
42 First Keystone Community Bank  
51 First National Bank & Trust Company of  
Newtown (The)  
48 First National Bank of Pennsylvania  
426 First Northern Bank & Trust Company  
604 First Priority Bank, a division of Mid Penn  
Bank  
592 **FIRST RESOURCE BANK**  
657 First United Bank & Trust  
408 First United National Bank  
151 Firstrust Savings Bank  
416 Fleetwood Bank  
175 FNCB Bank  
291 Fox Chase Bank  
241 Franklin Mint Federal Credit Union  
639 Freedom Credit Union  
58 **FULTON BANK, NA**

**Bank Code G.**

499 Gratz Bank (The)  
498 Greenville Savings Bank

**Bank Code H.**

402 Halifax Branch, of Riverview Bank  
244 Hamlin Bank & Trust Company  
362 Harleysville Savings Bank  
363 Hatboro Federal Savings  
463 Haverford Trust Company (The)  
655 Home Savings Bank  
606 Hometown Bank of Pennsylvania  
68 Honesdale National Bank (The)  
350 HSBC Bank USA, NA  
**364 HUNTINGDON VALLEY BANK**  
605 Huntington National Bank (The)  
608 Hyperion Bank

**Bank Code I.**

365 InFirst Bank  
557 Investment Savings Bank  
526 Iron Workers Savings Bank

**Bank Code J.**

70 Jersey Shore State Bank  
127 Jim Thorpe Neighborhood Bank  
488 Jonestown Bank & Trust Company  
659 JPMorgan Chase Bank, NA  
**72 JUNIATA VALLEY BANK (THE)**

**Bank Code K.**

651 KeyBank NA  
414 Kish Bank

**Bank Code L.**

**74 LAFAYETTE AMBASSADOR BANK**  
554 Landmark Community Bank  
78 Luzerne Bank

**Bank Code M.**

361 M & T Bank  
386 Malvern Federal Savings Bank  
510 Marion Center Bank  
387 Marquette Savings Bank  
81 Mars Bank  
43 Marysville Branch, of Riverview Bank  
367 Mauch Chunk Trust Company  
619 MB Financial Bank, NA  
511 MCS (Mifflin County Savings) Bank  
641 Members 1st Federal Credit Union  
555 Mercer County State Bank  
192 Merchants Bank of Bangor  
610 Meridian Bank  
420 Meyersdale Branch, of Riverview Bank  
**294 MID PENN BANK**  
**276 MIFFLINBURG BANK & TRUST COMPANY**  
457 Milton Savings Bank  
614 Monument Bank, a division of Citizens &  
Northern Bank  
**596 MOREBANK, A DIVISION OF BANK OF  
PRINCETON (THE)**  
**484 MUNCY BANK & TRUST COMPANY (THE)**

**Bank Code N.**

433 National Bank of Malvern  
168 NBT Bank, NA  
347 Neffs National Bank (The)  
**434 NEW TRIPOLI BANK**  
15 NextTier Bank, NA

636 Noah Bank  
638 Norristown Bell Credit Union  
439 Northumberland National Bank (The)  
93 Northwest Bank

**Bank Code O.**

653 OceanFirst Bank  
489 OMEGA Federal Credit Union  
94 Orrstown Bank

**Bank Code P.**

**598 PARKE BANK**  
584 Parkview Community Federal Credit Union  
40 Penn Community Bank  
540 PennCrest Bank  
419 Pennian Bank  
447 Peoples Security Bank & Trust Company  
99 PeoplesBank, a Codorus Valley Company  
556 Philadelphia Federal Credit Union  
448 Phoenixville Federal Bank & Trust  
79 PNC Bank, NA  
449 Port Richmond Savings  
451 Progressive-Home Federal Savings & Loan  
Association  
637 Provident Bank  
456 Prudential Savings Bank  
491 PS Bank

**Bank Code Q.**

107 QNB Bank  
560 Quaint Oak Bank

**Bank Code R.**

452 Reliance Savings Bank  
220 Republic First Bank d/b/a Republic Bank  
628 Riverview Bank

**Bank Code S.**

153 S & T Bank  
316 Santander Bank, NA  
460 Second Federal S & L Association of  
Philadelphia  
646 Service 1st Federal Credit Union  
458 Sharon Bank  
462 Slovenian Savings & Loan Association of  
Franklin-Conemaugh  
**486 SOMERSET TRUST COMPANY**  
633 SSB Bank  
**518 STANDARD BANK, PASB**  
542 Stonebridge Bank  
440 SunTrust Bank  
**122 SUSQUEHANNA COMMUNITY BANK**

**Bank Code T.**

143 TD Bank, NA  
**656 TIOGA FRANKLIN SAVINGS BANK**  
**182 TOMPKINS VIST BANK**  
609 Tristate Capital Bank  
640 TruMark Financial Credit Union  
467 Turbotville National Bank (The)

**Bank Code U.**

483 UNB Bank  
481 Union Building and Loan Savings Bank  
634 United Bank, Inc.  
472 United Bank of Philadelphia  
475 United Savings Bank  
600 Unity Bank  
232 Univest Bank & Trust Co.

**Bank Code V.**

611 Victory Bank (The)

**Bank Code W.****119 WASHINGTON FINANCIAL BANK**

121 Wayne Bank

631 Wells Fargo Bank, NA

553 WesBanco Bank, Inc.

494 West View Savings Bank

473 Westmoreland Federal S &amp; L Association

476 William Penn Bank

272 Woodlands Bank

**573 WOORI AMERICA BANK**

630 WSFS (Wilmington Savings Fund Society), FSB

**Bank Code X.****Bank Code Y.**

577 York Traditions Bank

**Bank Code Z.****Platinum Leader Banks**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

**FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.**

*New*

660 Clarion FCU

661 First American Trust, FSB

662 Bank of Bird in Hand

663 BHCU

*Name Change*

561 Citizens Bank of PA—Change to Citizens Bank, NA

46 First Community Bank of Mercersburg—Change to 94 Orrstown Bank

614 Monument Bank—Change to Monument Bank, a division of Citizens &amp; Northern Bank

133 Union Community Bank—Change to 93 Northwest Bank

*Platinum Leader Change*

2 ACNB Bank—Remove

136 Centric Bank—Remove

*Correction**Removal*

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