

THE COURTS

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 27th day of August, 2019, Dauphin County Local Rules of Civil Procedure 1920.1, 1920.2, 1920.51, 1920.74(a) and 1920.74(b) are amended and Dauphin County Local Rule of Civil Procedure 1920.53(a)(1) is rescinded as follows:

Rule 1920.1 Form of Divorce or Annulment Complaint.

[(1) In addition to the information required by Pa.R.C.P. 1920.12, each Divorce or Annulment Complaint shall contain one of the following averments:

A. Plaintiff avers that there are no children of the parties under the age of 18.

B. Plaintiff avers that there are children of the parties under the age of 18.

(2)] A Divorce or Annulment Complaint or Counterclaim which includes a count for custody shall contain the attachments set forth in Local Rule 1915.3 and follow all other Custody action procedures.

[(3) A Divorce or Annulment Complaint which does not include a count for custody, where the parties are parents of children under the age of eighteen (18), shall include the Educational Seminar Scheduling Order.

	:		IN THE COURT OF COMMON PLEAS
	:		DAUPHIN COUNTY, PENNSYLVANIA
Plaintiff	:		
	:		CIVIL ACTION
	:		
Defendant	:		NO.

EDUCATIONAL SEMINAR SCHEDULING ORDER

All parties are ORDERED to attend a four hour educational seminar (Seminar for Families in Change and Conflict) and file your Certificate of Attendance you receive at the Seminar with the Prothonotary. The Plaintiff is scheduled to attend on _____ at _____ M and the Defendant is scheduled to attend on _____ at _____ M. Any requests for rescheduling must be directed to the provider of the Seminar and you should attend the next available Seminar. (See attached information sheet for additional information).

FAILURE TO ATTEND AND COMPLETE THE SEMINAR WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT OF COURT PUNISHABLE BY FINE AND OTHER APPROPRIATE SANCTIONS.

If you fail to attend this seminar, no divorce decree will be granted where there are children under the age of 18 until both parties attend the Seminar, unless this requirement is waived by the Court for good cause shown.

BY THE COURT:

Date: _____

_____]

Rule 1920.2. Question of Jurisdiction or Venue.

Preliminary objections to the existence or exercise of jurisdiction or venue in any divorce action shall be **immediately** assigned to a judge for disposition.

Note: In accordance with Pa.R.C.P. 239.5(b), Local Rule 1035.2(a) shall not apply to family law actions governed by Pa.R.C.P. 1901 through 1940.9.

Rule 1920.51. Equitable Distribution, Divorce, Annulment, [**Alimony Pendente Lite,**] Alimony, Counsel Fees, Costs and Expenses.

(1) The Divorce Master shall hear annulment, **divorce**, economic claims in divorce including [**alimony pendente lite,**] alimony, equitable distribution, counsel fees, costs and expenses or any aspect thereof.

(2) Any party shall file an original and a copy of the Motion for Appointment of Master with the Prothonotary if proceeding under Dauphin County Local Rule 1920.51. If a Master was previously appointed because of pretrial or discovery matters, the administrative fee of \$75.00 plus any filing fee required by the Prothonotary shall be paid to the Prothonotary. If a Master has not been previously appointed, an administrative fee of \$150.00 plus any filing fee required by the Prothonotary shall be paid to the Prothonotary. The Motion for Appointment of Master shall be in form prescribed by Dauphin County Local Rule 1920.74(a).

(3) The Motion shall include the following attachments:

(a) An updated Income and Expense Statement in the form required by Pa.R.C.P. 1910.27(c)(1).

(b) An updated Inventory and Appraisement in the form required by Pa.R.C.P. 1920.75.

(c) A proposed Order appointing the Master and scheduling a Preliminary Conference in the form prescribed by Dauphin County Local Rule 1920.74(b).

(d) A Certificate of Service.

(e) A Self-Represented Entry of Appearance if the filing party is unrepresented by legal counsel.

(4) The Prothonotary shall forward the Motion for Appointment of Master to the Court Administrator's Office. A Family Court Judge shall appoint the Divorce Master and the Divorce Master shall schedule a Preliminary Conference with the parties and their legal counsel.

(5) At the Preliminary Conference, the Divorce Master shall address all outstanding pre-trial matters with counsel and the parties.

(6) Following the Preliminary Conference, the Divorce Master shall schedule a Settlement Conference with the parties and their legal counsel.

(7) Following both the Preliminary Conference and the Settlement Conference, the Divorce Master shall prepare a Memorandum memorializing any agreements and schedule the matter for a hearing on all remaining contested issues.

(8) The Divorce Master shall file the Memorandum with the Prothonotary and mail a copy of the Memorandum to all legal counsel and self-represented parties in accordance with Pa.R.C.P. 1920.51.

(9) The Court shall pay a stenographer's appearance fee if a court reporter not employed by Dauphin County transcribes the hearing testimony; however the cost of any transcripts requested by the parties shall be borne by the parties.

(10) The Divorce Master shall file a Report and Recommendation and Proposed Order with the Prothonotary in accordance with the Pennsylvania Rules of Civil Procedure.

(11) A copy of the Report and Recommendation and Proposed Order shall be mailed to counsel and self-represented parties with written notice of the right to file Exceptions.

(12) If the parties request a transcript, the Divorce Master may delay the filing of the Report and Recommendation and Proposed Order or file a Supplemental Report and Recommendation and Proposed Order in accordance with the Pennsylvania Rules of Civil Procedure.

(13) If no timely Exceptions are filed, the Prothonotary shall promptly forward the Report and Recommendation and Proposed Order to the Court Administrator's Office for assignment to a Family Court Judge. If a Family Court Judge has handled a contested family law case for that family, the matter will be assigned to that Judge.

(14) An original and a copy of Exceptions to the Divorce Master's Report and Recommendation shall be filed with the Prothonotary's Office along with a Prior Court Involvement Statement in accordance with Dauphin County Local Rule 1931. This form is available at http://www.dauphincounty.org/government/courts/self_help_center/index.php.

(15) The Prothonotary shall forward the Exceptions to the Report and Recommendation to the Court Administrator's Office for assignment to a Family Court Judge. If a Family Court Judge has handled a contested family law case for that family, the matter will be assigned to that Judge.

(16) The Court shall promptly issue an Order scheduling a conference, the filing of briefs and/or oral argument.

[Rule 1920.53(a)(1). Hearing by Master.

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.]

Rule 1920.74(a). Form—Motion for Appointment of Master.

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	DAUPHIN COUNTY, PENNSYLVANIA
	:	
v.	:	NO. _____ CV _____
	:	
_____	:	CIVIL ACTION
Defendant	:	IN DIVORCE

(ATTORNEY FOR MOVING PARTY)(SELF-REPRESENTED MOVING PARTY):

Name: _____

Address: _____

Phone: _____ FAX: _____ E-Mail: _____

(ATTORNEY FOR NON-MOVING PARTY) (SELF-REPRESENTED NON-MOVING PARTY):

Name: _____

Address: _____

Phone: _____ FAX: _____ E-Mail: _____

MOTION FOR APPOINTMENT OF MASTER

1. Check one of the following boxes:

I file this motion in accordance with Dauphin County Local Rule 1920.51. I request that all issues raised be decided by the Divorce Master. I paid the \$150.00 administrative fee plus any filing fees required by the Prothonotary. The Divorce Master was not previously appointed for pre-trial or discovery matters.

I file this motion in accordance with Dauphin County Local Rule 1920.51. I request that all remaining issues raised be decided by the Divorce Master. I paid the \$75.00 administrative fee plus any filing fees required by the Prothonotary. The Divorce Master was previously appointed for pre-trial or discovery matters.

I file this motion in accordance with Dauphin County Local Rule 1920.43 and request that discovery, special relief matters, or other pre-trial or post-divorce issues excluding Exceptions to Master's Report be decided by the Divorce Master. I paid the \$75.00 administrative fee plus any filing fees required by the Prothonotary.

2. _____, (circle one) PLAINTIFF/DEFENDANT, moves the Court to appoint a Divorce Master with respect to the following claims:

- Divorce, Annulment, Alimony, Equitable Division of Marital Property, Counsel Fees, Costs and Expenses, Other

3. The plaintiff's current mailing address is

Three horizontal lines for address input.

4. The defendant's current mailing address is

Three horizontal lines for address input.

5. The [respondent] non-moving party (circle one) (has)(has not) appeared in the action (circle one) (personally) (by his/her attorney) _____, Esquire

6. The statutory ground(s) for divorce (is)(are):

Three horizontal lines for ground(s) input.

7. Discovery (circle one) (is)(is not) complete.

8. 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.

9. 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:

10. The action (involves) (does not involve) complex issues of law or fact.

11. The hearing is expected to take _____ (hours) (days).

12. Additional information, if any, relevant to the motion:

Horizontal line for additional information.

[8.] 13. I mailed a copy of this motion to all parties and/or their legal counsel at the addresses listed above on _____, 20_____.

Respectfully submitted:

Date

Signature

Rule 1920.74(b). Form—Order Appointing Master and Scheduling Preliminary Conference.

[CAPTION]

ORDER

AND NOW, this _____ day of _____, 20____ the Motion of Appointment of Master is GRANTED and _____ is appointed as Master[.] **with respect to the following claims:**

- Divorce** **Annulment** **Alimony**
 Equitable Division of Marital Property **Counsel Fees**
 Costs and Expenses **Other:** _____

A Preliminary Conference is scheduled for both parties and their attorneys on _____, _____, 20____ at _____:____.M. in Conference Room 2 on the 7th Floor of the Juvenile Justice Center, 25 S. Front Street, Harrisburg, Pennsylvania 17101.

If economic claims have been raised of record in this case, to the extent not already filed, the non-moving party shall have ten (10) days from the date of this Order to file the documents required by Pa.R.C.P. 1920.31(a) and Pa.R.C.P. 1920.33(a). Failure to file the required documents may subject the offending party to sanctions as provided in those rules.

BY THE COURT:

PER CURIAM.

The above rule changes shall be published in the *Pennsylvania Bulletin* and are effective on October 1, 2019.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 19-1384. Filed for public inspection September 13, 2019, 9:00 a.m.]