

CHAPTER 1910. ACTIONS FOR SUPPORT

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GENERAL

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Source

The provisions of these Rules 1910.1—1910.31 adopted April 23, 1981, effective July 22, 1981, 11 Pa.B. 1625, unless otherwise noted.

Rule 1910.1. Scope. Definitions.

(a) Except as provided by subdivision (b), the rules of this chapter govern all civil actions or proceedings brought in the court of common pleas to enforce a duty of support, or an obligation to pay alimony pendente lite.

Official Note: A duty of support is imposed by the following statutes: 23 Pa.C.S.A. § 4321 and Section 3 of the Support Law of June 24, 1937, P. L. 2045, 62 P. S. § 1973 (repealed) now Act 43-2005, July 7, 2005, P. L. 196. The procedure under the rules of this chapter implements Chapter 43 of Part V of the Domestic Relations Code, Title 23 of the Consolidated Statutes, 23 Pa.C.S.A. § 4301 et seq., relating to support proceedings. The procedure under these rules provides an alternative to the intrastate and interstate procedures under Parts VIII and VIII-A of the Domestic Relations Code, 23 Pa.C.S.A. §§ 7101 et seq. and 8101 et seq. For alimony and alimony pendente lite, see Sections 3701 and 3702 of the Divorce Code, 23 Pa.C.S.A. §§ 3701, 3702.

Official Note: Long arm jurisdiction is available in support actions brought pursuant to these rules per 23 Pa.C.S.A. § 4342(c).

(b) The rules of this chapter shall not govern

(1) an action or proceeding for support based upon a contract or agreement which provides that it may not be enforced by an action in accordance with these rules,

(2) an application for a temporary order of support and other relief pursuant to the Protection from Abuse Act of December 19, 1990, P. L. 1240, No. 206, 23 Pa.C.S. § 6101 et seq. or

(3) an action for support of an indigent brought pursuant to Chapter 46 of the Domestic Relations Code, 23 Pa.C.S.A. § 4601 et seq.

Official Note: Where a contract or agreement provides that it cannot be enforced in accordance with the rules, actions upon a contract or agreement for support are to be heard by the court and not a conference officer or hearing officer under Rules 1910.11 or 1910.12. However, such actions should be expedited and given preference in court listings.

(c) As used in this chapter, unless the context of a rule indicates otherwise, the following terms shall have the following meanings:

“Conference officer,” the person who conducts an office conference pursuant to Rule 1910.11.

“Hearing officer,” the person who conducts a hearing on the record and makes recommendations to the court pursuant to Rule 1910.12.

“Overdue support,” the amount of delinquent support equal to or greater than one month’s support obligation which accrues after entry or modification of a support order as the result of obligor’s nonpayment of that order.

“Past due support,” the amount of support which accrues prior to entry or modification of a support order as the result of retroactivity of that order. When nonpayment of the order causes overdue support to accrue, any and all amounts of past due support owing under the order shall convert immediately to overdue support and remain as such until paid in full.

“Suspend,” eliminate the effect of a support order for a period of time.

“Terminate,” end not only the support order, but the support obligation as well.

“Trier-of-fact,” the judge, hearing officer, or conference officer who makes factual determinations.

“Vacate,” declare a particular support order null and void, as if it were never entered.

Explanatory Comment—1994

Nothing in this rule should be interpreted to eliminate the distinctions between spousal support and alimony pendente lite which are established by case law.

Alimony pendente lite must be distinguished from permanent alimony for purposes of this rule. The rule applies only to alimony pendente lite. The procedure for obtaining permanent alimony is governed by Section 3702 of the Divorce Code, 23 Pa.C.S.A. § 3702, and Rules of Civil Procedure 1920.1 et seq. Agreements for alimony approved by the court in connection with actions for divorce under Section 3701 of the Divorce Code are deemed to be court orders enforceable under Section 3703 of the Code.

Section 3105(a) of the Divorce Code provides that all agreements relating to matters under the code, whether or not merged or incorporated into the decree, are to be treated as orders for purposes of enforcement unless the agreement provides otherwise. Subdivision (b)(1) is amended to conform to the statute.

There is considerable diversity in the terminology used throughout the rules, and in the various counties, to describe the individuals who conduct conferences and hearings pursuant to the support rules. The addition of subdivision (c) to the rules standardizes terminology and eliminates the confusion which results from individual counties using inconsistent terms to refer to persons performing the same function. All references in the rules to conference or hearing officers have been amended to conform to the terminology set forth in subdivision (c).

In an effort to further standardize the terminology used in support matters, the additional terms are defined.

Explanatory Comment—2000

Act 1998-127 technically amended Act 1997-58 to define and differentiate between past due and overdue support to clarify that only overdue support constitutes a lien by operation of law against the obligor's real or personal property. 23 Pa.C.S.A. § 4302 now defines overdue support as "support which is delinquent under a payment schedule established by the court." Past due support is defined as "support included in an order of support which has not been paid."

The definitions of past due and overdue support in this rule do not substantively change the legislative definitions. They merely elaborate on them in terms which are more familiar and helpful to the bench and bar. Specifically, past due support consists of the purely retroactive arrearages which accumulate between the date of the filing of the complaint or petition for modification and the date of the hearing and entry of the initial or modified support order. Overdue support refers to the delinquent arrearages which accrue after entry of the order due to the obligor's failure to pay support pursuant to the order.

These definitions are important for determining the remedies available for collecting support arrearages. Pursuant to 23 Pa.C.S.A. § 4352(d), only overdue support (delinquent arrearages) constitutes a lien by operation of law against the obligor's property. Conversely, past due support (retroactive arrears) does not operate as a lien against this property as long as the obligor remains current on the support order.

Rule 1910.20 extends this legislative distinction between overdue and past due support to the following remedies available to collect support: (1) consumer agency reporting under 23 Pa.C.S.A. § 4303; (2) suspension of licenses under 23 Pa.C.S.A. § 4355; and (3) the full range of new collection remedies under 23 Pa.C.S.A. § 4305(b)(10). Accordingly, these remedies are available only to collect overdue support. They are not available to collect past due support as long as the obligor remains current on the order. If, however, the obligor subsequently defaults on the support order, Rule 1910.20(c) provides that any past due support still owing under the order immediately becomes overdue support subject to the full range of collection remedies. It remains overdue support until collected in full.

Pursuant to Rule 1910.20(c), all overdue support, including past due support which has converted to overdue support, remains subject to Act 58 remedies until paid in full. Any repayment plan subsequently agreed to by the parties, or ordered by the court pursuant to a contempt proceeding (including any arrearage component), does not preclude the use of these remedies for collecting overdue support more quickly, whenever feasible.

In cases involving past due support only, the obligee is not entirely without remedy in the event that additional income or assets of the obligor are discovered after the hearing which would enable collection of past due support more quickly. In these cases, identification of those income sources or assets provides a basis for modification pursuant to Rule 1910.19. Modification includes increasing the rate of repayment on past due support and, if appropriate, ordering that the past due support be paid in full. In these cases, the obligee may also petition the court for special relief pursuant to Rule 1910.26 to have the income or assets frozen and seized pending the petition for modification in order to secure payment of past due support.

Explanatory Comment—2007

Act 43-2005, July 7, 2005, P. L. 196, repealed the Act of June 24, 1937 (P. L. 2045, No. 397), known as The Support Law and added Chapter 46 to the Domestic Relations Code, 23 Pa.C.S.A. § 4601 et seq. Section 4 of Act 43-2005 states that the addition of Chapter 46 is a continuation of the Act of June 24, 1937 (P. L. 2045, No. 397). Chapter 46 addresses the responsibility of certain family members to maintain indigent relatives, whether or not the indigent person is a public charge. New subdivision (b)(3) clarifies that the support rules and guidelines do not apply to actions brought under Chapter 46 of the Domestic Relations Code.

Source

The provisions of this Rule 1910.1 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; amended April 15, 1994, effective July 1, 1994, 24 Pa.B. 2296; amended December 8, 1994, effective July 1, 1995, 24 Pa.B.

6399; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended February 2, 2007, effective February 3, 2007, 37 Pa.B. 522; amended August 17, 2021, effective January 1, 2022, 51 Pa.B. 5539. Immediately preceding text appears at serial pages (395598) and (364529) to (364531).

Rule 1910.2. Venue. Transfer of Action.

- (a) An action may be brought in
- (1) the county in which the defendant resides, or
 - (2) the county in which the defendant is regularly employed, or
 - (3) the county in which the plaintiff resides and that county is the county in which the last marital domicile was located and in which the plaintiff has continued to reside.
 - (4) the county in which the child resides if the relief sought includes child support.

Official Note: If an action for support is brought in the county in which the plaintiff resides but that county is not the county in which the last family domicile was located and in which the plaintiff has continued to reside, the action shall proceed in accordance with the Revised Uniform Reciprocal Enforcement of Support Act (1968), 23 Pa.C.S. § 4501 et seq. if the defendant is outside the Commonwealth, or in accordance with 23 Pa.C.S. § 4533 which provides for intrastate application of RURESA if the defendant is within the Commonwealth, and not in accordance with these Rules.

- (b) Where jurisdiction is acquired over the defendant pursuant to the long arm statute, 23 Pa.C.S. § 4342(c), the action may be brought in the county where the plaintiff resides.

Official Note: 23 Pa.C.S. § 7201 sets forth the specific bases for long arm jurisdiction over a non-resident defendant.

- (c) If, at the time of the filing of the action, there is a divorce or custody action pending between the parties in an appropriate court in another county, the court upon good cause shown may transfer the support action to that county.

- (d) For the convenience of the parties and witnesses the court may transfer an action to the appropriate court of any other county where the action could have been brought at the time of transfer.

Official Note: The standards for transfer of an action for the convenience of parties and witnesses are the same as the standards under Rule 1006(d).

- (e) A support order may be enforced in accordance with the Uniform Interstate Family Support Act, 23 Pa.C.S. § 7101 et seq., if the defendant resides outside the Commonwealth, or in accordance with the Intrastate Family Support Act, 23 Pa.C.S. § 8101 et seq., if the defendant resides in another county within the Commonwealth.

Source

The provisions of this Rule 1910.2 amended June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended December 8, 1994, effective July 1, 1995, 24 Pa.B. 6399; amended December 18, 1998, effective January 1, 1999, 29 Pa.B. 16; amended October 31, 2002, effective immediately, 32 Pa.B. 5632. Immediately preceding text appears at serial pages (267729) to (267730).

Rule 1910.2-1. Procedures Pursuant to the Intrastate Family Support Act.

(a) The court in the county in which the complaint for support is filed shall retain and process the case for so long as all of the following conditions are met:

- (1) there is proper venue pursuant to Rule 1910.2;
- (2) the defendant-obligor's mailing address is known;
- (3) sufficient information is known about the defendant-obligor's employment to enable the court to issue an earnings subpoena; and
- (4) the obligee consents.

Official Note: A support action should be maintained in the county in which the obligee and/or the child(ren) reside and should not involve a second county unless the county of residence is unable to obtain service on the defendant-obligor or obtain information regarding the defendant-obligor's employment. However, the obligee is permitted to request that the case proceed under the Intrastate Family Support Act (IFSA) in accordance with 23 Pa.C.S. § 8103.

If the venue requirements are met, the court in the obligee's county of residence should attempt to retain the case if there already is an order in that county against the same defendant-obligor in this or another child/spousal support case or if the defendant-obligor is incarcerated.

(b) If courts in two or more counties must be involved in the establishment and enforcement of an obligation for support:

- (1) the case must proceed pursuant to the Intrastate Family Support Act; and
- (2) venue shall follow the defendant-obligor in order to maintain the availability of statutory enforcement remedies.

(c) A support order shall not be registered in another county unless:

- (1) requested by the obligee, or
- (2) necessary to maintain an order for support, to obtain payment of the support obligation or to consolidate multiple cases involving the same defendant-obligor.

(d) Only one support order shall be charging against a defendant-obligor for the same spouse and/or child(ren) at one time.

Source

The provisions of this Rule 1910.2-1 adopted October 31, 2002, effective immediately, 32 Pa.B. 5632.

Rule 1910.3. Parties. Obligor. Obligee.

(a) An action may be brought

- (1) by a person, including a minor parent or a minor spouse, to whom a duty of support is owing, or
- (2) on behalf of a minor child by a person having custody of the child, without appointment as guardian ad litem, or
- (3) on behalf of a minor child by a person caring for the child regardless of whether a court order has been issued granting that person custody of the child, or
- (4) by a public body or private agency having an interest in the case, maintenance or assistance of a person to whom a duty of support is owing, or

(5) by a parent, guardian or public or private agency on behalf of an unemancipated child over eighteen years of age to whom a duty of support is owing, or.

(6) by any person who may owe a duty of support to a child or spouse. If the person to whom a duty of support may be owed does not appear, the action may be dismissed without prejudice for the petitioner to seek further relief from the court.

(b) The trier of fact shall enter an appropriate order based upon the evidence presented, without regard to which party initiated the support action, filed a modification petition or filed a petition for recovery of support overpayment. The determination of which party will be the obligee and which will be the obligor will be made by the trier of fact based upon the respective incomes of the parties, consistent with the support guidelines and existing law, and the custodial arrangements at the time of the initial or subsequent conference, hearing or trial. If supported by the evidence, the party named as the defendant in the initial pleading may be deemed to be the obligee, even if that party did not file a complaint for support. The provisions of this subdivision do not apply to parties seeking spousal support or alimony pendente lite. Parties seeking spousal support or alimony pendente lite must assert a claim in an appropriate pleading with proper notice served upon the other party.

(1) In general, the party who has primary custody of the children shall be the obligee of a child support order.

(2) When the parties share custody of the children equally, the party with the higher income shall be the obligor as provided in Rule 1910.16-4(c)(2).

Explanatory Comment—1999

New subdivision (c) incorporates 23 Pa.C.S. § 4341(b) to confer standing on any person who is caring for a child to seek support on behalf of that child even though there is no court order granting legal or physical custody to that person. The statutory provision effectively overrules *Larson v. Diveglia*, 549 Pa. 118, 700 A.2d 931 (1997), which held to the contrary.

Subdivision (e) is amended to eliminate the requirement of consent when the child is over 18 years of age. This requirement was originally intended only for applicable child support actions for higher educational support, which actions were abolished by *Curtis v. Kline*, 542 Pa. 249, 666 A.2d 265 (1995). This rule also is intended to apply to children who are unemancipated by reason of physical or mental disability, consistent with 23 Pa.C.S. § 4321(3) as interpreted by case law.

Explanatory Comment—2011

A new category has been added in subdivision (a) to allow a party who may not have primary custody of the parties' child or who may owe a duty of support to a spouse to initiate a support action in which an appropriate order may be entered. In some cases, the obligor may want to start paying spousal support or alimony pendente lite to the obligee as soon as possible to avoid the accumulation of retroactive arrears, but § 71 of the Internal Revenue Code provides that payments to a spouse or ex-spouse must be pursuant to an order or a divorce or separation instrument to receive alimony tax treatment. Thus, any payments made prior to the entry of a support order will not be deductible by the obligor. This provision is intended to allow an obligor to commence the process by which he or she may pay support earlier.

A new subdivision (b) has been added to clarify that in all initial and subsequent child support actions, the trier of fact may enter a support order against either party, without regard to which party filed the complaint or petition for modification. This facilitates judicial economy, and relieves the parties from incurring additional filing fees, losing time from work or family, losing retroactivity and having to wait for a new proceeding to be scheduled. It enables the trier of fact to base the order on the facts and circumstances at the time of the proceeding, which may be different than at the time of filing.

Source

The provisions of this Rule 1910.3 amended March 2, 2000, effective immediately, 30 Pa.B. 1646; amended October 30, 2001, effective immediately, 21 Pa.B. 6273; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended November 5, 2012, effective December 5, 2012, 42 Pa.B. 7091. Immediately preceding text appears at serial pages (358492) to (358494).

Rule 1910.4. Domestic Relations Section. Commencement of Action. No Filing Fees. Authorized Fees.

(a) Each court of common pleas shall have a domestic relations section that shall be the filing office for pleadings and documents for child support, spousal support, and alimony *pendente lite* actions.

(b) A party shall commence actions for child support and spousal support by filing a complaint in the domestic relations section. A party shall commence an action for alimony *pendente lite* by filing a complaint in the domestic relations section if a divorce complaint has been filed with the prothonotary.

Official Note: See Pa.R.C.P. No. 1910.27(a) for the form of the complaint.

See Pa.R.C.P. No. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions (e.g., divorce, custody), the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* shall apply.

See the Pennsylvania Department of Human Services Child Support Program for e-services, including filing for support or requesting a modification of an existing support order at <https://www.humanservices.state.pa.us/csww/>.

See Pa.R.C.P. No. 1920.31(a)(2) regarding the filing of alimony *pendente lite* actions in the domestic relations section.

(c) The domestic relations section shall not require payment of a filing fee to commence or modify an action.

(d) Unless authorized by statute, a judicial district shall not impose additional fees in actions for child support, spousal support, and alimony *pendente lite*. The domestic relations section shall collect fees through the Pennsylvania Child Support Enforcement System (PACSES).

Official Note: The statutorily authorized fees in actions for child support, spousal support, and alimony *pendente lite* include the genetic testing fee, the federally mandated annual fee, and fees associated with statewide court operations referenced in 204 Pa. Code § 29.351.

Source

The provisions of this Rule 1910.4 amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 477; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3520; amended July 30, 2018, effective January 1, 2019, 48 Pa.B. 4960. Immediately preceding text appears at serial page (392610).

Rule 1910.5. Complaint. Order of Court.

(a) The complaint shall be substantially in the form provided by Rule 1910.27(a).

(b) The complaint shall not contain a notice to defend or be endorsed with a notice to plead.

Official Note: Neither Rule 1018.1 nor Rule 1361 applies to a complaint in an action for support.

(c) An order shall be attached at the front of the complaint directing the defendant to appear before an officer for a conference at the time and place directed by the court. The order shall be substantially in the form provided by Rule 1910.27(b) and must include notice that a child support order may be entered against either party without regard to which party initiated the action.

Official Note: For service of original process in support matters, see Rule 1930.4.

Source

The provisions of this Rule 1910.5 amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847. Immediately preceding text appears at serial pages (293833) to (293834).

Rule 1910.6. Notification.

Parties to a support action and their attorneys shall be provided notice of all proceedings in which support obligations might be established or modified. Notice must be provided at least 20 days prior to the proceeding. The parties and their attorneys shall also be provided with a copy of any order issued in the support action within 14 days after issuance of the order. If there is no activity in a

support action for a period of three years, the domestic relations section shall send a notice to each of the parties' attorneys advising each attorney that his or her appearance in the support action shall be deemed to be withdrawn unless the attorney objects within thirty (30) days of the date the notice is mailed to the attorney. An attorney representing a party in a support action shall not be deemed to be representing that party in any other action, nor shall a withdrawal of appearance in a support action be deemed to be a withdrawal of appearance for the party in any other proceeding.

Source

The provisions of this Rule 1910.6 rescinded June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended October 2, 1995, effective January 1, 1996, 25 Pa.B. 4518; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended October 30, 2001, effective immediately, 31 Pa.B. 6273. Immediately preceding text appears at serial page (267732).

Rule 1910.7. Pleading by Defendant Not Required. Question of Jurisdiction or Venue or Statute of Limitations in Paternity.

(a) An answer or other responsive pleading by the defendant shall not be required, but if the defendant elects to file a pleading, the domestic relations office conference required by the order of court shall not be delayed.

Official Note: See Pa.R.C.P. No. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions (e.g., divorce, custody), the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* shall apply.

(b) If defendant raises a question of jurisdiction or venue or in paternity cases the defense of the statute of limitations, the court shall promptly dispose of the question and may, in an appropriate case, stay the domestic relations office conference.

Source

The provisions of this Rule 1910.7 amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 477; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3520. Immediately preceding text appears at serial page (390083).

Rule 1910.8. [Rescinded].

Official Note: The provisions in this Rule now appear in Rule 1910.2(a) through (f).

Source

The provisions of this Rule 1910.8 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; rescinded December 18, 1998, effective January 1, 1999, 29 Pa.B. 16. Immediately preceding text appears at serial page (231363).

Rule 1910.9. Discovery.

(a) Except as provided in Rule 1910.11(j) and Rule 1910.12(c), there shall be no discovery in an action for support unless authorized by special order of court.

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

(b) Where a party is employed, the court shall ascertain the party's earnings and may enter an order directing the employer to furnish earnings information to the court as provided by Rule 1910.28.

Source

The provisions of this Rule 1910.9 amended May 5, 1997, effective July 1, 1997, 27 Pa.B. 2532; amended March 2, 2000, effective immediately, 30 Pa.B. 1646; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (265460).

Rule 1910.10. Alternative Hearing Procedures.

(a) The action shall proceed as prescribed by Pa.R.C.P. No. 1910.11 unless the court by local rule adopts the alternative hearing procedure of Pa.R.C.P. No. 1910.12.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all support proceedings in that county are conducted in accordance with either Pa.R.C.P. No. 1910.11 or Pa.R.C.P. No. 1910.12. The certification shall be filed with the Domestic Relations Procedural Rules Committee, and shall be substantially in the following form:

I hereby certify that _____ County conducts its support proceedings in accordance with Pa.R.C.P. No. _____ .

(PRESIDENT JUDGE)

(ADMINISTRATIVE JUDGE)

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

Explanatory Comment

In accordance with Pa.R.C.P. No. 1910.10, a judicial district may opt for one of two procedures for support matters; the procedure selected is then certified by the president judge or administrative judge to the Domestic Relations Procedural Rules Committee as prescribed in subdivision (b). Subdivision (b) was added in response to requests from appellate court judges who find that it is often difficult to determine the rule with which the actual support procedure is intended to comply. Subsequently, a judicial district may, at any time, change its support procedure by filing a new certification with the staff of the Domestic Relations Procedural Rules Committee indicating the rule according to which support matters will proceed. However, a judicial district may, by local rule, permit interstate actions to proceed directly to a hearing officer or judge without a conference.

The procedure set forth in Pa.R.C.P. No. 1910.11 provides for a conference before a conference officer, a conference summary and entry of an interim order for support calculated in accordance with the guidelines, and a right to demand a hearing *de novo* before a judge. The hearing must be held and the final order entered within 60 days of the written demand for hearing.

The alternate procedure, as set forth in Pa.R.C.P. No. 1910.12, provides for a conference before a conference officer, a record hearing before a hearing officer, and issuance of a report and recommendation to which exceptions may be filed within ten days. The court must hear argument and enter a final order within 60 days of the filing of exceptions.

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

Source

The provisions of this Rule 1910.10 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; amended September 5, 1995, effective January 1, 1996, 25 Pa.B. 4097; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended October 8, 2002, effective immediately, 32 Pa.B. 5262; amended July 30, 2003, effective immediately, 33 Pa.B. 4072; amended January 12, effective May 12, 2010, 40 Pa.B. 586; amended September 16, 2013, effective October 16, 2013, 43 Pa.B. 5701; amended October 13, 2015, effective January 1, 2016, 45 Pa.B. 6400; amended October 14, 2016, effective December 1, 2016, 46 Pa.B. 6819. Immediately preceding text appears at serial pages (378981) to (378983).

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.(a) *Office Conference.*

(1) A conference officer shall conduct the office conference.

(2) A lawyer serving as a conference officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, 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 a hearing officer to hear actions in divorce or for annulment of marriage is authorized by Pa.R.C.P. No. 1920.51.

(b) If a party fails to appear at the conference as directed by the court, the conference may proceed.

(c) At the conference, the parties shall provide to the conference officer the following documents:

- the most recently filed individual federal income tax returns, including all schedules, W-2s, and 1099s;
- the partnership or business tax returns with all schedules, including K-1, if the party is self-employed or a principal in a partnership or business entity;
- pay stubs for the preceding six months;
- verification of child care expenses;
- child support, spousal support, alimony *pendente lite*, or alimony orders or agreements for other children or former spouses;
- proof of available medical coverage; and
- an Income Statement and, if necessary, an Expense Statement on the forms provided in Pa.R.C.P. No. 1910.27(c) and completed as set forth in subdivisions (c)(1) and (2).

Official Note: See Pa.R.C.P. No. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions (e.g., divorce, custody), the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* shall apply.

(1) The parties shall provide the conference officer with a completed:

- (i) Income Statement as set forth in Pa.R.C.P. No. 1910.27(c)(1) in all support cases, including high-income cases under Pa.R.C.P. No. 1910.16-3.1; and
- (ii) Expense Statement as set forth in Pa.R.C.P. No. 1910.27(c)(2)(A), if a party:

- (A) claims that unusual needs and unusual fixed expenses may warrant a deviation from the guideline support amount pursuant to Pa.R.C.P. No. 1910.16-5; or
- (B) seeks expense apportionment pursuant to Pa.R.C.P. No. 1910.16-6.
- (2) For high-income support cases as set forth in Pa.R.C.P. No. 1910.16-3.1, the parties shall provide to the conference officer the Expense Statement in Pa.R.C.P. No. 1910.27(c)(2)(B).
- (d) *Conference Officer Recommendation.*
- (1) The conference officer shall calculate and recommend a guideline support amount to the parties.
- (2) If the parties agree on a support amount at the conference, the conference officer shall:
- (i) prepare a written order consistent with the parties' agreement and substantially in the form set forth in Pa.R.C.P. No. 1910.27(e), which the parties shall sign; and
 - (ii) submit to the court the written order along with the conference officer's recommendation for approval or disapproval.
 - (iii) The court may enter the order in accordance with the agreement without hearing from the parties.
- (3) In all cases in which one or both parties are unrepresented, the parties must provide income information to the domestic relations section so that a guidelines calculation can be performed.
- (4) In cases in which both parties are represented by counsel, the parties shall not be obligated to provide income information and the domestic relations section shall not be required to perform a guidelines calculation if the parties have reached an agreement about the amount of support and the amount of contribution to additional expenses.
- (e) At the conclusion of the conference or not later than 10 days after the conference, the conference officer shall prepare a conference summary and furnish copies to the court and to both parties. The conference summary shall state:
- (1) the facts upon which the parties agree;
 - (2) the contentions of the parties with respect to facts upon which they disagree; and
 - (3) the conference officer's recommendation; if any, of
 - (i) the amount of support and by and for whom the support shall be paid; and
 - (ii) the effective date of any order.
- (f) If an agreement for support is not reached at the conference, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e). Each party shall be provided, either in person at the time of the conference or by mail, with a copy of the interim order and written notice that any party may, within twenty days after the date of receipt or the date of the mailing of the

interim order, whichever occurs first, file a written demand with the domestic relations section for a hearing before the court.

(g) A demand for a hearing before the court shall not stay the interim order entered under subdivision (f) unless the court so directs.

(h) If no party demands a hearing before the court within the twenty day period, the interim order shall constitute a final order.

(i) If a demand is filed, there shall be a hearing de novo before the court. The domestic relations section shall schedule the hearing and give notice to the parties. The court shall hear the case and enter a final order substantially in the form set forth in Rule 1910.27(e) within sixty days from the date of the written demand for hearing.

(j)(1) Promptly after receipt of the notice of the scheduled hearing, a party may move the court for a separate listing where:

- (i) there are complex questions of law, fact or both; or
- (ii) the hearing will be protracted; or
- (iii) the orderly administration of justice requires that the hearing be listed separately.

(2) If the motion for separate listing is granted, discovery shall be available in accordance with Rule 4001 et seq.

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

(k) No motion for post-trial relief may be filed to the final order of support.

Explanatory Comment—1994

The domestic relations office conference provided by Rule 1910.11 constitutes the heart of the support procedure. There are two primary advantages to the inclusion of a conference. First, in many cases the parties will agree upon an amount of support and a final order will be prepared, to be entered by the court, thus dispensing with a judicial hearing. Second, those cases which do go to hearing can proceed more quickly because the necessary factual information has already been gathered by the conference officer.

Subdivision (a)(2) prohibits certain officers of the court from practicing family law before fellow officers of the same court. These officers are the conference officer who is an attorney (Rule 1910.11), the hearing officer (Rule 1910.12), and the standing or permanent master who is employed by the court (Rule 1920.51). The amendments are not intended to apply to the attorney who is appointed occasionally to act as a master in a divorce action.

Subdivision (e)(3) makes clear that even if the parties agree on an amount of support, the conference officer is still empowered to recommend to the court that the agreement be disapproved. This provision is intended to protect the destitute spouse who might out of desperation agree to an amount of support that is unreasonably low or which would in effect bargain away the rights of the children. The officer's disapproval of the agreement serves to prevent an inadequate order being entered unwittingly by the court.

The provision for an interim order in subdivision (f) serves two purposes. First, it ensures that the obligee will receive needed support for the period during which the judicial determination is sought. Second, it eliminates the motive of delay in seeking a judicial determination.

Because the guidelines are income driven, the trier of fact has little need for the expense information required in the Income and Expense Statement. Therefore in guideline cases, the rule no longer requires that expense information be provided. If a party feels that there are expenses so extraordinary that they merit consideration by the trier of fact, that party is free to provide the information. In cases decided according to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), living expenses are properly considered, and therefore must be presented on the Income and Expense Statement.

Explanatory Comment—1995

Rule 1910.11(e) is amended to eliminate the need for a party to request a copy of the conference summary.

Because the court is required to enter a guideline order on the basis of the conference officer's recommendation, there is no need for (g)(2), which provided for a hearing before the court where an order was not entered within five days of the conference. It is eliminated accordingly.

Pursuant to subdivision (g), support payments are due and owing under the interim order which continues in effect until the court enters a final order after the hearing de novo. The provision for an interim order serves two purposes. First, it ensures that the obligee will receive needed support for the period during which the judicial determination is sought. Second, it eliminates the motive of delay in seeking a judicial determination. Therefore, the plaintiff and the dependent children are not prejudiced by allowing the court sixty days, rather than the original forty-five, in which to enter its final order.

Explanatory Comment—2006

The time for filing a written demand for a hearing before the court has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry of the order, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

The amendments reflect the separated Income Statement and Expense Statements in Rule 1910.27(c).

Explanatory Comment—2010

When the parties' combined net income exceeds \$30,000 per month, calculation of child support, spousal support and alimony *pendente lite* shall be pursuant to Rule 1910.16-3.1. Rule 1910.16-2(e) has been amended to eliminate the application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), in high income child support cases.

Explanatory Comment—2011

The rule has been amended to require that income information be provided in all cases, unless both parties are represented in reaching an agreement, so that a guidelines calculation can be performed. The guidelines create a rebuttable presumption that the amount calculated pursuant to them is the correct amount, so there should be a calculation in every case. If parties agree to receive or to pay an order other than the guideline amount, they should know what that amount is so that they can enter an agreement knowingly. If both parties are represented by counsel, it is assumed that their entry into the agreement for an amount other than a guidelines amount is knowing as it is counsels' responsibility to advise the parties. In addition, part of the mandatory quadrennial review of the support guidelines mandates a study of the number of cases in which the support amount ordered varies from the amount that would result from a guidelines calculation. Federal regulations presume that if a large percentage of cases vary from the guideline amount, then the guidelines are not uniform statewide.

Source

The provisions of this Rule 1910.11 adopted April 23, 1981, effective July 22, 1981, 11 Pa.B. 1625; amended October 19, 1983, effective January 1, 1984, 13 Pa.B. 3629; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended September 29, 1989, effective October 15, 1989, 19 Pa.B. 4451; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263; amended September 8, 1995, effective January 1, 1996, 25 Pa.B. 4095; amended May 5, 1997, effective July 1, 1997, 27 Pa.B. 2532; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended August 8, 2006, effective immediately, 36 Pa.B. 4709; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7113; amended October 30, 2007, effective immediately, 37 Pa.B. 5976; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended December 23, 2011, effective January 31, 2012, 42 Pa.B. 379, 545; amended July 2, 2014, effective in 30 days on August 1, 2014, 44 Pa.B. 4476; amended March 4, 2015, effective in 30 days on April 3, 2015, 45 Pa.B. 1354; amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 477; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3520; amended December 28, 2018, effective January

1, 2019, 49 Pa.B. 170; amended August 17, 2021, effective January 1, 2022, 51 Pa.B. 5539; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial pages (395599) to (395600), (392615) to (392616) and (395601).

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

(a) *Office Conference.* There shall be an office conference as provided by Pa.R.C.P. No. 1910.11(a) through (d). The provisions of Pa.R.C.P. No. 1910.11(d)(3) and (4) regarding income information apply in cases proceeding pursuant to Pa.R.C.P. No. 1910.12.

(b) *Conference Conclusion.*

(1) At the conclusion of a conference attended by both parties, if an agreement for support has not been reached, and the conference and hearing are not scheduled on the same day, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Pa.R.C.P. No. 1910.27(e), and the parties shall be given notice of the date, time and place of a hearing. A record hearing shall be conducted by a hearing officer who must be a lawyer.

(2) If either party, having been properly served, fails to attend the conference, the court may enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Pa.R.C.P. No. 1910.27(e). Within 20 days after the date of receipt or the date of mailing of the interim order, whichever occurs first, either party may demand a hearing before a hearing officer. If no hearing is requested, the order shall become final.

(3) Any lawyer serving as a hearing officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, 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 a hearing officer to hear actions in divorce or for annulment of marriage is authorized by Pa.R.C.P. No. 1920.51.

(c) *Separate Listing.*

(1) Except as provided in subdivision (c)(2), promptly after the conference's conclusion, a party may move the court for a separate listing of the hearing if:

- (i) there are complex questions of law, fact or both;
- (ii) the hearing will be protracted; or
- (iii) the orderly administration of justice requires that the hearing be listed separately.

(2) When the conference and hearing are scheduled on the same day, all requests for separate listing shall be presented to the court at least seven days prior to the scheduled court date.

(3) If the motion for separate listing is granted, discovery shall be available in accordance with Pa.R.C.P. No. 4001 *et seq.*

Official Note: The rule relating to discovery in domestic relations matters generally is Pa.R.C.P. No. 1930.5.

(d) The hearing officer shall receive evidence, hear argument and, not later than 20 days after the close of the record, file with the court a report containing a recommendation with respect to the entry of an order of support. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order substantially in the form set forth in Rule 1910.27(e) stating:

- (1) the amount of support calculated in accordance with the guidelines;
- (2) by and for whom it shall be paid; and
- (3) the effective date of the order.

(e) The court, without hearing the parties, shall enter an interim order consistent with the proposed order of the hearing officer. Each party shall be provided, either in person at the time of the hearing or by mail, with a copy of the interim order and written notice that any party may, within twenty days after the date of receipt or the date of mailing of the order, whichever occurs first, file with the domestic relations section written exceptions to the report of the hearing officer and interim order.

Official Note: Objections to the entry of an interim order consistent with the proposed order may be addressed pursuant to Rule 1910.26.

(f) Within twenty days after the date of receipt or the date of mailing of the report by the hearing officer, whichever occurs first, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of facts, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within twenty days of the date of service of the original exceptions.

(g) If no exceptions are filed within the twenty-day period, the interim order shall constitute a final order.

(h) If exceptions are filed, the interim order shall continue in effect. The court shall hear argument on the exceptions and enter an appropriate final order substantially in the form set forth in Rule 1910.27(e) within sixty days from the date of the filing of exceptions to the interim order. No motion for post-trial relief may be filed to the final order.

Explanatory Comment—1995

Language is added to subdivision (b) to acknowledge that the conference and hearing can be held on the same day, and to provide for the immediate entry of an interim order in judicial districts where the hearing occurs at a later date. New subdivision (b)(2) permits entry of a guideline order after a conference which the defendant, though properly served, fails to attend. New subdivision (c)(2) is intended to prevent delays in the hearing of complex cases by requiring that requests for separate listing be made at least seven days in advance where the conference and hearing are scheduled on the same day.

In addition, the phrase “record hearing” in subdivision (a) replaces the reference to a “steno-graphic record” in recognition of the variety of means available to create a reliable record of support proceedings.

Amended subdivision (e) allows an interim order to be entered and served on the parties at the conclusion of the hearing, rather than after the expiration of the exceptions period as was true under the old rule. In addition, the amended subdivision requires that the interim order include language advising the parties of their right to file exceptions within ten days of the date of the order.

Support payments are due and owing under the interim order which continues in effect until the court enters a final order after considering the parties’ exceptions. Therefore, extension of the deadline for entering the final order by fifteen days does not prejudice the persons dependent upon payment of the support.

Explanatory Comment—2006

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

Source

The provisions of this Rule 1910.12 adopted April 23, 1981, effective July 22, 1981, 11 Pa.B. 1625; amended October 19, 1983, effective January 1, 1984, 13 Pa.B. 3629; amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended September 29, 1989, effective October 15, 1989, 19 Pa.B. 4451; corrected October 27, 1989, effective October 15, 1989, 19 Pa.B. 4603; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; amended September 28, 1995, effective January 1, 1996, 25 Pa.B. 4095; amended May 5, 1997, effective July 1, 1997, 27 Pa.B. 2532; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended August 8, 2006, effective immediately, 36 Pa.B. 4709; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended December 23, 2011, effective January 31, 2012, 42 Pa.B. 379, 545; amended July 2, 2014, effective in 30 days on August 1, 2014, 44 Pa.B. 4476; amended March 4, 2015, effective in 30 days on April 3, 2015, 45 Pa.B. 1354; amended October 19, 2021, effective January 1, 2022, 51 Pa.B. 6764. Immediately preceding text appears at serial pages (395601) to (395602) and (390091).

Rule 1910.13. [Rescinded].

Source

The provisions of this Rule 1910.13 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; rescinded March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949. Immediately preceding text appears at serial page (177461).

Rule 1910.13-1. Failure or Refusal to Appear Pursuant to Order of Court. Bench Warrant.

(a) If a party fails to appear at a conference and/or hearing as directed by order of court, the court may issue a bench warrant for the arrest of the party if it finds

- (1) following a hearing on the record that the party had actual notice that the party was ordered to attend the conference and/or hearing, or
- (2) upon the affidavit of a hearing officer or conference officer that

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(i) the order of court scheduling the conference and/or hearing was served by ordinary mail with the return address of the domestic relations section appearing thereon, that the mail was not returned to the domestic relations section within fifteen days after mailing, and that, at a date after the order of court was mailed, the domestic relations section has verified through the U.S. Postal Service or by electronic means that mail for the party was being delivered at the address to which the court order was mailed; or

(ii) the party signed a receipt indicating acceptance of a copy of the court order; or

(iii) an employee of the court handed a copy of the order to the party; or

(iv) a competent adult handed a copy of the court order to the party, and filed an affidavit of service.

Official Note: See Rule 76 for the definition of “competent adult.”

The support statute, at 23 Pa.C.S.A. § 4353(a), requires parties to a support proceeding to notify the domestic relations section within seven days of a change of personal address. Pursuant to 23 Pa.C.S.A. § 4353(a.1), the court may deem due process service requirements to have been met upon delivery of written notice to the most recent address the party filed with the domestic relations section.

(b) The request for a bench warrant shall be made by the domestic relations office within sixty days following the party’s failure to appear. The request shall be in the form provided by Rule 1910.13-2(b), and shall include the hearing officer or conference officer’s certification that the party has not appeared for any domestic relations matter involving the same parties since the date the party failed to appear.

(c) Upon appearance in court by a party on the matter underlying the bench warrant, the bench warrant shall be vacated forthwith and the notice shall be given to all computer networks into which the bench warrant has been entered.

(d) When a bench warrant is executed, the case is to proceed in accordance with the following procedures.

(1) When an individual is arrested pursuant to a bench warrant, he or she shall be taken without unnecessary delay for a hearing on the bench warrant. The hearing shall be conducted by the judicial officer who issued the bench warrant, or, another judicial officer designated by the president judge or by the president judge’s designee to conduct bench warrant hearings. As used in this rule, “judicial officer” is limited to the common pleas court judge who issued the bench warrant, or common pleas court judge designated by the president judge or by the president judge’s designee to conduct bench warrant hearings.

(2) In the discretion of the judicial officer, the bench warrant hearing may be conducted using two-way simultaneous audio-visual communication.

(3) When the individual is arrested in the county of issuance, and the bench warrant hearing cannot be conducted promptly after the arrest, the individual shall be lodged in the county jail pending the hearing. The authority in charge

of the county jail promptly shall notify the sheriff's office and the director of the domestic relations section that the individual is being held pursuant to the bench warrant.

(4) When the individual is arrested outside the county of issuance, the authority in charge of the county jail in the arresting county promptly shall notify the proper authorities in the county of issuance that the individual is being held pursuant to the bench warrant.

(5) The bench warrant hearing shall be conducted without unnecessary delay after the individual is lodged in the jail of the county of issuance of that bench warrant. The individual shall not be detained without a hearing on the bench warrant longer than 72 hours, or the close of the next business day if the 72 hours expires on a non-business day.

(6) At the conclusion of the bench warrant hearing following the disposition of the matter, the judicial officer immediately shall vacate the bench warrant.

(7) If a bench warrant hearing is not held within the time limits in paragraph (d)(5), the bench warrant shall expire by operation of law.

Explanatory Comment—1994

In 1988, Section 4342 of the Domestic Relations Code, 23 Pa.C.S. § 4342, was amended to require establishment of procedures for expedited contempt in support. Those procedures are set forth in new Rules 1910.13-1, 1910.13-2, and 1910.21-1 through 1910.21-7.

Former Rule 1910.13 provided for the issuance of a bench warrant for failure of a person to obey a court order other than an order for support. It is replaced with new Rule 1910.13-1 which sets forth detailed procedures for the issuance of a bench warrant, and new Rule 1910.13-2 which provides the associated forms. The new rules apply only to a party who fails to appear at a support conference or hearing as directed by an order of court.

An individual arrested pursuant to a bench warrant can be incarcerated for a period not to exceed seventy-two hours prior to hearing as set forth in new Rule 1910.13-1(d). Under the old rules, if the court was unavailable at the time of arrest, the individual could not be held. Therefore, law enforcement officials were unable to execute bench warrants in the evenings or on weekends, when their efforts were most likely to be successful. By limiting the possible period of incarceration to seventy-two hours, new Rule 1910.13-1(d) balances the need to bring parties before the court with the desire to avoid lengthy pre-hearing detention. Bail can be set by the court where appropriate, providing additional protection for the respondent.

Explanatory Comment—1999

The rules of civil procedure governing service of original process and other legal papers have used the term "competent adult." In certain circumstances, the term has been used with the restrictive language "who is not a party to the action."

The Supreme Court of Pennsylvania has amended Definition Rule 76 by adding the following definition: "'competent adult' means an individual eighteen years of age or older who is neither a party to the action nor an employee or a relative of a party." In view of this new definition, the rules of civil procedure which used the term "competent adult who is not a party to the action" have been amended by deleting as unnecessary the restrictive language "who is not a party to the action." These rules using the term "competent adult" will be governed by the new definition. The rules which used

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the term “competent adult” without the restrictive language have been amended by deleting the word “competent,” thus continuing to permit service by an adult without further restriction.

Explanatory Comment—2006

Beginning in 2006, bench warrants issued for failure to obey a court order to appear in a support matter will be available through the Judicial Network (“JNET”) system. JNET expands the capacity of law enforcement officers throughout the commonwealth to be informed of outstanding bench warrants issued by both the criminal and civil courts. The Supreme Court of Pennsylvania has promulgated new Pa.R.Crim.P. 150, effective August 1, 2006, which sets forth the procedure related to criminal bench warrants. The amendments to Rules 1910.13-1 and 1910.13-2 track the new criminal procedural rule so that bench warrant procedures will be uniform throughout the commonwealth. For additional information see the Criminal Procedural Rules Committee’s Final Report explaining new Pa.R.Crim.P. 150, published with the promulgation order at 36 Pa.B. 184 (January 14, 2006).

Source

The provisions of this Rule 1910.13-1 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7110; amended July 30, 2010, effective immediately, 40 Pa.B. 4634. Immediately preceding text appears at serial pages (324680) to (324682)

Rule 1910.13-2. Form of Request for Bench Warrant and Supporting Affidavit. Form of Bench Warrant.

(a) Request for a bench warrant pursuant to Rule 1910.13-1 shall be in substantially the following form and shall be attached to the Bench Warrant form set forth in subdivision (b) of this rule:

[CAPTION]

REQUEST FOR BENCH WARRANT AND
SUPPORTING AFFIDAVIT

1. _____ did not appear for a conference and/or hearing in the Court of Common Pleas of _____ County on the ____ day of _____, 20____, which was scheduled by an order of court compelling this person’s appearance, a copy of which is attached to this request.

2. The party received the order of court scheduling the conference and/or hearing in the following manner:

(a) The order of court (i) was served upon the party by ordinary mail with the return address of the court thereon; (ii) the mail was not returned to the court within fifteen (15) days after mailing; and (iii) at a date after the order of court was mailed, the United States Postal Service has verified that mail for the party was being delivered at the address to which the court order was mailed.

(b) The party signed a receipt indicating acceptance of the court order.

(c) An employee of the court handed a copy of the court order to the party. The employee’s affidavit of service is attached.

(d) A competent adult handed a copy of the court order to the party. The adult’s affidavit of service is attached.

3. This request for Bench Warrant is made within sixty days following the party’s failure to appear for the conference and/or hearing; and

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I have reviewed the records of the Court and the Domestic Relations Office concerning this case, and attest that the party has not appeared for any domestic relations matter involving the same parties since the date upon which the party failed to appear in violation of the attached order of court.

4. In my capacity as hearing officer or conference officer, I request that the attached Bench Warrant be issued against the party named on account of the party's failure to appear for a scheduled conference and/or hearing in violation of an order of court.

The records of the Domestic Relations Section show that:

the party owes support arrearages in the amount of \$ _____ .

the party has failed to appear for _____ hearings relating to this case.

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: _____

NAME/OFFICIAL TITLE

(b) The Bench Warrant entered by a court pursuant to Rule 1910.13-1 shall be in substantially the following form, and shall be attached to the Request for Bench Warrant form set forth in subdivision (a) of this rule:

[CAPTION]

BENCH WARRANT

AND NOW, this _____ day of _____, 20 __, the Sheriff of _____ County, or any constable, or police officer, or other law enforcement officer is hereby ordered to take _____, residing at _____, into custody for appearance before this Court.

This bench warrant is issued because it appears that the (plaintiff) (defendant) has failed to appear, after notice, before the court for a scheduled conference and/or hearing.

We command you, the arresting officer, forthwith to convey and deliver the party into the custody of the Court of Common Pleas of _____ County, at

_____, _____,
(address) (city)

Pennsylvania, for a hearing.

DESCRIPTIVE INFORMATION

Social Security # _____ Sex _____

D.O.B. _____ Age _____ Height _____

Weight _____ Race _____ Eyes _____

Hair _____

Distinguishing features (scars, tattoos, facial hair, disability, etc.) _____

Alias _____

Telephone # _____

You are further commanded that if the court is unavailable, the party may be held in the County Jail until the court is opened for business, at which time the party shall be promptly conveyed and delivered into the custody of the court at

_____, _____,
(address) (city)
Pennsylvania, for hearing.

The authority in charge of the county jail shall notify the sheriff’s office and the director of the domestic relations section forthwith that the party is being held pursuant to the bench warrant.

Under no circumstances may the party be held in the county jail of the county that issued this bench warrant for more than 72 hours or the close of the next business day if the 72 hours expires on a non-business day. See Pa.R.Crim.P 150(A)(5).

Bail in this matter shall be set as follows:

- No bail.
- Bail to be set in the amount of _____.

Official Note: Standards for setting bail are set forth in Rule of Criminal Procedure 525.

BY THE COURT: _____
JUDGE

Explanatory Comment—2005

Act 207-2004 amended numerous titles of the Pennsylvania Consolidated Statutes changing the title of “district justice” to “magisterial district judge.” The amendments to Rule 1910.13-2 reflect the change in title.

Source

The provisions of this Rule 1910.13-2 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended May 9, 2005, effective immediately, 35 Pa.B. 2994; amended November 6, 2006, effective February 6, 2007, 36 Pa.B. 7110. Immediately preceding text appears at serial pages (311801) to (311803).

Rule 1910.14. Defendant Leaving Jurisdiction. Security.

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

Rule 1910.15. Paternity.

(a) *Acknowledgment of Paternity.* If the action seeks support for a child born out of wedlock and the alleged father is named as defendant, the defendant may acknowledge paternity in a verified writing. The conference officer shall advise the parties that pursuant to Section 5103(d) of Title 23 of the Pennsylvania Consolidated Statutes an acknowledgment constitutes conclusive evidence of defendant’s paternity without further judicial ratification in any action to establish support. Upon defendant’s execution of the written acknowledgment, the action shall proceed as in other actions for support.

(b) *Genetic Testing.* If the defendant appears but does not execute an acknowledgment of paternity at the conference:

(1) The court shall enter an order directing the parties to appear for genetic testing. The order must advise the defendant that his failure to appear for the testing will result in entry of an order finding that he is the father of the child. The order must also advise the plaintiff that her failure to appear for testing may result in sanctions, including entry of an order dismissing the paternity action without prejudice.

(2) The conference officer shall advise and provide written notice to the parties that they may enter into a written stipulation whereby both agree to submit to genetic testing for the purpose of resolving finally the issue of paternity. If the test results indicate a 99% or higher probability of paternity, the defendant shall be stipulated to be the biological father of the child and the case referred for a child support conference. If the test results indicate an exclusion, the action shall be dismissed. The written stipulation constitutes a waiver of the right to a hearing on the genetic testing or trial on the issue of paternity.

(3) The conference officer shall advise and provide written notice to the parties that if they do not enter into a written stipulation and the test results do not indicate an exclusion, there will be a hearing regarding genetic testing or trial before a judge without a jury on the issue of paternity in accordance with the procedures set forth in subdivision (d) of this Rule.

(c) *Estoppel and Presumption of Paternity.* If either party or the court raises the issue of estoppel or the issue of whether the presumption of paternity is applicable, the court shall dispose promptly of the issue and may stay the order for genetic testing until the issue is resolved.

(d) *Post-Testing Procedures.*

(1) The results of the genetic tests shall be provided in writing to counsel for the parties or, if unrepresented, to the parties themselves.

(2) If the results of the genetic tests resolve the issue of paternity pursuant to the stipulation of the parties, a paternity order shall be entered and served on the parties. If the defendant is excluded, the action shall be dismissed. If the defendant is stipulated to be the biological father, the action shall proceed as in other actions for support.

(3) If the results of the genetic tests do not resolve the issue of paternity pursuant to the stipulation of the parties, but the test results indicate a 99% or more probability of paternity, the court shall issue a rule against the defendant to show cause why an order should not be entered finding him to be the father. The rule shall advise the defendant that pursuant to 23 Pa.C.S. § 4343 his defense is limited to a showing by clear and convincing evidence that the results of the genetic tests are not reliable. The rule shall direct that an answer be filed within 20 days after service of the rule on the defendant. The answer shall state the material facts which constitute this defense. Any allegation of fact which does not appear of record must be verified.

If an answer is not timely filed, the court shall enter an order finding paternity and refer the action to conference and hearing as in other actions for support. If an answer is filed raising a disputed issue of material fact relating to the reliability of the genetic testing, the case shall be listed promptly for expedited hearing before a judge. The burden of proof at the hearing is on the defendant and is limited to proof by clear and convincing evidence that the results of the genetic tests are not reliable.

(4) If the results of the genetic tests do not resolve the issue of paternity and the test results indicate less than a 99% probability of paternity, the case shall be promptly listed for expedited trial before a judge.

(5) If, after a hearing or trial, the decision is for the defendant on the issue of paternity, a final order shall be entered by the court dismissing the action as to the child. If the decision is against the defendant on the issue of paternity, an interlocutory order shall be entered by the court finding paternity. The court may enter an interim order for child support at that time and shall refer the action to conference and hearing as in other actions for support.

(e) *Failure to Appear.* If defendant fails to appear as ordered for a conference, hearing or trial, or for genetic tests, the court shall, upon proof of service on the defendant, enter an order establishing paternity. The court may also enter an interim order for child support at that time and shall refer the action to conference and hearing as in other actions for support.

(f) *Appeal of Paternity Order.* An order establishing paternity is not an appealable order. The issue of paternity may be included in an appeal from the final order of child support.

Source

The provisions of this Rule 1910.15 adopted April 23, 1981, effective July 22, 1981, 11 Pa.B. 1625; amended October 19, 1983, effective January 1, 1984, 13 Pa.B. 3629; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1941 and 1953; amended March 24, 1997, effective July 1, 1997, 27 Pa.B. 1549; amended May 21, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (256279) to (256280).

Rule 1910.16. [Rescinded].**Source**

The provisions of this Rule 1910.16 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended September 29, 1989, effective October 1, 1989, 19 Pa.B. 4450; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1941; amended July 30, 2018, effective January 1, 2019, 48 Pa.B. 4960; rescinded December 28, 2018, effective January 1, 2019, 49 Pa.B. 170. Immediately preceding text appears at serial pages (394375) to (394376).

Rule 1910.16-1. Support Obligation. Support Guidelines.**(a) Applicability of the Support Guidelines.**

(1) Except as provided in subdivision (a)(3), the support guidelines determine a spouse's or parent's support obligation based on the parties' combined monthly net income, as defined in Pa.R.C.P. No. 1910.16-2, and the number of persons being supported.

(2) If a person caring for or having custody of a minor child, who does not have a duty of support to the minor child, initiates a child support action as provided in Pa.R.C.P. No. 1910.3:

(i) the complaint shall name the parents as defendants;

(ii) in determining the basic child support obligation, the monthly net income for the individual initiating the action shall not be considered in the support calculation by the trier-of-fact;

(iii) the parents' monthly net incomes shall be combined to determine the basic child support obligation, which shall be apportioned based on the parents' respective monthly net incomes consistent with Pa.R.C.P. No. 1910.16-4. The parents shall pay the obligee their proportionate share of the basic child support obligation as a separate obligor; and

(iv) as with other support actions, the trier-of-fact may adjust or deviate the basic child support, spousal support, or alimony *pendente lite* obligation consistent with the support guidelines based on the evidence presented by the parties.

Example 1. The parents have one child, who is in the custody of the maternal grandmother. Maternal grandmother initiates a support action against the parents. Mother's monthly net income is \$3,000 and Father's monthly net income is \$2,000 for a combined monthly net income of \$5,000. For purposes of the child support calculation, maternal grandmother's income is irrelevant and not part of the calculation. The basic child support obligation for one child at a combined monthly net income of \$5,000 is \$993 per month. Mother's percentage share of the combined monthly net income is 60% (\$3,000/\$5,000) and Father's percentage share of the combined monthly net income is 40% (\$2,000/\$5,000). Mother's preliminary monthly share of the child support obligation is \$596 (\$993 × 60%) and Father's preliminary monthly share of the child support obligation is \$397 (\$993 × 40%). Maternal grandmother is the obligee with Mother and Father as separate obligors owing \$596 and \$397, respectively, to the maternal grandmother.

(3) In an action in which the plaintiff is a public body or private agency pursuant to Pa.R.C.P. No. 1910.3, the basic child support obligation shall be

calculated under the guidelines based upon the parent's monthly net income with the public or private entity's monthly net income as zero. In such cases, each parent shall be treated as a separate obligor, and the parent's obligation will be based upon the parent's monthly net income without regard to the other parent's monthly net income.

- (i) The basic child support obligation owed to a child not in placement shall be deducted from each parent's monthly net income before calculating support for the child in placement, including the direct support the support guidelines assume the custodial parent will provide.

Example 2. The parents have three children and do not live in the same household. Mother has primary custody of two children and monthly net income of \$2,500 per month. Father's monthly net income is \$4,000. The parties' third child is in foster care placement. Pursuant to the schedule in Pa.R.C.P. No. 1910.16-3, the basic child support obligation for the two children with Mother is \$1,733. As Father's income is 62% of the parties' combined monthly net income, Father's basic child support obligation to Mother is \$1,074 per month. The guidelines assume that Mother will provide \$659 per month in direct expenditures to the two children. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor's monthly net income will be \$2,926 for purposes of this calculation (\$4,000 less \$1,074 in support for the children with Mother). As the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the basic child support obligation for one child at the \$2,926 income level, or \$674 per month. Mother/obligor's net income will be \$1,841 for purposes of this calculation (\$2,500 less \$659 in direct support to the children in Mother's custody). Mother's support obligation will be 100% of the basic child support obligation for one child at that income level, or \$423 per month.

Example 3. The parents have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as in Example 2, Father's monthly net income for determining his obligation to the children in placement would be \$3,500 (\$4,000 less \$500 support for two children of prior marriage). Father's obligation to the agency would be \$1,205 per month (100% of the basic child support obligation for two children at the \$3,500 per month income level). Mother's monthly net income would not be diminished as she owes no other child support. Mother would owe \$877 for the children in placement (100% of the basic child support obligation for two children at the \$2,500 income level).

- (ii) If the parents reside in the same household, each parent's respective basic child support obligation to a child that remains in the household and is not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and the calculated basic child

support obligation shall be deducted from the parents' monthly net incomes for purposes of calculating support for a child in placement.

Example 4. The parents have four children, two of whom are in placement. Mother's monthly net income is \$4,000 and Father's is \$3,000. The basic child support obligation for the two children in the home is \$1,841, according to the schedule in Pa.R.C.P. No. 1910.16-3. As Mother's monthly net income is 57% of the parties' combined monthly net income, her share would be \$1,049, and Father's 43% share would be \$792. Mother's monthly net income for purposes of calculating support for the two children in placement would be \$2,951 (\$4,000 less \$1,049). She would pay 100% of the basic child support obligation at that income level, or \$1,026, for the children in placement. Father's monthly net income would be \$2,208 (\$3,000 less \$792), and his obligation to the children in placement would be \$772.

(iii) If the basic child support obligation exceeds the placement's cost, the trier-of-fact shall:

(A) deviate the basic child support obligation downward; and

(B) apply the parent's percentage of the combined monthly net income to the reduced basic child support obligation.

(4) The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting the party's other expenditures.

(b) *Support Obligation.* The support obligation (child support, spousal support, or alimony *pendente lite*) awarded pursuant to the Pa.R.C.P. Nos. 1910.11 and 1910.12 procedures shall be determined in accordance with the support guidelines, which consist of the guidelines expressed as the basic child support schedule in Pa.R.C.P. No. 1910.16-3, the Pa.R.C.P. No. 1910.16-4 formulas, and the operation of the support guidelines as set forth in these rules.

(c) *Spousal Support and Alimony Pendente Lite.*

(1) Spousal support and alimony *pendente lite* orders shall not be in effect simultaneously.

(2) In determining a spousal support or alimony *pendente lite* obligation's duration, the trier-of-fact shall consider the marriage's duration, *i.e.*, the date of marriage to the date of final separation.

(d) *Rebuttable Presumption.* If the trier-of-fact determines that a party has a duty to pay support, there is a rebuttable presumption that the guideline-calculated support obligation is the correct support obligation.

(1) The presumption is rebutted if the trier-of-fact concludes in a written finding or states on the record that the guideline support obligation is unjust or inappropriate.

(2) The trier-of-fact shall consider the child's and parties' special needs and obligations, and apply the Pa.R.C.P. No. 1910.16-5 deviation factors, as appropriate.

(e) *Support Guidelines Review.* The support guidelines shall be reviewed at least every four years to ensure that their application determines the appropriate support obligation.

Explanatory Comment—2010

Introduction. Pennsylvania law requires that child and spousal support be awarded pursuant to a statewide guideline. 23 Pa.C.S. § 4322(a). That statute further provides that the guideline shall be “established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly.” Id.

Pursuant to federal law, The Family Support Act of 1988 (P. L. 100-485, 102 Stat. 2343 (1988)), all states are required to have statewide child support guidelines. Federal regulations, 45 CFR 302.56, further require that the guidelines be reviewed at least once every four years and that such reviews include an assessment of the most recent economic data on child-rearing costs and a review of data from case files to assure that deviations from the guidelines are limited. The Pennsylvania statute also requires a review of the support guidelines every four years. 23 Pa.C.S.A. § 4322(a).

The Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania began the mandated review process in early 2007. The committee was assisted in its work by Jane Venohr, Ph.D., an economist with the Center for Policy Research, under contract between the Pennsylvania Department of Public Welfare and Policy Studies, Inc. As a result of the review, the committee recommended to the Supreme Court several amendments to the statewide guidelines.

A. *Income Shares Model.* Pennsylvania’s child support guidelines are based upon the Income Shares Model. That model was developed under the Child Support Guidelines Project funded by the U.S. Office of Child Support Enforcement and administered by the National Center for State Courts. The Guidelines Project Advisory Group recommended the Income Shares Model for state guidelines. At present, 37 states use the Income Shares Model as a basis for their child support guidelines.

The Income Shares Model is based upon the concept that the child of separated, divorced or never-married parents should receive the same proportion of parental income that she or he would have received if the parents lived together. A number of authoritative economic studies provide estimates of the average amount of household expenditures for children in intact households. These studies show that the proportion of household spending devoted to children is directly related to the level of household income and to the number of the children. The basic support amounts reflected in the schedule in Rule 1910.16-3 represent average marginal expenditures on children for food, housing, transportation, clothing and other miscellaneous items that are needed by children and provided by their parents, including the first \$250 of unreimbursed medical expenses incurred annually per child.

1. *Economic Measures.* The support schedule in Rule 1910.16-3 is based upon child-rearing expenditures measured by David M. Betson, Ph.D., Professor of Economics, University of Notre Dame. Dr. Betson’s measurements were developed for the U.S. Department of Health and Human Services for the explicit purpose of assisting states with the development and revision of child support guidelines. Dr. Betson’s research also was used in developing the prior schedule, effective in January 2006. Dr. Betson updates his estimates using data from the Consumer Expenditure Survey conducted by the U.S. Bureau of Labor Statistics. In the current schedule, those figures were converted to 2008 price levels using the Consumer Price Index.

2. *Source of Data.* The estimates used to develop the schedule are based upon national data. The specific sources of the data are the periodic Consumer Expenditure Surveys. Those national surveys are used because they are the most detailed available source of data on household expenditures. The depth and quality of this information is simply not available at the state level and would be prohibitively costly to gather.

The U. S. Department of Agriculture’s Center for Nutrition Policy and Promotion (“CNPP”) also develops economic estimates for the major categories of child-rearing expenditures. Although the committee reviewed these estimates, it is aware of only one state that relies upon the CNPP estimates as a basis for its child support schedule, and even that state makes certain adjustments.

B. *Statutory Considerations.* The Pennsylvania statute, 23 Pa.C.S.A. § 4322(a), provides:

Child and spousal support shall be awarded pursuant to a Statewide guideline as established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly. The guideline shall be based upon the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support. In determining the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support, the guideline shall place primary emphasis on the net incomes and earning capacities of the parties, with allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention. The guideline so developed shall be reviewed at least once every four years.

1. *Reasonable Needs and Reasonable Ability to Provide Support.* The guidelines make financial support of a child a primary obligation and assume that parties with similar net incomes will have similar reasonable and necessary expenses. After the basic needs of the parents have been met, the child's needs shall receive priority. The guidelines assume that if the obligor's net income is at the poverty level, he or she is barely able to provide for his or her own basic needs. In those cases, therefore, the entry of a minimal order may be appropriate after considering the party's living expenses. In some cases, it may not be appropriate to enter a support order at all. In most cases, however, a party's living expenses are not relevant in determining his or her support obligation. Rather, as the statute requires, the obligation is based upon the reasonable needs of a dependent spouse or child and the reasonable ability of the obligor to pay.

2. *Net Income.* The guidelines use the net incomes of the parties. Each parent is required to contribute a share of the child's reasonable needs in proportion to that parent's share of the combined net income. The custodial parent makes these contributions through direct expenditures for food, shelter, clothing, transportation and other reasonable needs. The non-custodial parent makes contributions through periodic support payments to the custodial parent. Rule 1910.16-2(d) has been amended to clarify the provisions relating to income and earning capacity.

3. *Allowable Deviations.* The guidelines are designed to treat similarly situated parents, spouses and children in the same manner. However, when there are unavoidable differences, deviations must be made from the guidelines. Failure to deviate from these guidelines by considering a party's actual expenditures where there are special needs and special circumstances constitutes a misapplication of the guidelines.

C. *Child Support Schedule.* The child support schedule in Rule 1910.16-3 has been amended to reflect updated economic data, as required by federal and state law, to ensure that children continue to receive adequate levels of support. The support amounts in the schedule have been expanded to apply to a combined net monthly income of \$30,000 and remain statistically valid. The economic data support the revised schedule.

D. *Self-Support Reserve ("SSR").* The amended schedule also incorporates an increase in the "Self-Support Reserve" or "SSR" from \$748 per month to \$867 per month, the 2008 federal poverty level for one person. Formerly designated as the "Computed Allowance Minimum" or "CAM," the Self-Support Reserve, as it is termed in most other states' guidelines, is intended to assure that low-income obligors retain sufficient income to meet their own basic needs, as well as to maintain the incentive to continue employment. The SSR is built into the schedule in Rule 1910.16-3 and adjusts the basic support obligation to prevent the obligor's net income from falling below \$867 per month. Because the schedule in Rule 1910.16-3 applies to child support only, Rule 1910.16-2(e)(1)(B) provides for a similar adjustment in spousal support and alimony pendente lite cases to assure that the obligor retains a minimum of \$867 per month.

E. *Shared Custody.* In creating the new schedule, the amounts of basic child support were first increased to reflect updated economic data, including 2008 price levels. Next, the amounts of basic child support were adjusted to incorporate into the schedule the assumption that the children spend

30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. That does not mean that the entire schedule was reduced by 30%. Only those variable expenditures, such as food and entertainment, that fluctuate based upon parenting time were adjusted.

The calculation in Rule 1910.16-4(c) reduces an obligor's support obligation further if the obligor spends significantly more time with the children. The revised schedule assumes that the obligor has 30% parenting time. The obligor will receive an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method may still result in a support obligation even if custody of the children is equally shared. In those cases, the rule provides for a maximum obligation which may reduce the obligation so that the obligee does not receive a larger portion of the parties' combined income than the obligor.

F. *Child Care Expenses.* Rule 1910.16-6(a) was amended in 2006 to provide that child care expenses incurred by both parties shall be apportioned between the parties in recognition of the fact that a non-custodial parent also may incur such expenses during his or her custodial periods with the children.

G. *Spousal Support and Alimony Pendente Lite.* Subdivision (c) has been amended to require the court to consider the duration of the marriage in determining the duration of a spousal support or alimony pendente lite award. The language was moved from Rule 1910.16-5 which deals with deviation. The primary purpose of this provision is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

H. *Other Amendments.* All of the examples in the guidelines have been updated to reflect the changes to the basic child support schedule. Prior explanatory comments have been deleted or revised and incorporated into new comments.

Explanatory Comment—2013

The schedule of basic child support has been updated to reflect newer economic data. The schedule was prepared by Jane Venohr, Ph.D., the economist who assisted in the last guideline review using the same methodology. It includes an increase in the Self-Support Reserve to \$931 per month, the 2012 federal poverty level for one person.

Explanatory Comment—2017

Pursuant to Pa.R.C.P. No. 1910.3(a), a person having custody of a child or caring for a child may initiate a support action against the child's parent(s). Previously, this rule only addressed when a public body or private agency had custody of a child but was silent with regard to an individual third party, e.g., grandparent, seeking support. The rule has been amended by adding a new subdivision (a)(2) and renumbering the previous (a)(2) to (a)(3). In addition, an example illustrating the new (a)(2) calculation has been included.

Subdivision (a)(2) excludes the income of the third party/obligee, as that person does not have a duty of support to the child; instead, the rule uses the combined monthly net income of the parents to determine the basic child support amount, which is then apportioned between the parents consistent with their respective percentage of the combined monthly net income in the same manner as a parent vs. parent support action. However, under this rule, each parent would be a separate obligor, would pay the obligee their proportionate share under a separate support order, and would be subject to separate enforcement proceedings. Under (a)(2), the exclusion of the third party's income is consistent with Pa.R.C.P. No. 1910.16-2(b)(2)(ii) as that rule relates to an action for support by a third party against a surviving parent in which the child receives a Social Security derivative benefit due to the death of the other parent.

In accordance with Pa.R.C.P. No. 1910.16-6(c), payment of the first \$250 of unreimbursed medical expenses per year per child is applicable to third party/obligees in support actions governed by (a)(2). The first \$250 of unreimbursed medical expenses is built into the Basic Child Support Schedule.

Source

The provisions of this Rule 1910.16-1 adopted September 6, 1989, effective September 30, 1989, 19 Pa.B. 4151; amended January 27, 1993, effective immediately, 23 Pa.B. 701; amended December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended October 27, 2000; effective immediately, 30 Pa.B. 5837; amended August 20, 2003, effective immediately, 33 Pa.B. 4435; amended September 27, 2005, effective 4 months from date of this order, 35 Pa.B. 5643; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123; amended August 3, 2017, effective October 1, 2017, 47 Pa.B. 4813; amended December 28, 2018, effective January 1, 2019, 49 Pa.B. 170; amended August 17, 2021, effective January 1, 2022, 51 Pa.B. 5539. Immediately preceding text appears at serial pages (395604) to (395610).

Rule 1910.16-2. Support Guidelines. Calculation of Monthly Net Income.

Generally, the basic child support, spousal support, or alimony *pendente lite* obligation is based on the parties' monthly net incomes.

(a) *Monthly Gross Income.* Monthly gross income is ordinarily based on at least a six-month average of a party's income. The support law, 23 Pa.C.S. § 4302, defines the term "income" and includes income from any source. The statute lists many types of income including, but not limited to:

- (1) wages, salaries, bonuses, fees, and commissions;
- (2) net income from business or dealings in property;
- (3) interest, rents, royalties, and dividends;
- (4) pensions and all forms of retirement;
- (5) income from an interest in an estate or trust;
- (6) Social Security disability benefits, Social Security retirement benefits, temporary and permanent disability benefits, workers' compensation, and unemployment compensation;
- (7) alimony if, in the trier-of-fact's discretion, inclusion of part or all of it is appropriate; and

Official Note: In determining the appropriateness of including alimony in gross income, the trier-of-fact shall consider whether the party receiving the alimony must include the amount received as gross income when filing federal income taxes. If the alimony is not includable in the party's gross income for federal income tax purposes, the trier-of-fact may include in the party's monthly net income the alimony received, as appropriate. *See* Pa.R.C.P. No. 1910.16-2(c)(2)(ii).

Since the reasons for ordering payment of alimony vary, the appropriateness of including it in the recipient's gross income must also vary. For example, if the obligor is paying \$1,000 per month in alimony for the express purpose of financing the obligee's college education, it would be inappropriate to consider that alimony as income from which the obligee could provide child support. However, if alimony is intended to finance the obligee's general living expenses, inclusion of the alimony as income is appropriate.

- (8) other entitlements to money or lump sum awards, without regard to source, including:
 - (i) lottery winnings;
 - (ii) income tax refunds;
 - (iii) insurance compensation or settlements;
 - (iv) awards and verdicts; and
 - (v) payments due to and collectible by an individual regardless of source.

Official Note: The trier-of-fact determines the most appropriate method for imputing lump-sum awards as income for purposes of establishing or modifying the party's support obligation.

These awards may be annualized or averaged over a shorter or longer period depending on the case's circumstances. The trier-of-fact may require all or part of the lump sum award escrowed to secure the support obligation during that period.

The trier-of-fact shall not include income tax refunds in a party's income, if the trier-of-fact factored in the tax refund when calculating the party's actual tax obligation and monthly net income.

(b) *Treatment of Public Assistance, SSI Benefits, Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement and Foster Care Payments.*

(1) *Public Assistance and SSI Benefits.* Neither public assistance nor Supplemental Security Income (SSI) benefits shall be included as income for determining support.

(2) *Child's Social Security Derivative Benefits.*

(i) If a child is receiving Social Security derivative benefits due to a parent's retirement or disability:

(A) The trier-of-fact shall determine the basic child support obligation as follows:

(I) add the child's benefit to the monthly net income of the party who receives the child's benefit;

(II) calculate the parties' combined monthly net income, including the child's benefit;

(III) determine the basic child support obligation set forth in the Pa.R.C.P. No. 1910.16-3 schedule; and

(IV) apportion the basic child support obligation between the parties based on the party's percentage of the combined monthly net income.

(B) If the obligee receives the child's benefit, the trier-of-fact shall deduct the child's benefit from the basic child support obligation of the party whose retirement or disability created the child's benefit.

(C) If the obligor receives the child's benefit, the trier-of-fact shall not deduct the child's benefit from the obligor's basic child support obligation, even if the obligor's retirement or disability created the child's benefit. To illustrate for the parties the impact of the obligor receiving the benefit instead of the obligee, the trier-of-fact shall provide the parties with two calculations theoretically assigning the benefit to each household.

(D) The trier-of-fact shall allocate the expenses in Pa.R.C.P. No. 1910.16-6(a)—(e) based on the parties' monthly net incomes without considering the child's benefit.

(E) In equally shared custody cases, the party with the higher monthly net income, excluding the child's benefit, is the obligor.

(ii) If a child is receiving Social Security derivative benefits due to a parent's death, the trier-of-fact shall determine the surviving parent's basic child support obligation as follows:

(A) The non-parent obligee's monthly net income shall include only those funds the obligee is receiving on the child's behalf, including the Social Security derivative benefit.

(B) If the surviving-parent obligor receives the Social Security derivative benefit, the benefit shall be added to the parent's monthly net income to calculate child support.

(3) *Foster Care Payments.* If a party to a support action is a foster parent or is receiving payments from a public or private agency for the care of a child who is not the party's biological or adoptive child, the trier-of-fact shall not include those payments in the party's monthly net income for purposes of calculating child support for the foster parent's or other caretaker's biological or adoptive child.

Example 1. The obligor has monthly net income of \$2,000. The obligee's monthly net income is \$1,500 and the obligee, as primary custodial parent of the parties' two children, receives \$700 per month in Social Security derivative benefits on behalf of the children as a result of the obligor's disability. Add the children's benefit to the obligee's income, which now is \$2,200 per month. At the parties' combined monthly net income of \$4,200, the basic child support obligation for two children is \$1,372. As the obligor's income is 48% of the parties' combined monthly net income, the obligor's preliminary share of the basic child support obligation is \$659. However, because the obligor's disability created the children's Social Security derivative benefits that the obligee is receiving, the obligor's obligation is reduced by the amount of the benefit, \$700. As the support obligation cannot be less than zero, the obligor's basic child support obligation is \$0 per month. If it were the obligee's disability that created the benefit, the obligor's basic child support obligation would remain \$659. If the obligor were receiving the children's benefit as a result of the obligor's retirement or disability, the obligor's monthly net income would include the amount of the benefit and total \$2,700, or 64% of the parties' combined monthly net income. The obligor's share of the basic child support obligation would then be \$878 and would not be reduced by the amount of the children's benefit because the obligor, not the obligee, is receiving the benefit. Therefore, the obligor's basic child support obligation is less if the obligee is receiving the benefit created by the obligor.

Example 2. Two children live with Grandmother who receives \$800 per month in Social Security death benefits for the children as a result of Father's death. Grandmother also receives \$500 per month from a trust established by Father for the benefit of the children. Grandmother is employed and earns \$2,000 net per month. Grandmother seeks support from the children's mother, who earns \$2,000 net per month. For purposes of calculating Mother's basic child support obligation, Grandmother's income will be \$1,300, the amount she receives on the children's behalf in Social Security derivative benefits and the trust income. (If Mother were receiving the benefit on the children's behalf, the benefit would be added to Mother's monthly net income and would be \$2,800. Grandmother's monthly net income would be \$500.) Therefore, Mother's and Grandmother's combined monthly net income totals \$3,300. The basic child support obligation at the \$3,300 monthly net income level

for two children is \$1,137. As Mother's monthly net income of \$2,000 is 61% of the parties' combined monthly net income of \$3,300, Mother's basic child support obligation is \$694. Since Mother's retirement or disability did not generate the child's derivative benefit, the benefit amount is not subtracted from Mother's basic child support obligation, and Mother owes Grandmother \$694. If Grandmother was not receiving the children's derivative benefits or trust income, Grandmother's monthly net income for purposes of calculating Mother's basic child support obligation would be zero, and Mother would pay 100% of the basic child support obligation because Grandmother has no duty to support the children.

Official Note: Care must be taken to distinguish Social Security from Supplemental Security Income (SSI) benefits. Social Security benefits are income pursuant to subdivision (a) of this rule.

(c) *Monthly Net Income.*

(1) Unless these rules provide otherwise, the trier-of-fact shall deduct only the following items from monthly gross income to arrive at monthly net income:

- (i) federal, state, and local income taxes;
- (ii) unemployment compensation taxes and Local Services Taxes (LST);
- (iii) F.I.C.A. payments (Social Security, Medicare and Self-Employment taxes) and non-voluntary retirement payments;
- (iv) mandatory union dues; and
- (v) alimony paid to the other party.

(2) In computing a spousal support or alimony *pendente lite* obligation, the trier-of-fact shall:

- (i) deduct from the obligor's monthly net income child support, spousal support, alimony *pendente lite*, or alimony amounts paid to children and former spouses, who are not part of this action; and
- (ii) include in a party's monthly net income alimony *pendente lite* or alimony received from a former spouse that was not included in the party's gross income, as provided in subdivision (a).

Official Note: Since the reasons for ordering payment of alimony vary, the appropriateness of including it in the recipient's monthly net income must also vary. For example, if the obligor is paying \$1,000 per month in alimony for the express purpose of financing the obligee's college education, it would be inappropriate to consider that alimony as income from which the obligee could provide child support. However, if alimony is intended to finance the obligee's general living expenses, inclusion of the alimony as income is appropriate.

(d) *Reduced Income or Fluctuating Earnings.*

(1) *Voluntary Income Reduction.* The trier-of-fact shall not downwardly adjust a party's net income if the trier-of-fact finds that:

- (i) the party's income reduction resulted from the party willfully attempting to favorably affect the party's basic support obligation; or
- (ii) the party voluntarily assumed a lower paying job, quit a job, left employment, changed occupations, changed employment status to pursue an education, or employment is terminated due to willful misconduct.

(2) *Involuntary Income Reduction. Incarceration. Earnings Fluctuations.*

(i) *Involuntary Income Reduction.* The trier-of-fact shall adjust a party's monthly net income for substantial continuing involuntary decreases in income due to an employment situation over which the party has no control, including, but not limited to, illness, lay-off, termination, or job elimination.

(ii) *Incarceration.*

(A) Except as set forth in subdivision (d)(2)(ii)(B), the trier-of-fact shall:

(I) consider an incarcerated party's income reduction as an involuntary income reduction as set forth in subdivision (d)(2)(i); and

(II) adjust the incarcerated party's monthly net income accordingly.

(B) *Exception.*

(I) A party's incarceration shall not constitute an involuntary income reduction when the incarceration is due to support enforcement purposes or a criminal offense in which the party's dependent child or the obligee was the victim; and

(II) The trier-of-fact makes a written finding that downwardly adjusting the incarcerated party's monthly net income would be unjust or inappropriate and, in a child support action, takes into consideration the child's best interest.

(iii) *Earnings Fluctuations.* The trier-of-fact shall not adjust a party's monthly net income due to normal or temporary earnings fluctuations.

(3) *Seasonal Employees.* Generally, the trier-of-fact shall base a seasonal employee's monthly net income on a yearly average.

(4) *Earning Capacity.*

(i) When a party willfully fails to obtain or maintain appropriate employment, the trier-of-fact may impute to the party an income equal to the party's earning capacity.

(A) *Earning Capacity Limitation.* The trier-of-fact:

(I) shall not impute to the party an earning capacity that exceeds the amount the party could earn from one full-time position; and

(II) shall determine a reasonable work regimen based upon the party's relevant circumstances, including the jobs available within a particular occupation, working hours and conditions, and whether a party has exerted substantial good faith efforts to find employment.

(B) The trier-of-fact shall base the party's earning capacity on the subdivision (d)(4)(ii) factors.

(C) After assessing a party's earning capacity, the trier-of-fact shall state the reasons for the assessment in writing or on the record.

(D) When the trier-of-fact imputes an earning capacity to a party who would incur childcare expenses if the party were employed, the trier-of-fact shall consider reasonable childcare responsibilities and expenses.

(ii) *Factors.* In determining a party's earning capacity, the trier-of-fact shall consider the party's:

(A) child care responsibilities and expenses;

(B) assets;

(C) residence;

(D) employment and earnings history;

- (E) job skills;
- (F) educational attainment;
- (G) literacy;
- (H) age;
- (I) health;
- (J) criminal record and other employment barriers;
- (K) record of seeking work;
- (L) local job market, including the availability of employers who are willing to hire the party;
- (M) local community prevailing earnings level; and
- (N) other relevant factors.

Official Note: See 45 C.F.R. § 302.56(c)(1)(iii) regarding earning capacity factors.

(e) *Net Income Affecting Application of the Support Guidelines.*

(1) *Low-Income Cases.*

(i) *Self-Support Reserve (SSR).*

(A) The SSR is the minimum monthly net income reserved to the obligor to meet the obligor's basic needs.

(B) The SSR amount is \$1,063 per month.

(ii) *Action for Child Support Only.* When the obligor's monthly net income and the number of children in the action intersect in the Basic Child Support Schedule's shaded area as set forth in Pa.R.C.P. No. 1910.16-3, the trier-of-fact shall determine the obligor's basic child support obligation utilizing the lesser of the two calculated amounts from the following methodologies.

(A) The initial calculation is determined by using the obligor's monthly net income only, the schedule set forth in Pa.R.C.P. No. 1910.16-3, and the number of children.

(B) The second calculation is determined by using the parties' combined monthly net income and the basic child support formula in Pa.R.C.P. No. 1910.16-4(a).

(C) If the obligor's monthly net income is at or below the SSR, the trier-of-fact may award support only after consideration of the parties' actual financial resources and living expenses.

Example 1: The parties have two children. The obligee has monthly net income of \$2,500. The obligor has monthly net income of \$1,500, which falls into the shaded area of the schedule for two children. The initial calculation is made using only the obligor's monthly net income. The basic child support obligation for two children would be \$397. The second calculation uses the parties' combined monthly net income. The parties' combined monthly net income is \$4,000. The basic child support obligation for two children is \$1,340. The obligor's proportionate share of the parties' combined monthly net income is 38% with a basic child support obligation of \$509. The obligor's basic child support obligation using only the obligor's monthly net income is less than the calculated amount using the parties' combined monthly net income. As a result, the trier-of-fact should award the lesser amount, and the obligor's basic child support obligation is \$397.

(iii) *Action for Spousal Support/Alimony Pendente Lite Only.*

(A) After calculating the spousal support or alimony *pendente lite* obligation as provided in Pa.R.C.P. No. 1910.16-4, the spousal support obligation shall not reduce the obligor's monthly net income below the SSR.

(B) If the obligor's monthly net income after subtracting the spousal support or alimony *pendente lite* obligation is less than the SSR, the trier-of-fact shall adjust the spousal support or alimony *pendente lite* obligation downward by an amount sufficient for the obligor to retain the SSR amount.

Example 2: The obligor has \$1,200 monthly net income, and the obligee has \$300 monthly net income. The formula in Pa.R.C.P. No. 1910.16-4(a)(1)(Part B) would result in a monthly spousal support obligation of \$276 ($(\$1,200 \times 33\% = \$396)$ minus $(\$300 \times 40\% = \$120)$ for a total of \$276). Since this amount leaves the obligor with only \$924 per month, the trier-of-fact should adjust the support obligation so the obligor retains at least \$1,063 per month. Therefore, the spousal support obligation is \$137 per month ($\$1,200 - \$1,063$).

(iv) *Action with Child Support and Spousal Support or Alimony Pendente Lite.*

(A) The trier-of-fact shall calculate the spousal support or alimony *pendente lite* obligation as provided in Pa.R.C.P. No. 1910.16-4.

(B) The trier-of-fact shall subtract the calculated spousal support or alimony *pendente lite* obligation from the obligor's monthly net income to determine the obligor's adjusted monthly net income.

(C) When the obligor's adjusted monthly net income and the number of children in the action intersect in the Basic Child Support Schedule's shaded area as set forth in Pa.R.C.P. No. 1910.16-3, the trier-of-fact:

- (I) shall not award spousal support or alimony *pendente lite*; and
- (II) shall calculate child support as provided in subdivision (e)(1)(ii).

Example 3: Obligor and obligee have monthly net incomes of \$2,000 and \$165, respectively, and have two children. Calculating spousal support under subdivision (e)(1)(iv)(A) results in a spousal support obligation of \$450 ($\$2,000 \times 25\%$ minus $\$165 \times 30\%$). Obligor's adjusted monthly net income ($\$2,000$ minus $\$450$) is \$1,550. Obligor's adjusted monthly net income of \$1,550 with two children is in the shaded area of the Basic Child Support Schedule, and as a result, the trier-of-fact shall not award spousal support. Instead, the trier-of-fact should award child support only as provided in subdivision (e)(1)(ii).

(D) When the obligor's monthly net income and the number of children in the action do not intersect in the Basic Child Support Schedule's shaded area as set forth in Pa.R.C.P. No. 1910.16-3, the trier-of-fact shall calculate child support consistent with Pa.R.C.P. No. 1910.16-4.

(I) The combined spousal support or alimony *pendente lite* and basic child support obligations shall not reduce the obligor's remaining monthly net income below the SSR.

(II) If the obligor's monthly net income after subtracting the spousal support or alimony *pendente lite* and basic child support obligations is less than the SSR, the trier-of-fact shall adjust the support obligation downward by an amount sufficient for the obligor to retain the SSR amount.

(2) *High-Income Cases.* If the parties' combined monthly net income exceeds \$30,000, the trier-of-fact shall calculate child support, spousal support, or alimony *pendente lite* pursuant to Pa.R.C.P. No. 1910.16-3.1.

Official Note: See *Hanrahan v. Bakker*, 186 A.3d 958 (Pa. 2018).

(f) *Child Tax Credit.* In order to maximize the total income available to the parties and children, the trier-of-fact may award, as appropriate, the federal child tax credit to the non-custodial parent, or to either parent in cases of equally shared custody, and require the other party to execute the waiver required by the Internal Revenue Code, 26 U.S.C. § 152(e). The trier-of-fact shall consider the tax consequences associated with the federal child tax credit in calculating the party's monthly net income available for support.

Explanatory Comment—2010

Subdivision (a) addresses gross income for purposes of calculating the support obligation by reference to the statutory definition at 23 Pa.C.S. § 4322. Subdivision (b) provides for the treatment of public assistance, SSI benefits, Social Security derivative benefits, and foster care payments.

Subdivision (c) sets forth the exclusive list of the deductions that may be taken from gross income in arriving at a party's net income. When the cost of health insurance premiums is treated as an additional expense subject to allocation between the parties under Pa.R.C.P. No. 1910.16-6, it is not deductible from gross income. However, part or all of the cost of health insurance premiums may be deducted from the obligor's gross income pursuant to Pa.R.C.P. No. 1910.16-6(b) in cases in which the obligor is paying the premiums and the obligee has no income or minimal income. Subdivision (c) relates to spousal support or alimony *pendente lite* awards when there are multiple families. In these cases, a party's monthly net income must be reduced to account for his or her child support obligations, as well as any pre-existing spousal support, alimony *pendente lite* or alimony obligations being paid to former spouses who are not the subject of the support action.

Subdivision (d) has been amended to clarify the distinction between voluntary and involuntary changes in income and the imputing of earning capacity. Statutory provisions at 23 Pa.C.S. § 4322, as well as case law, are clear that a support obligation is based upon the ability of a party to pay, and that the concept of an earning capacity is intended to reflect a realistic, rather than a theoretical, ability to pay support. Amendments to subdivision (d) are intended to clarify when imposition of an earning capacity is appropriate.

Subdivision (e) has been amended to reflect the updated schedule in Pa.R.C.P. No. 1910.16-3 and the increase in the Self-Support Reserve ("SSR"). The schedule now applies to all cases in which the parties' combined monthly net income is \$30,000 or less. The upper income limit of the prior schedule was only \$20,000. The support amount at each income level of the schedule also has changed, so the examples in Pa.R.C.P. No. 1910.16-2 were revised to be consistent with the new support amounts.

The SSR is intended to assure that obligors with low incomes retain sufficient income to meet their basic needs and to maintain the incentive to continue employment. When the obligor's monthly net income or earning capacity falls into the shaded area of the schedule, the basic child support obligation can be derived directly from the schedule in Pa.R.C.P. No. 1910.16-3. There is no need to use the formula in Pa.R.C.P. No. 1910.16-4 to calculate the obligor's support obligation because the SSR keeps the amount of the obligation the same regardless of the obligee's income. The obligee's income may be a relevant factor, however, in determining whether to deviate from the basic guideline obligation pursuant to Pa.R.C.P. No. 1910.16-5 and in considering whether to require the obligor to contribute to any additional expenses under Pa.R.C.P. No. 1910.16-6.

Since the schedule in Pa.R.C.P. No. 1910.16-3 sets forth basic child support only, subdivision (e)(1)(ii) is necessary to reflect the operation of the SSR in spousal support and alimony *pendente lite*

cases. It adjusts the basic guideline obligation, which would otherwise be calculated under the formula in Pa.R.C.P. No. 1910.16-4, so that the obligor's income does not fall below the SSR amount in these cases.

Previously, the SSR required that the obligor retain at least \$748 per month. The SSR now requires that the obligor retain income of at least \$867 per month, an amount equal to the 2008 federal poverty level for one person. When the obligor's monthly net income is less than \$867, subdivision (e)(1)(iii) provides that the trier-of-fact must consider the parties' actual living expenses before awarding support. The guidelines assume that at this income level the obligor is barely able to meet basic personal needs. In these cases, therefore, entry of a minimal order may be appropriate. In some cases, it may not be appropriate to order support at all.

The schedule at Pa.R.C.P. No. 1910.16-3 sets forth the presumptive amount of basic child support to be awarded. If the circumstances warrant, the trier-of-fact may deviate from that amount under Pa.R.C.P. No. 1910.16-5 and may also consider a party's contribution to additional expenses, which are typically added to the basic amount of support under Pa.R.C.P. No. 1910.16-6. If, for example, the obligor earns only \$900 per month but is living with his or her parents, or has remarried and is living with a fully-employed spouse, the trier-of-fact may consider an upward deviation under Pa.R.C.P. No. 1910.16-5(b)(3) or may order the party to contribute to the additional expenses under Pa.R.C.P. No. 1910.16-6. Consistent with the goals of the SSR, however, the trier-of-fact should ensure that the overall support obligation leaves the obligor with sufficient income to meet basic personal needs and to maintain the incentive to continue working so that support can be paid.

Subdivision (e) also has been amended to eliminate the application of *Melzer v. Witsberger*, 480 A.2d 991 (Pa. 1984), in high-income child support cases. In cases in which the parties' combined net monthly income exceeds \$30,000, child support will be calculated in accordance with the three-step process in Pa.R.C.P. No. 1910.16-3.1(a).

Explanatory Comment—2013

The SSR has been increased to \$931, the 2012 federal poverty level for one person. Subdivision (e) has been amended to require that when the obligor's income falls into the shaded area of the basic child support schedule in Pa.R.C.P. No. 1910.16-3, two calculations must be performed. One calculation uses only the obligor's income and the other is a regular calculation using both parties' incomes, awarding the lower amount to the obligee. The two-step process is intended to address those cases in which the obligor has minimal income and the obligee's income is substantially greater.

Explanatory Comment—2015

The rule has been amended to provide that a party's support obligation will be reduced by the child's Social Security derivative benefit amount if that party's retirement or disability created the benefit and the benefit is being paid to the household in which the child primarily resides or the obligee in cases of equally shared custody. In most cases, payment of the benefit to the obligee's household will increase the resources available to the child and the parties. The rule is intended to encourage parties to direct that the child's benefits be paid to the obligee.

Explanatory Comment—2021

The Self-Support Reserve is determined by the Federal Poverty Guideline for one person converted to a monthly amount—currently \$1,063—for the year the Basic Child Support Schedule was derived.

Subdivision (e)(1) addresses low-income cases and has been completely rewritten and identifies the current monthly Self-Support Reserve (SSR) amount as \$1,063. The SSR is the amount of the obligor's monthly net income that is reserved to meet the obligor's basic needs. Subdivisions (e)(1)(ii)—(iv) adjust the methodology for calculating support when the obligor's monthly net income is at or near the SSR amount.

Source

The provisions of this Rule 1910.16-2 adopted September 29, 1989, effective September 30, 1989, 19 Pa.B. 4151; rescinded and replaced January 27, 1993, effective immediately, 23 Pa.B. 701; amended December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended October 27, 2000, effective immediately, 30 Pa.B. 5837; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended November 9, 2004, effective immediately, 34 Pa.B. 6315; amended September 27, 2005, effective four months from date of this order, 35 Pa.B. 5643; amended January 5, 2010, effective immediately, 40 Pa.B. 413; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended August 26, 2011, effective September 30, 2011, 41 Pa.B. 4849; amended November 5, 2012, effective December 5, 2012, 42 Pa.B. 7091; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended April 29, 2015, effective July 1, 2015, 45 Pa.B. 2352; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123; amended February 9, 2018, effective April 1, 2018, 48 Pa.B. 1093; amended December 28, 2018, effective January 1, 2019, 49 Pa.B. 170; amended August 17, 2021, effective January 1, 2022, 51 Pa.B. 5539. Immediately preceding text appears at serial pages (395610) to (395617).

Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule.

The following schedule represents the amounts spent on children of intact families by combined monthly net income and number of children. Combined monthly net income is on the schedule's vertical axis, and the number of children is on the schedule's horizontal axis. This schedule determines the basic child support obligation. Unless these rules provide otherwise, the obligor's basic child support obligation shall be computed using either the formula set forth in Pa.R.C.P. No. 1910.16-4(a)(1)(Part C) or (a)(2)(Part I).

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
1100	33	33	34	34	34	35
1150	78	79	80	81	81	82
1200	123	124	126	127	128	130
1250	168	170	172	174	175	177
1300	213	215	218	220	222	225
1350	258	261	264	267	269	272
1400	303	306	310	313	316	320
1450	334	352	356	360	363	367
1500	346	397	402	406	410	415
1550	357	443	448	453	457	462
1600	369	488	494	499	504	510
1650	380	534	540	546	551	557
1700	392	579	586	592	598	605
1750	403	614	632	639	645	652
1800	415	632	678	685	692	700
1850	426	649	724	732	739	747

<i>Combined Adjusted Net Income</i>	<i>Basic Child Support Schedule</i>					
	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
1900	438	667	770	778	786	795
1950	449	684	816	825	833	842
2000	461	702	848	871	880	890
2050	472	719	869	918	927	937
2100	484	737	891	964	974	985
2150	495	754	912	1011	1021	1032
2200	507	772	933	1042	1068	1080
2250	518	789	954	1066	1115	1127
2300	530	807	976	1090	1162	1175
2350	541	825	997	1113	1209	1222
2400	553	842	1018	1137	1251	1270
2450	565	860	1039	1161	1277	1317
2500	576	877	1060	1184	1303	1365
2550	588	895	1082	1208	1329	1412
2600	599	912	1103	1232	1355	1460
2650	611	930	1124	1255	1381	1501

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
2700	622	947	1145	1279	1407	1530
2750	634	965	1166	1303	1433	1558
2800	645	980	1184	1322	1455	1581
2850	657	995	1201	1342	1476	1604
2900	668	1010	1219	1361	1497	1628
2950	680	1026	1236	1381	1519	1651
3000	691	1041	1253	1400	1540	1674
3050	703	1056	1271	1420	1562	1697
3100	714	1071	1288	1439	1583	1721
3150	726	1086	1306	1458	1604	1744
3200	737	1103	1325	1479	1627	1769
3250	747	1120	1345	1502	1652	1796
3300	758	1137	1365	1524	1677	1823
3350	768	1154	1385	1547	1702	1850
3400	778	1171	1405	1569	1726	1876
3450	789	1188	1425	1592	1751	1903

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
3500	799	1205	1445	1614	1776	1930
3550	810	1222	1465	1637	1800	1957
3600	820	1238	1485	1659	1825	1983
3650	828	1251	1500	1676	1843	2003
3700	837	1264	1515	1692	1862	2023
3750	845	1276	1530	1709	1880	2044
3800	854	1289	1545	1726	1898	2064
3850	862	1302	1560	1743	1917	2084
3900	871	1314	1575	1759	1935	2104
3950	879	1327	1590	1776	1954	2124
4000	888	1340	1605	1793	1972	2144
4050	894	1349	1616	1805	1986	2159
4100	900	1357	1625	1815	1996	2170
4150	905	1364	1633	1824	2007	2181
4200	910	1372	1642	1834	2017	2193
4250	915	1379	1650	1843	2028	2204

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
4300	920	1387	1659	1853	2038	2215
4350	926	1394	1667	1862	2048	2227
4400	931	1402	1676	1872	2059	2238
4450	936	1409	1684	1881	2069	2249
4500	941	1414	1688	1886	2074	2255
4550	945	1420	1692	1890	2079	2260
4600	950	1425	1697	1895	2085	2266
4650	955	1431	1701	1900	2090	2272
4700	960	1436	1706	1905	2096	2278
4750	964	1441	1710	1910	2101	2284
4800	969	1447	1714	1915	2107	2290
4850	974	1452	1719	1920	2112	2296
4900	980	1461	1730	1933	2126	2311
4950	986	1473	1745	1949	2144	2330
5000	993	1484	1759	1965	2162	2350
5050	999	1495	1774	1982	2180	2370

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
5100	1006	1506	1789	1998	2198	2389
5150	1012	1517	1803	2014	2216	2409
5200	1019	1528	1818	2031	2234	2428
5250	1026	1539	1833	2047	2252	2448
5300	1032	1549	1845	2061	2267	2464
5350	1036	1553	1849	2065	2272	2469
5400	1040	1558	1853	2069	2276	2474
5450	1044	1562	1856	2073	2281	2479
5500	1048	1567	1860	2078	2285	2484
5550	1052	1571	1864	2082	2290	2489
5600	1056	1576	1867	2086	2294	2494
5650	1060	1581	1871	2090	2299	2499
5700	1064	1585	1875	2094	2304	2504
5750	1069	1592	1881	2101	2312	2513
5800	1074	1599	1889	2110	2321	2523
5850	1080	1606	1896	2118	2330	2532

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
5900	1085	1614	1903	2126	2339	2542
5950	1091	1621	1911	2134	2348	2552
6000	1097	1628	1918	2143	2357	2562
6050	1102	1636	1926	2151	2366	2572
6100	1108	1643	1933	2159	2375	2582
6150	1114	1651	1942	2169	2386	2594
6200	1122	1663	1955	2184	2402	2611
6250	1131	1675	1968	2198	2418	2628
6300	1139	1686	1981	2212	2434	2645
6350	1147	1698	1993	2227	2449	2662
6400	1155	1709	2006	2241	2465	2680
6450	1164	1721	2019	2255	2481	2697
6500	1172	1733	2032	2270	2497	2714
6550	1180	1744	2045	2284	2512	2731
6600	1188	1756	2058	2298	2528	2748
6650	1197	1767	2070	2313	2544	2765

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
6700	1205	1779	2083	2327	2560	2783
6750	1213	1791	2096	2341	2576	2800
6800	1220	1801	2109	2356	2591	2817
6850	1226	1811	2122	2370	2607	2834
6900	1232	1821	2135	2385	2623	2851
6950	1238	1831	2148	2399	2639	2869
7000	1244	1841	2161	2414	2655	2886
7050	1250	1851	2174	2428	2671	2903
7100	1256	1861	2187	2443	2687	2921
7150	1262	1871	2200	2457	2703	2938
7200	1268	1881	2213	2472	2719	2955
7250	1274	1891	2226	2486	2735	2972
7300	1281	1901	2239	2500	2750	2990
7350	1287	1911	2251	2515	2766	3007
7400	1293	1921	2264	2529	2782	3024
7450	1297	1928	2272	2538	2792	3035

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
7500	1302	1934	2279	2546	2801	3044
7550	1307	1941	2287	2554	2809	3054
7600	1312	1947	2294	2562	2818	3064
7650	1316	1954	2301	2570	2827	3073
7700	1321	1960	2308	2578	2836	3083
7750	1326	1967	2315	2586	2845	3092
7800	1330	1973	2322	2594	2854	3102
7850	1335	1980	2330	2602	2862	3111
7900	1340	1987	2337	2610	2871	3121
7950	1345	1993	2344	2618	2880	3131
8000	1349	2000	2351	2626	2889	3140
8050	1354	2006	2359	2635	2898	3150
8100	1360	2015	2367	2644	2908	3161
8150	1366	2023	2375	2653	2918	3172
8200	1372	2031	2384	2662	2929	3183
8250	1379	2039	2392	2672	2939	3194

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
8300	1385	2047	2400	2681	2949	3206
8350	1391	2055	2408	2690	2959	3217
8400	1397	2063	2417	2699	2969	3228
8450	1403	2071	2425	2709	2980	3239
8500	1409	2079	2433	2718	2990	3250
8550	1415	2087	2442	2727	3000	3261
8600	1421	2095	2450	2737	3010	3272
8650	1427	2103	2458	2746	3020	3283
8700	1433	2111	2466	2755	3031	3294
8750	1439	2119	2475	2764	3041	3305
8800	1445	2127	2483	2774	3051	3316
8850	1451	2135	2491	2783	3061	3327
8900	1457	2143	2499	2791	3070	3337
8950	1461	2147	2503	2796	3076	3343
9000	1465	2152	2508	2801	3082	3350
9050	1468	2157	2513	2807	3087	3356

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
9100	1472	2162	2517	2812	3093	3362
9150	1476	2167	2522	2817	3099	3368
9200	1480	2172	2526	2822	3104	3374
9250	1484	2177	2531	2827	3110	3381
9300	1488	2181	2536	2832	3116	3387
9350	1492	2186	2540	2838	3121	3393
9400	1495	2191	2545	2843	3127	3399
9450	1499	2196	2550	2848	3133	3405
9500	1503	2201	2554	2853	3138	3412
9550	1507	2206	2559	2858	3144	3418
9600	1511	2210	2564	2864	3150	3424
9650	1515	2215	2568	2869	3156	3430
9700	1519	2220	2573	2874	3161	3436
9750	1524	2227	2580	2882	3170	3446
9800	1531	2238	2593	2896	3186	3463
9850	1538	2248	2605	2910	3201	3479

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
9900	1545	2259	2618	2924	3216	3496
9950	1552	2269	2630	2938	3231	3513
10000	1559	2280	2642	2952	3247	3529
10050	1566	2290	2655	2966	3262	3546
10100	1573	2301	2667	2979	3277	3562
10150	1581	2312	2680	2993	3293	3579
10200	1588	2322	2692	3007	3308	3596
10250	1595	2333	2705	3021	3323	3612
10300	1602	2343	2717	3035	3339	3629
10350	1609	2354	2730	3049	3354	3646
10400	1616	2365	2742	3063	3369	3662
10450	1623	2375	2754	3077	3384	3679
10500	1631	2386	2767	3091	3400	3695
10550	1638	2396	2779	3105	3415	3712
10600	1645	2407	2792	3118	3430	3729
10650	1652	2417	2804	3132	3446	3745

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
10700	1659	2428	2817	3146	3461	3762
10750	1666	2439	2829	3160	3476	3779
10800	1673	2449	2842	3174	3491	3795
10850	1680	2460	2854	3188	3507	3812
10900	1688	2470	2867	3202	3522	3828
10950	1695	2481	2879	3216	3537	3845
11000	1702	2491	2891	3230	3553	3862
11050	1708	2499	2899	3239	3562	3872
11100	1713	2507	2907	3247	3572	3883
11150	1719	2514	2915	3256	3581	3893
11200	1725	2522	2922	3264	3591	3903
11250	1730	2529	2930	3273	3600	3913
11300	1736	2537	2938	3282	3610	3924
11350	1742	2544	2946	3290	3619	3934
11400	1747	2552	2953	3299	3629	3944
11450	1753	2559	2961	3307	3638	3955

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
11500	1759	2567	2969	3316	3648	3965
11550	1764	2574	2976	3325	3657	3975
11600	1770	2582	2984	3333	3667	3986
11650	1776	2589	2992	3342	3676	3996
11700	1782	2597	3000	3350	3686	4006
11750	1787	2604	3007	3359	3695	4016
11800	1793	2612	3015	3368	3704	4027
11850	1799	2619	3023	3376	3714	4037
11900	1804	2627	3030	3385	3723	4047
11950	1810	2634	3038	3394	3733	4058
12000	1816	2642	3046	3402	3742	4068
12050	1821	2649	3053	3411	3752	4078
12100	1827	2657	3061	3419	3761	4089
12150	1833	2664	3069	3428	3771	4099
12200	1838	2672	3077	3437	3780	4109
12250	1844	2679	3084	3445	3790	4119

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
12300	1850	2687	3092	3454	3799	4130
12350	1855	2695	3100	3462	3809	4140
12400	1861	2702	3107	3471	3818	4150
12450	1867	2710	3115	3480	3828	4161
12500	1873	2717	3123	3488	3837	4171
12550	1878	2725	3131	3497	3847	4181
12600	1884	2732	3138	3505	3856	4191
12650	1890	2740	3146	3514	3865	4202
12700	1895	2747	3154	3523	3875	4213
12750	1900	2756	3166	3536	3890	4228
12800	1905	2764	3177	3549	3904	4244
12850	1910	2773	3189	3562	3918	4259
12900	1915	2782	3200	3575	3932	4274
12950	1920	2790	3212	3588	3947	4290
13000	1925	2799	3224	3601	3961	4305
13050	1930	2807	3235	3614	3975	4321

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
13100	1935	2816	3247	3627	3989	4336
13150	1940	2825	3258	3640	4004	4352
13200	1945	2833	3270	3652	4018	4367
13250	1950	2842	3281	3665	4032	4383
13300	1955	2850	3293	3678	4046	4398
13350	1960	2859	3305	3691	4060	4414
13400	1965	2868	3316	3704	4075	4429
13450	1970	2876	3328	3717	4089	4445
13500	1975	2885	3339	3730	4103	4460
13550	1980	2893	3351	3743	4117	4476
13600	1985	2902	3363	3756	4132	4491
13650	1990	2910	3374	3769	4146	4506
13700	1995	2919	3386	3782	4160	4522
13750	2000	2928	3397	3795	4174	4537
13800	2005	2936	3409	3808	4188	4553
13850	2010	2945	3420	3821	4203	4568

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
13900	2015	2953	3432	3834	4217	4584
13950	2020	2962	3444	3847	4231	4599
14000	2025	2971	3455	3859	4245	4615
14050	2030	2979	3467	3872	4260	4630
14100	2035	2988	3478	3885	4274	4646
14150	2040	2996	3490	3898	4288	4661
14200	2045	3005	3502	3911	4302	4677
14250	2050	3014	3513	3924	4317	4692
14300	2055	3022	3525	3937	4331	4708
14350	2060	3031	3536	3950	4345	4723
14400	2065	3039	3548	3963	4359	4738
14450	2070	3048	3559	3976	4373	4754
14500	2075	3056	3571	3989	4388	4769
14550	2080	3065	3583	4002	4402	4785
14600	2085	3074	3594	4015	4416	4800
14650	2090	3082	3606	4028	4430	4816

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
14700	2095	3091	3617	4041	4445	4831
14750	2100	3099	3629	4053	4459	4847
14800	2105	3108	3640	4066	4473	4862
14850	2110	3117	3652	4079	4487	4878
14900	2115	3125	3664	4092	4502	4893
14950	2120	3134	3675	4105	4516	4909
15000	2125	3142	3687	4118	4530	4924
15050	2130	3151	3698	4131	4544	4940
15100	2135	3160	3710	4144	4558	4955
15150	2140	3168	3722	4157	4573	4970
15200	2145	3177	3733	4170	4587	4986
15250	2150	3185	3744	4182	4600	5000
15300	2155	3192	3752	4191	4610	5011
15350	2161	3200	3760	4200	4620	5022
15400	2166	3207	3769	4210	4631	5034
15450	2171	3215	3777	4219	4641	5045

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
15500	2176	3222	3786	4229	4651	5056
15550	2181	3229	3794	4238	4662	5067
15600	2186	3237	3802	4247	4672	5078
15650	2192	3244	3811	4257	4682	5090
15700	2197	3252	3819	4266	4693	5101
15750	2202	3259	3828	4275	4703	5112
15800	2207	3266	3836	4285	4713	5123
15850	2212	3274	3844	4294	4724	5135
15900	2218	3281	3853	4304	4734	5146
15950	2223	3289	3861	4313	4744	5157
16000	2228	3296	3870	4322	4754	5168
16050	2233	3304	3878	4332	4765	5179
16100	2238	3311	3886	4341	4775	5191
16150	2244	3318	3895	4350	4785	5202
16200	2249	3326	3903	4360	4796	5213
16250	2254	3333	3911	4369	4806	5224

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
16300	2259	3341	3920	4378	4816	5235
16350	2264	3348	3928	4388	4827	5247
16400	2269	3355	3937	4397	4837	5258
16450	2275	3363	3945	4407	4847	5269
16500	2280	3370	3953	4416	4858	5280
16550	2285	3378	3962	4425	4868	5291
16600	2290	3385	3970	4435	4878	5303
16650	2295	3393	3979	4444	4888	5314
16700	2301	3400	3987	4453	4899	5325
16750	2306	3407	3995	4463	4909	5336
16800	2311	3415	4004	4472	4919	5347
16850	2316	3422	4012	4482	4930	5359
16900	2321	3430	4021	4491	4940	5370
16950	2327	3437	4029	4500	4950	5381
17000	2332	3445	4037	4510	4961	5392
17050	2337	3452	4046	4519	4971	5403

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
17100	2342	3459	4054	4528	4981	5415
17150	2347	3467	4062	4538	4992	5426
17200	2352	3474	4071	4547	5002	5437
17250	2358	3482	4079	4557	5012	5448
17300	2363	3489	4088	4566	5023	5459
17350	2368	3496	4096	4575	5033	5471
17400	2373	3504	4104	4585	5043	5482
17450	2378	3511	4113	4594	5053	5493
17500	2384	3519	4121	4603	5064	5504
17550	2389	3526	4130	4613	5074	5515
17600	2394	3534	4138	4622	5084	5527
17650	2399	3541	4146	4632	5095	5538
17700	2404	3548	4155	4641	5105	5549
17750	2410	3556	4163	4650	5115	5560
17800	2415	3563	4172	4660	5126	5572
17850	2420	3571	4180	4669	5136	5583

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
17900	2425	3578	4188	4678	5146	5594
17950	2430	3585	4197	4688	5157	5605
18000	2435	3593	4205	4697	5167	5616
18050	2441	3600	4214	4706	5177	5628
18100	2446	3608	4222	4716	5187	5639
18150	2451	3615	4230	4725	5198	5650
18200	2456	3623	4239	4735	5208	5661
18250	2461	3630	4247	4744	5218	5672
18300	2467	3637	4255	4753	5229	5684
18350	2472	3645	4264	4763	5239	5695
18400	2477	3652	4272	4772	5249	5706
18450	2482	3660	4281	4781	5260	5717
18500	2487	3667	4289	4791	5270	5728
18550	2493	3674	4297	4800	5280	5740
18600	2498	3682	4306	4810	5291	5751
18650	2503	3689	4314	4819	5301	5762

1910-54.1

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
18700	2508	3697	4323	4828	5311	5773
18750	2513	3704	4331	4838	5321	5784
18800	2519	3712	4339	4847	5332	5796
18850	2524	3719	4348	4856	5342	5807
18900	2529	3726	4356	4866	5352	5818
18950	2534	3734	4365	4875	5363	5829
19000	2539	3741	4373	4885	5373	5840
19050	2544	3749	4381	4894	5383	5852
19100	2550	3756	4390	4903	5394	5863
19150	2555	3763	4398	4913	5404	5874
19200	2560	3771	4406	4922	5414	5885
19250	2565	3778	4415	4931	5425	5896
19300	2570	3786	4423	4941	5435	5908
19350	2576	3793	4432	4950	5445	5919
19400	2581	3801	4440	4960	5455	5930
19450	2586	3808	4448	4969	5466	5941

1910-54.2

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
19500	2591	3815	4457	4978	5476	5953
19550	2596	3823	4465	4988	5486	5964
19600	2602	3830	4474	4997	5497	5975
19650	2607	3838	4482	5006	5507	5986
19700	2612	3845	4490	5016	5517	5997
19750	2617	3852	4499	5025	5528	6009
19800	2622	3860	4507	5034	5538	6020
19850	2627	3867	4516	5044	5548	6031
19900	2633	3875	4524	5053	5559	6042
19950	2638	3882	4532	5063	5569	6053
20000	2643	3890	4541	5072	5579	6065
20050	2648	3897	4549	5081	5589	6076
20100	2653	3904	4557	5091	5600	6087
20150	2659	3912	4566	5100	5610	6098
20200	2664	3919	4574	5109	5620	6109
20250	2669	3927	4583	5119	5631	6121

1910-54.3

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
20300	2674	3934	4591	5128	5641	6132
20350	2679	3941	4599	5138	5651	6143
20400	2685	3949	4608	5147	5662	6154
20450	2690	3956	4616	5156	5672	6165
20500	2695	3964	4625	5166	5682	6177
20550	2700	3971	4633	5175	5693	6188
20600	2705	3979	4641	5184	5703	6199
20650	2710	3986	4650	5194	5713	6210
20700	2716	3993	4658	5203	5723	6221
20750	2721	4001	4667	5213	5734	6233
20800	2726	4008	4675	5222	5744	6244
20850	2731	4016	4683	5231	5754	6255
20900	2736	4023	4692	5241	5765	6266
20950	2742	4030	4700	5250	5775	6277
21000	2747	4038	4709	5259	5785	6289
21050	2752	4045	4717	5269	5796	6300

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
21100	2757	4053	4725	5278	5806	6311
21150	2762	4060	4734	5288	5816	6322
21200	2768	4068	4742	5297	5827	6333
21250	2773	4075	4750	5306	5837	6345
21300	2778	4082	4759	5316	5847	6356
21350	2783	4090	4767	5325	5858	6367
21400	2788	4097	4776	5334	5868	6378
21450	2793	4105	4784	5344	5878	6390
21500	2799	4112	4792	5353	5888	6401
21550	2804	4119	4801	5362	5899	6412
21600	2809	4127	4809	5372	5909	6423
21650	2814	4134	4818	5381	5919	6434
21700	2819	4142	4826	5391	5930	6446
21750	2825	4149	4834	5400	5940	6457
21800	2830	4157	4843	5409	5950	6468
21850	2835	4164	4851	5419	5961	6479

1910-54.5

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
21900	2840	4171	4860	5428	5971	6490
21950	2845	4173	4862	5430	5974	6493
22000	2850	4174	4862	5431	5974	6494
22050	2854	4174	4863	5432	5975	6495
22100	2859	4175	4863	5432	5976	6495
22150	2864	4175	4864	5433	5976	6496
22200	2869	4176	4864	5434	5977	6497
22250	2873	4176	4865	5434	5978	6498
22300	2878	4177	4866	5435	5978	6498
22350	2883	4177	4866	5435	5979	6499
22400	2888	4178	4867	5436	5980	6500
22450	2892	4178	4867	5437	5980	6501
22500	2897	4179	4868	5437	5981	6501
22550	2902	4179	4868	5438	5982	6502
22600	2907	4179	4869	5439	5982	6503
22650	2911	4180	4869	5439	5983	6504

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
22700	2916	4180	4870	5440	5984	6504
22750	2921	4181	4871	5440	5984	6505
22800	2926	4181	4871	5441	5985	6506
22850	2930	4182	4872	5442	5986	6507
22900	2935	4182	4872	5442	5986	6507
22950	2940	4183	4873	5443	5987	6508
23000	2945	4183	4873	5443	5988	6509
23050	2949	4184	4874	5444	5989	6510
23100	2954	4184	4874	5445	5989	6510
23150	2959	4185	4875	5445	5990	6511
23200	2963	4185	4876	5446	5991	6512
23250	2968	4186	4876	5447	5991	6513
23300	2973	4186	4877	5447	5992	6513
23350	2978	4187	4877	5448	5993	6514
23400	2982	4187	4878	5448	5993	6515
23450	2987	4188	4878	5449	5994	6515

1910-54.7

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
23500	2992	4188	4879	5450	5995	6516
23550	2997	4189	4879	5450	5995	6517
23600	3001	4189	4880	5451	5996	6518
23650	3006	4189	4881	5452	5997	6518
23700	3011	4190	4881	5452	5997	6519
23750	3016	4190	4882	5453	5998	6520
23800	3020	4191	4882	5453	5999	6521
23850	3025	4191	4883	5454	5999	6521
23900	3030	4192	4883	5455	6000	6522
23950	3035	4192	4884	5455	6001	6523
24000	3039	4193	4884	5456	6002	6524
24050	3044	4193	4885	5457	6002	6524
24100	3049	4194	4886	5457	6003	6525
24150	3054	4194	4886	5458	6004	6526
24200	3058	4195	4887	5458	6004	6527
24250	3063	4195	4887	5459	6005	6527

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
24300	3068	4196	4888	5460	6006	6528
24350	3072	4196	4888	5460	6006	6529
24400	3077	4197	4889	5461	6007	6530
24450	3082	4197	4889	5462	6008	6530
24500	3087	4198	4890	5462	6008	6531
24550	3091	4198	4891	5463	6009	6532
24600	3096	4199	4891	5463	6010	6533
24650	3101	4199	4892	5464	6010	6533
24700	3106	4200	4892	5465	6011	6534
24750	3110	4200	4893	5465	6012	6535
24800	3115	4200	4893	5466	6012	6536
24850	3120	4201	4894	5466	6013	6536
24900	3125	4201	4894	5467	6014	6537
24950	3129	4202	4895	5468	6014	6538
25000	3134	4202	4896	5468	6015	6538
25050	3139	4203	4896	5469	6016	6539

1910-54.9

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
25100	3144	4203	4897	5470	6017	6540
25150	3148	4204	4897	5470	6017	6541
25200	3153	4204	4898	5471	6018	6541
25250	3158	4205	4898	5471	6019	6542
25300	3162	4205	4899	5472	6019	6543
25350	3167	4206	4899	5473	6020	6544
25400	3172	4206	4900	5473	6021	6544
25450	3177	4207	4901	5474	6021	6545
25500	3181	4207	4901	5475	6022	6546
25550	3186	4208	4902	5475	6023	6547
25600	3191	4208	4902	5476	6023	6547
25650	3196	4209	4903	5476	6024	6548
25700	3200	4209	4903	5477	6025	6549
25750	3205	4210	4904	5478	6025	6550
25800	3210	4210	4904	5478	6026	6550
25850	3215	4210	4905	5479	6027	6551

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
25900	3219	4211	4906	5480	6027	6552
25950	3224	4211	4906	5480	6028	6553
26000	3229	4212	4907	5481	6029	6553
26050	3234	4212	4907	5481	6030	6554
26100	3238	4213	4908	5482	6030	6555
26150	3243	4213	4908	5483	6031	6556
26200	3248	4214	4909	5483	6032	6556
26250	3253	4214	4909	5484	6032	6557
26300	3257	4215	4910	5484	6033	6558
26350	3262	4215	4911	5485	6034	6559
26400	3267	4216	4911	5486	6034	6559
26450	3271	4216	4912	5486	6035	6560
26500	3276	4217	4912	5487	6036	6561
26550	3281	4217	4913	5488	6036	6562
26600	3286	4218	4913	5488	6037	6562
26650	3290	4218	4914	5489	6038	6563

1910-54.11

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
26700	3295	4219	4914	5489	6038	6564
26750	3300	4219	4915	5490	6039	6564
26800	3305	4220	4916	5491	6040	6565
26850	3309	4220	4916	5491	6040	6566
26900	3314	4221	4917	5492	6041	6567
26950	3319	4221	4917	5493	6042	6567
27000	3324	4221	4918	5493	6042	6568
27050	3328	4222	4918	5494	6043	6569
27100	3333	4222	4919	5494	6044	6570
27150	3338	4223	4919	5495	6045	6570
27200	3343	4223	4920	5496	6045	6571
27250	3347	4224	4921	5496	6046	6572
27300	3352	4224	4921	5497	6047	6573
27350	3357	4225	4922	5498	6047	6573
27400	3362	4225	4922	5498	6048	6574
27450	3366	4226	4923	5499	6049	6575

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
27500	3371	4226	4923	5499	6049	6576
27550	3376	4227	4924	5500	6050	6576
27600	3380	4227	4924	5501	6051	6577
27650	3385	4228	4925	5501	6051	6578
27700	3390	4228	4926	5502	6052	6579
27750	3395	4229	4926	5502	6053	6579
27800	3399	4229	4927	5503	6053	6580
27850	3404	4230	4927	5504	6054	6581
27900	3409	4230	4928	5504	6055	6582
27950	3414	4231	4928	5505	6055	6582
28000	3418	4231	4929	5506	6056	6583
28050	3423	4231	4929	5506	6057	6584
28100	3428	4232	4930	5507	6058	6585
28150	3433	4232	4931	5507	6058	6585
28200	3437	4233	4931	5508	6059	6586
28250	3442	4233	4932	5509	6060	6587

1910-54.13

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
28300	3447	4234	4932	5509	6060	6587
28350	3452	4234	4933	5510	6061	6588
28400	3456	4235	4933	5511	6062	6589
28450	3461	4235	4934	5511	6062	6590
28500	3466	4236	4934	5512	6063	6590
28550	3471	4236	4935	5512	6064	6591
28600	3475	4237	4936	5513	6064	6592
28650	3480	4237	4936	5514	6065	6593
28700	3485	4238	4937	5514	6066	6593
28750	3489	4238	4937	5515	6066	6594
28800	3494	4239	4938	5516	6067	6595
28850	3499	4239	4938	5516	6068	6596
28900	3504	4240	4939	5517	6068	6596
28950	3508	4240	4939	5517	6069	6597
29000	3513	4241	4940	5518	6070	6598
29050	3518	4241	4941	5519	6070	6599

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
29100	3523	4242	4941	5519	6071	6599
29150	3527	4242	4942	5520	6072	6600
29200	3532	4242	4942	5520	6073	6601
29250	3537	4243	4943	5521	6073	6602
29300	3542	4243	4943	5522	6074	6602
29350	3546	4244	4944	5522	6075	6603
29400	3551	4244	4944	5523	6075	6604
29450	3556	4245	4945	5524	6076	6605
29500	3561	4245	4946	5524	6077	6605
29550	3565	4246	4946	5525	6077	6606
29600	3570	4246	4947	5525	6078	6607
29650	3575	4247	4947	5526	6079	6608
29700	3580	4247	4948	5527	6079	6608
29750	3584	4248	4948	5527	6080	6609
29800	3589	4248	4949	5528	6081	6610
29850	3594	4249	4949	5529	6081	6611

1910-54.15

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
29900	3598	4249	4950	5529	6082	6611
29950	3603	4250	4951	5530	6083	6612
30000	3608	4250	4951	5530	6083	6613

Explanatory Comment—2010

The basic child support schedule has been amended to reflect updated economic data. The schedule has been expanded to include all cases in which the parties' combined net monthly income is \$30,000 or less. It also reflects an increase in the Self-Support Reserve to \$867, the 2008 poverty level for one person. The schedule was further adjusted to incorporate an assumption that the children spend 30% of the time with the obligor.

Explanatory Comment—2013

The basic child support schedule has been amended to reflect updated economic data. It also reflects an increase in the Self-Support Reserve to \$931, the 2012 poverty level for one person, which has been incorporated into the schedule.

Explanatory Comment—2021

Previously, the Basic Child Support Schedule incorporated a 30% child custody presumption, which created approximately a 5% decrease in the basic child support obligation across all combined monthly net incomes regardless of the actual custody schedule. The new Basic Child Support Schedule reflects the actual expenses of an intact family living in a single household at the various combined monthly net incomes and the number of children with no shared custody adjustment.

To the extent the parties share physical custody with the obligor having 40% or more of the annual overnights as set forth in Pa.R.C.P. No. 1910.16-4(c), the formula in Pa.R.C.P. No. 1910.16-4(a)(1)(Part D) or (a)(2)(Part II) should be used to calculate the appropriate shared custody adjustment.

Source

The provisions of this Rule 1910.16-3 adopted September 6, 1989, effective September 30, 1989, 19 Pa.B. 4151; amended October 25, 1989, effective October 25, 1989, 19 Pa.B. 4861; amended January 27, 1993, effective immediately, 23 Pa.B. 701; amended July 15, 1994, effective September 1, 1994, 24 Pa.B. 3802; amended December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended October 27, 2000, effective immediately, 30 Pa.B. 5837; amended September 27, 2005, effective 4 months from the date of this order, 35 Pa. B. 5643; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123; amended December 28, 2018, effective January 1, 2019, 49 Pa.B. 170; amended August 17, 2021, effective January 1, 2022, 51 Pa.B. 5539. Immediately preceding text appears at serial pages (395617) to (395618), (386453) to (386486) and (395619) to (395620).

Rule 1910.16-3.1. Support Guidelines. High-Income Cases.(a) *Child Support.*(1) *Presumptive Minimum Basic Child Support Obligation.*

(i) The presumptive minimum basic child support obligation is the support obligation that the trier-of-fact would have awarded if the parties' combined monthly net income was \$30,000.

(ii) When the parties' combined monthly net income exceeds \$30,000, the calculated support obligation shall not be less than the presumptive minimum basic child support obligation.

(2) *High-Income Child Support Calculation.* With the following three-step process, the trier-of-fact shall calculate the total child support obligation.

(i) *Preliminary Analysis.* Using the following formula, the trier-of-fact shall:

(A) calculate the basic child support obligation based on the parties' combined monthly net income; and

(B) apportion the basic child support obligation based on the parties' respective monthly net incomes.

One child:	\$3,608 + 4.0% of combined monthly net income above \$30,000.
Two children:	\$4,250 + 4.0% of combined monthly net income above \$30,000.
Three children:	\$4,951 + 4.7% of combined monthly net income above \$30,000.
Four children:	\$5,530 + 5.3% of combined monthly net income above \$30,000.
Five children:	\$6,083 + 5.8% of combined monthly net income above \$30,000.
Six children:	\$6,613 + 6.3% of combined monthly net income above \$30,000.

(ii) *Substantial or Equally Shared Custody Adjustment.* The trier-of-fact shall adjust the basic child support obligation calculated in subdivision (a)(2)(i) for substantial or equally shared custody as set forth in Pa.R.C.P. No. 1910.16-4(c).

(iii) *Final Analysis—Reasonable Needs.*

(A) In determining the total child support obligation, the trier-of-fact shall consider the child's reasonable needs based on:

(I) the deviation factors in Pa.R.C.P. No. 1910.16-5;

(II) the additional expenses set forth in Pa.R.C.P. No. 1910.16-6; and

(III) the parties' expense statements required by Pa.R.C.P. No. 1910.11(c)(2) and Pa.R.C.P. No. 1910.27(c)(2)(B).

(B) Subject to the presumptive minimum basic child support obligation, the trier-of-fact may upwardly or downwardly adjust the support obligation calculated in subdivisions (a)(2)(i) and (ii) based on the child's reasonable needs.

(3) *Final Order*. As part of the final order, the trier-of-fact shall state on the record or in writing:

- (i) findings of fact; and
- (ii) the reasons for awarding the total child support obligation, including:
 - (A) a discussion of the child's reasonable needs; and
 - (B) the adjustments or deviations made to the basic child support obligation.

(b) *Spousal Support or Alimony Pendente Lite*.

(1) *Preliminary Analysis*. When the parties' combined monthly net income exceeds \$30,000, the trier-of-fact shall apply the formula in either Pa.R.C.P. No. 1910.16-4(a)(1)(Part B) or (a)(2)(Part IV) in calculating spousal support or alimony *pendente lite*.

(2) *Final Analysis*. In determining the total spousal support or alimony *pendente lite* obligation, the trier-of-fact shall consider:

- (i) the deviation factors in Pa.R.C.P. No. 1910.16-5;
- (ii) the additional expenses set forth in Pa.R.C.P. No. 1910.16-6; and
- (iii) the parties' expense statements required by Pa.R.C.P. No. 1910.11(c)(2) and Pa.R.C.P. No. 1910.27(c)(2)(B).

(3) *Final Order*. As part of the final order, the trier-of-fact shall state on the record or in writing:

- (i) findings of fact; and
- (ii) the reasons for awarding the final spousal support or alimony *pendente lite* obligation, including the adjustments or deviations made to the basic spousal support or alimony *pendente lite* obligation.

Explanatory Comment—2010

Pa.R.C.P. No. 1910.16-3.1 is intended to bring all child support cases under the guidelines and treat similarly situated parties similarly. Thus, high-income child support cases no longer will be decided pursuant to *Melzer v. Witsberger*, 480 A.2d 991 (Pa. 1984). Economic data support the basic child support schedule up to combined net incomes of \$30,000 per month. Above that amount, economic data are not readily available. Thus, for cases in which the parties' combined monthly net income is above \$30,000, the formula first applies a fixed percentage to calculate the support amount. The formula is an extrapolation of the available economic data to high-income cases. Spousal support and alimony *pendente lite* awards in high-income cases are preliminarily calculated pursuant to the formulas in either Pa.R.C.P. No. 1910.16-4(a)(1)(Part B) or (2)(Part IV). However, in both high-income child support and spousal support and high-income child support and alimony *pendente lite* cases, the trier-of-fact is required to consider the factors in Pa.R.C.P. No. 1910.16-5 before entering a final order and to make findings of fact on the record or in writing. Pursuant to Pa.R.C.P. No. 1910.11(c)(2), in all high-income cases, the parties must submit an Income Statement and the Expense Statement at Pa.R.C.P. No. 1910.27(c)(2)(B) to enable the trier-of-fact to consider the factors in Pa.R.C.P. No. 1910.16-5.

Explanatory Comment—2011

The rule has been amended to clarify that the provisions of Pa.R.C.P. No. 1910.16-4(c), regarding support adjustments if the obligor has substantial or shared custody, apply in high-income cases. Previously, when high-income cases were decided pursuant to *Melzer v. Witsberger*, 480 A.2d 991 (Pa.

1984), case law held that because the time and resources each parent provided to a child were factored into the Melzer formula, the substantial or shared parenting time reductions did not apply to cases decided pursuant to *Melzer*. See, e.g., *Sirio v. Sirio*, 951 A.2d 1188 (Pa. Super. 2008); *Bulgarelli v. Bulgarelli*, 934 A.2d 107 (Pa. Super. 2007). As *Melzer* no longer applies to calculate support in high-income cases, the prohibition against substantial or shared parenting time reductions in such cases is no longer applicable.

Source

The provisions of this Rule 1910.16-3.1 adopted January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended August 26, 2011, effective September 30, 2011, 41 Pa.B. 4851; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123; amended December 28, 2018, effective January 1, 2019, 49 Pa.B. 170; amended August 17, 2021, effective January 1, 2022, 51 Pa.B. 5539. Immediately preceding text appears at serial pages (395621) to (395622).

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation, Formula.

(a) The trier-of-fact shall use either the subdivision (1) or subdivision (2) formula to calculate the obligor’s share of basic child support, either from the schedule in Pa.R.C.P. No. 1910.16-3 or the formula in Pa.R.C.P. No. 1910.16-3.1(a), as well as spousal support and alimony *pendente lite* obligations. In high-income cases, the trier-of-fact shall use either the subdivision (1)(Part B) or subdivision (2)(Part IV) formula, as appropriate, as a preliminary analysis in the calculation of spousal support or alimony *pendente lite* obligations.

(1) The formula in Parts A through E is for an order entered on or after January 1, 2019, or for a modification of an order entered before January 1, 2019 that includes spousal support or alimony *pendente lite* in which the amendments to the Internal Revenue Code made by Section 11051 of the Tax Cuts and Jobs Act of 2017 (Pub.L. No. 115-97) expressly apply.

Official Note: Section 11051 of the Tax Cuts and Jobs Act of 2017 (Pub.L. No. 115-97) amended the Internal Revenue Code by repealing the alimony deduction—the amount of spousal support, alimony *pendente lite*, and alimony paid or received—from the payor’s gross income and the alimony inclusion into the payee’s gross income.

See subdivision (2) for a modification of an order entered before January 1, 2019 that includes spousal support or alimony *pendente lite* in which the amendments to the Internal Revenue Code made by Tax Cuts and Jobs Act of 2017 (Pub.L. No. 115-97) do not apply to the modification.

PART A. CALCULATION OF MONTHLY NET INCOME

	<i>OBLIGOR</i>	<i>OBLIGEE</i>
1. Total Gross Income per pay period (See Pa.R.C.P. No. 1910.16-2(a))	_____	_____
2. Deductions (See Pa.R.C.P. No. 1910.16-2(c))	(_____)	(_____)

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	<i>OBLIGOR</i>	<i>OBLIGEE</i>
3. Net Income (line 1 minus line 2)	_____	_____
4. Conversion to Monthly Net Income (if pay period is other than monthly)	_____	_____

PART B. SPOUSAL SUPPORT OR ALIMONY PENDENTE LITE

	<i>Without Dependent Children</i>	<i>With Dependent Children</i>
5. Obligor's Monthly Net Income (line 4)	_____	_____
6. Obligor's child support, spousal support, alimony <i>pendente lite</i> , or alimony obligations to children or former spouses who are not part of this action, if any. (See Pa.R.C.P. No. 1910.16-2(c)(2))	(_____)	(_____)
7. Obligor's Net Income available for spousal support or alimony <i>pendente lite</i> (line 5 minus line 6)	_____	_____
8. Obligor's Net Income percentage for spousal support or alimony <i>pendente lite</i>	\times <u>33%</u>	\times <u>25%</u>
9. Obligor's proportionate share of spousal support or alimony <i>pendente lite</i> (line 7 multiplied by line 8)	_____	_____
10. Obligee's Monthly Net Income (line 4)	_____	_____
11. Obligee's Net Income percentage for spousal support or alimony <i>pendente lite</i>	\times <u>40%</u>	\times <u>30%</u>

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		<i>Without Dependent Children</i>	<i>With Dependent Children</i>
12.	Obligee's proportionate share of spousal support or alimony <i>pendente lite</i> (line 10 multiplied by line 11)	_____	_____
13.	Preliminary Monthly Spousal Support or Alimony <i>Pendente Lite</i> Obligation (line 9 minus line 12—if the result is less than zero, enter a zero on line 13)	_____	
14.	Adjustments for Part E Additional Expenses (See Pa.R.C.P. No. 1910.16-6)	_____	
15.	Total Monthly Spousal Support or Alimony <i>Pendente Lite</i> Obligation (line 13 plus or minus line 14, as appropriate)	_____	

PART C—BASIC CHILD SUPPORT

		<i>OBLIGOR</i>	<i>OBLIGEE</i>
16.	Monthly Net Income (line 4 and add the child's monthly Social Security Disability or Retirement Derivative benefit amount, if any, to the Monthly Net Income of the party receiving the benefit pursuant to Pa.R.C.P. No. 1910.16-2(b)(2)(i) or (ii).	_____	_____
17.	Preliminary Monthly Spousal Support or Alimony <i>Pendente Lite</i> Obligation, if any. (line 13)	(_____) _____	+ _____
18.	Adjusted Monthly Net Income (for obligor, line 16 minus line 17; for obligee, line 16 plus line 17)	_____	_____
19.	Combined Monthly Net Income (obligor's line 18 plus obligee's line 18)	_____	

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	<i>OBLIGOR</i>	<i>OBLIGEE</i>
20. Basic Child Support Obligation (determined from child support schedule in Pa.R.C.P. No. 1910.16-3 based on the number of children and line 19)	_____	_____
21. Net Income expressed as a percentage of Combined Monthly Net Income (line 18 divided by line 19 and multiplied by 100)	_____ %	_____ %
22. Preliminary Monthly Basic Child Support Obligation (line 20 multiplied by line 21)	_____	_____
23. Child's Social Security Derivative Disability or Retirement Benefit. (if the benefits are paid to the obligee, enter the benefit amount on the line for the party whose retirement or disability created the child's benefit pursuant to Pa.R.C.P. No. 1910.16-2(b))	_____	_____
24. Adjusted Monthly Basic Child Support Obligation (line 22 minus line 23—if the result is less than zero, enter a zero on line 24)	_____	_____

PART D. SUBSTANTIAL OR SHARED PHYSICAL CUSTODY ADJUSTMENT, IF APPLICABLE (See subdivision (c))

25. a. Percentage of time obligor spends with the child (divide number of overnights with the obligor by 365 and multiply by 100)	_____ %
b. Subtract 30%	(_____ 30%)
c. Difference (line 25a minus line 25b)	_____ %
d. Obligor's Adjusted Percentage Share of the Basic Child Support Obligation (line 21 minus line 25c)	_____ %

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- e. Obligor's Preliminary Adjusted Basic Child Support Obligation (line 20 multiplied by line 25d) _____
- f. Further adjustment, if necessary under subdivision (c)(2) _____
- g. Obligor's Adjusted Basic Child Support Obligation _____

PART E. ADDITIONAL EXPENSES (See Pa.R.C.P. No. 1910.16-6)

- 26. a. Obligor's Share of Child Care Expenses _____
- b. Obligor's Share of Health Insurance Premium (if the obligee is paying the premium) _____
- c. Obligee's Share of the Health Insurance Premium (if the obligor is paying the premium) (_____)
- d. Obligor's Share of Unreimbursed Medical Expenses _____
- e. Other Additional Expenses _____
- f. Total Additional Expenses (add lines 26a, b, d, and e, then subtract line 26c) _____
- 27. Obligor's Total Monthly Child Support Obligation (line 24 or 25g plus line 26f, if applicable) _____

(2) The formula in Parts I through IV is for a modification of an order entered before January 1, 2019 that includes spousal support or alimony *pendente lite*.

Official Note: See subdivision (1) for an order entered on or after January 1, 2019, or for a modification of an order entered before January 1, 2019 that includes spousal support or alimony *pendente lite* in which the amendments to the Internal Revenue Code made by Tax Cuts and Jobs Act of 2017 (Pub.L. No. 115-97) expressly apply to the modification.

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PART I. BASIC CHILD SUPPORT

	OBLIGOR	OBLIGEE
1. Total Gross Income Per Pay Period (See Pa.R.C.P. No. 1910.16-2(a))	_____	_____
2. Deductions (See Pa.R.C.P. No. 1910.16-2(c))	(_____)	(_____)
3. Net Income (line 1 minus line 2)	_____	_____
4. Conversion to Monthly Net Income (if pay period is other than monthly) Include the child's monthly Social Security derivative benefit amount, if any, in the monthly net income of the party receiving the benefit pursuant to Pa.R.C.P. No. 1910.16-2(b)(2)(i) or (ii).		
5. Combined Monthly Net Income (obligor's line 4 plus obligee's line 4)	_____	_____
6. Basic Child Support Obligation (determined from schedule at Pa.R.C.P. No. 1910.16-3 based on number of children and line 5)	_____	_____
7. Net Income Expressed as a Percentage of Combined Monthly Net Income (divide line 4 by line 5 and multiply by 100)	_____ %	_____ %
8. Preliminary Basic Child Support Obligation (multiply line 6 and 7)	_____	_____
9. Child's Social Security Derivative Disability or Retirement Benefit (if the benefits are paid to the obligee, enter the benefit amount on the line for the party whose retirement or disability created the child's benefit)	_____	_____

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	OBLIGOR	OBLIGEE
10. Adjusted Basic Child Support Obligation (line 8 minus line 9—if the result is less than zero, enter a zero on line 10)	_____	_____
<i>PART II. SUBSTANTIAL OR SHARED PHYSICAL CUSTODY ADJUSTMENT, IF APPLICABLE (See subdivision (c))</i>		
11. a. Percentage of Time Obligor Spends with Children (divide number of overnights with the obligor by 365 and multiply by 100)		_____ %
b. Subtract 30%		(_____ %)
c. Obligor’s Adjusted Percentage Share of the Basic Child Support Obligation (subtract result of calculation in line 11b from line 7)		_____ %
d. Obligor’s Preliminary Adjusted Basic Child Support Obligation (multiply line 11c and line 6)		_____
e. Further adjustment, if necessary under subdivision (c)(2)		_____
f. Obligor’s Adjusted Basic Child Support Obligation (Total of line 11d and line 11e)		_____
<i>PART III. ADDITIONAL EXPENSES (See Pa.R.C.P. No. 1910.16-6)</i>		
12. a. Obligor’s Share of Child Care Expenses		_____
b. Obligor’s Share of Health Insurance Premium (if the obligee is paying the premium)		_____
c. Obligee’s Share of the Health Insurance Premium (if the obligor is paying the premium)		(_____)
d. Obligor’s Share of Unreimbursed Medical Expenses		_____

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12. a. Obligor's Share of Child Care Expenses _____
e. Other Additional Expenses _____
f. Total Additional Expenses _____
(add lines 12a, b, d, and e, then subtract line 12c)
13. Obligor's Total Monthly Support Obligation _____
(add line 10 or 11f and line 12f, if applicable)

PART IV. SPOUSAL SUPPORT OR APL with dependent children

14. Obligor's Monthly Net Income (line 4) _____
15. Obligor's Support, Alimony *Pendente Lite*, or Alimony Obligations, to Children or Former Spouses who are not part of this action, if any (See Pa.R.C.P. No. 1910.16-2(c)(2)) (_____)
16. Obligee's Monthly Net Income (line 4) (_____)
17. Difference (line 14 minus lines 15 and 16) _____
18. Obligor's Total Monthly Child Support Obligation without Part II Substantial or Shared Custody Adjustment, if any (Obligor's line 10 plus line 12f) (_____)
19. Difference (line 17 minus line 18) _____
20. Multiply by 30% \times 30%
21. Monthly Spousal Support or Alimony *Pendente Lite* Obligation (line 19 multiplied by line 20) _____

Without Dependent Children

22.	Obligor’s Monthly Net Income (line 4)	_____
23.	Obligor’s Child and Spousal Support, Alimony <i>Pendente Lite</i> or Alimony Obligations to Children or Former Spouses who are not part of this action, if any (Pa.R.C.P. No. 1910.16-2(c)(2))	(_____)
24.	Obligee’s Monthly Net Income (line 4)	(_____)
25.	Difference (line 22 minus lines 23 and 24)	_____
26.	Multiply by 40%	× _____ 40%
27.	Preliminary Monthly Spousal Support or Alimony <i>Pendente Lite</i> Obligation (line 25 multiplied by line 26)	_____
28.	Adjustments for Other Expenses (See Pa.R.C.P. No. 1910.16-6) (line 12f)	_____
29.	Total Monthly Spousal Support or Alimony <i>Pendente Lite</i> Obligation (line 27 plus or minus line 28, as appropriate)	_____

(b) *Order For More Than Six Children.* When there are more than six children who are the subject of a single support order, the trier-of-fact shall:

- (1) calculate the basic child support obligations for six children and five children;
- (2) subtract the basic child support obligation for five children from the basic child support obligation for six children;
- (3) multiply the difference from subdivision (b)(2) by the number of children in excess of six; and
- (4) add the amount from subdivision (b)(3) to the basic child support obligation for six children as determined in subdivision (b)(1).

(c) *Substantial or Equally Shared Physical Custody.*

- (1) *Substantial Physical Custody.* When a child spends 40% or more of the annual overnights with the obligor, a rebuttable presumption arises that the obligor is entitled to a reduction in the basic child support obligation to reflect the obligor’s increased direct spending on the child during the obligor’s custodial time.

(i) This rebuttable presumption also applies in high income cases decided pursuant to Pa.R.C.P. No. 1910.16-3.1.

(ii) Except as provided in subdivision (c)(2), the trier-of-fact shall calculate the adjustment pursuant to the formula set forth in subdivision (a)(1)(Part D) or (a)(2)(Part II).

(2) *Equally Shared Physical Custody.* Without regard to which party initiated the support action, when a child spends an equal number of annual overnights with the parties:

(i) The formula in subdivision (a)(1)(Part D) or (a)(2)(Part II) cannot be applied unless the obligor is the party with the higher monthly net income.

(ii) The trier-of-fact shall not require the party with the lower monthly net income to pay basic child support to the party with the higher monthly net income. However, this subdivision shall not preclude the entry of an order requiring the party with less monthly net income to contribute to additional expenses pursuant to Pa.R.C.P. No. 1910.16-6.

(iii) Based upon the evidence presented, the trier-of-fact may enter a support order against either party.

(iv) If the support calculation results in the obligee receiving a larger share of the parties' combined monthly net income, the trier-of-fact:

(A) shall adjust the obligor's basic child support obligation so that the combined monthly net income is allocated equally between the two parties; and

(B) shall not award spousal support or alimony *pendente lite*.

Example 1. If the obligor and the obligee have monthly net incomes of \$5,000 and \$2,300, respectively, the basic child support obligation is \$1,901 for two children. Using the income shares formula in Part I, the obligor's basic child support obligation is 68%, or \$1,293. If the children spend 40% of the annual overnights with the obligor, the formula in Part D or Part II applies to reduce the obligor's basic child support obligation to 58%, or \$1,103. If the children spend 45% of the annual overnights with the obligor, the obligor's basic child support obligation is reduced to 53%, or \$1,008. If the children spend an equal number of the annual overnights with the obligor and obligee, the obligor's basic child support obligation is reduced to 48%, or \$912.

Example 2. Mother and Father have monthly net incomes of \$3,000 and \$2,700, respectively. Mother has filed for support for the parties' two children with whom the parties share time equally. As the parties have equal custody and Mother has the higher monthly net income, Mother cannot be the obligee. Although Mother initiated the support action, she would be the obligor. Pursuant to the Basic Child Support Schedule in

Pa.R.C.P. No. 1910.16-3, the basic child support obligation for two children at the parties' combined monthly net income is \$1,585 per month. Mother's share is 53%, or \$840. Application of the Part II or Part D formula results in a 20% reduction in support when the obligor has 50% custody of the children. Mother's adjusted percentage share of the basic support obligation is 33% ($53\% - 20\% = 33\%$) and the preliminary adjusted basic child support obligation is \$523 (33% of \$1,585). However, as this amount would result in Father having a greater share of the parties' combined monthly net income (\$3,223 vs. \$2,477), Mother's basic child support obligation would be adjusted to \$150 per month to allocate the parties' combined monthly net income equally between the two parties and would be the presumptive basic child support obligation payable to Father under these circumstances.

Example 3. If the obligor and the obligee have monthly net incomes of \$3,000 and \$2,500, respectively, the basic child support obligation for two children is \$1,567. The obligor's share is 55%, or \$862 ($\$1,567 \times 55\%$). If the children spend equal time with the parties, the formula in Part II or Part D results in a basic child support obligation of \$548 ($\$1,567 \times 35\%$) payable to the obligee. Since this amount results in the obligee having monthly net income of \$3,048 and the obligor having monthly net income of \$2,452, the obligor's basic child support obligation would be adjusted to \$250 to equalize the combined monthly net income between the parties and would be the presumptive basic child support obligation payable to the obligee under these circumstances.

(d) *Divided or Split Physical Custody. When Each Party Owes Child Support to the Other Party. Varied Partial or Shared Custodial Schedules.*

(1) *Divided or Split Physical Custody. When Each Party Owes Child Support to the Other Party.* When calculating a basic child support obligation and each party owes child support to the other party as a result of the custodial arrangement, the trier-of-fact shall offset the parties' respective basic child support obligations and award the net difference to the obligee as child support.

Example 1. If the parties have three children, one child resides with Mother and two children reside with Father, and the parties' monthly net incomes are \$4,000 and \$2,000 respectively, Mother's basic child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for two children at the parties' combined monthly net income of \$6,000. The basic child support obligation is \$1,628. As Mother's income is 67% of the parties' combined monthly net income, Mother's basic

child support obligation for the two children living with Father is \$1,091. Father's basic child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined monthly net income of \$6,000. The basic child support obligation is \$1,097. Father's basic child support obligation for the child living with Mother is \$362. Subtracting \$362 from \$1,091 produces a basic child support obligation of \$729 payable to Father as child support.

Example 2. If the parties have two children, one child resides with Mother and the parties equally share custody (50% – 50%) of the other child, and the parties' monthly net incomes are as set forth in Example 1. The basic child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for the one child primarily residing with Mother at the parties' combined monthly net income of \$6,000, the basic child support obligation is \$1,097. Father's income is 33% of the parties' combined monthly net income, and the basic child support obligation for the child living with Mother is \$362. For Mother's obligation for the child with the equally shared custody arrangement, using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined monthly net income of \$6,000, the basic child support obligation is \$1,097. Mother's proportionate share of the combined monthly net incomes is 67%, but it is reduced to 47% after applying the shared parenting time adjustment for 50% custody under subdivision (c). Mother's basic child support obligation for the shared custody child is \$516 ($\$1,097 \times 47\%$). As Mother's obligation is greater than Father's obligation, Father is the obligee and receives the net of the two obligations by subtracting \$362 from \$516, or \$154.

(2) *Varied Partial or Shared Physical Custodial Schedule.*

(i) The trier-of-fact may reduce a party's basic child support obligation when the parties have more than one child and each child spends either different amounts of:

(A) partial or equally shared custodial time with the higher monthly net income party; or

(B) partial custodial time with the lower monthly net income party.

(ii) In determining whether a party is entitled to a reduction as provided in subdivision (d)(2)(i):

(A) the trier-of-fact shall:

(I) add the percentage of annual overnights each child spends with that party; and

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- (II) divide by the number of children to determine the party's average percentage of custodial time.
- (B) If the average percentage of custodial time is 40% or more:
 - (I) subdivision (c) applies; and
 - (II) the trier-of-fact shall reduce the party's basic child support obligation accordingly.

Example 1. The parties have two children and one child spends 50% of the annual overnights with Mother, who has the higher monthly net income, and the other child spends 20% of the annual overnights with Mother. Add those percentages together and divide by the number of children (50% plus 20% = 70% divided by 2 children = 35% average time with Mother). Pursuant to subdivision (d)(2)(ii)(B), Mother is not entitled to a reduction in the support order for substantial parenting time.

Example 2. The parties have three children. Two children spend 50% of the annual overnights with Mother, who has the higher monthly net income, and the third child spends 30% of the annual overnights with Mother. Add the percentages of custodial time for all three children together and divide by the number of children (50% plus 50% plus 30% = 130% divided by three children = 43.33% average percentage of time with Mother). Pursuant to subdivision (d)(2)(ii)(B), Mother is entitled to a reduction in the support order for substantial parenting time.

Example 3. The parties have three children, Mother has primary custody (60% – 40%) of one child, Father has primary custody (60% – 40%) of one child, and the parties share custody (50% – 50%) of the third child. The parties' monthly net incomes are \$2,500 (Mother) and \$2,000 (Father). As a result of the custodial arrangement, Father owes support for the child in the primary custody of Mother and Mother owes support for the child in the primary custody of Father and for the child shared equally between the parties. Father's basic child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined monthly net income of \$4,500. The basic child support obligation is \$941. Father's proportionate share of the combined monthly net incomes is 44%, but is reduced to 34% after applying the shared parenting time adjustment for 40% custody under subdivision (c). Father's basic child support obligation for this child is \$320 ($\$941 \times 34\%$). Mother's basic child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for two children at the parties' combined monthly net income of \$4,500.

The basic child support obligation is \$1,414. Mother has varying partial or shared custody of the two children (40% and 50%). Under subdivision (d)(2), the custodial time is averaged or in this case 45%. Mother's proportionate share of the combined monthly net incomes is 56%, but it is reduced to 41% after applying the shared parenting time adjustment for 45% custody under subdivision (c). Mother's basic child support obligation for these children is \$580 ($\$1,414 \times 41\%$). Offsetting the support obligations consistent with subdivision (d)(1), Mother's obligation is greater than Father's obligation, and Father is the obligee receiving the net of the two obligations by subtracting \$320 from \$580, or \$260.

Official Note: In cases with more than one child and varied partial or shared custodial schedules, it is not appropriate to perform a separate calculation for each child and offset support amounts as that method does not consider the incremental increases in support for more than one child built into the schedule of basic child support.

(3) *Combined Child Support and Spousal Support or Alimony Pendente Lite. When Each Party Owes Child Support to the Other Party.*

(i) When one or more children reside with each party, the trier-of-fact shall offset the obligor's combined spousal support or alimony *pendente lite* and basic child support obligations with the obligee's basic child support obligation.

(ii) The trier-of-fact shall award the net difference to the obligee as spousal support or alimony *pendente lite* and basic child support.

(e) *Support Obligations When Custodial Parent Owes Spousal Support.* If a child is residing with the spouse (custodial parent) obligated to pay spousal support or alimony *pendente lite* and the other spouse (non-custodial parent) has a legal obligation to support the child, the guideline spousal support or alimony *pendente lite* obligation is determined by offsetting the non-custodial parent's basic child support obligation and the custodial parent's spousal support or alimony *pendente lite* obligation, and awarding the net difference either to the non-custodial parent as spousal support or alimony *pendente lite* or to the custodial parent as child support as the circumstances warrant. The calculation is a five-step process:

(1) Calculate the custodial parent's spousal support or alimony *pendente lite* obligation to the non-custodial parent based on the parties' monthly net incomes using the "without dependent children" formula in either Pa.R.C.P. No. 1910.16-4(a)(1)(Part B) or (a)(2)(Part IV), as appropriate.

(2) Recalculate the parties' monthly net incomes by adjusting for the spousal support or alimony *pendente lite* payment paid or received in subdivision (e)(1).

(3) Using the recomputed monthly net incomes from subdivision (e)(2), calculate the non-custodial parent's basic child support obligation to the custodial parent.

(4) The final support amount is the difference calculated in subdivision (e)(1) and (e)(3).

(i) If the amount in subdivision (e)(1) is greater than the amount in subdivision (e)(3), the final amount is spousal support or alimony *pendente lite* payable to the non-custodial parent.

(ii) If the amount in subdivision (e)(1) is less than the amount in subdivision (e)(3), the final amount is basic child support payable to the custodial parent.

(5) If the proceeding is a modification of an order entered before January 1, 2019 that has federal tax consequences associated with spousal support or alimony *pendente lite* payments and the final order is spousal support or alimony *pendente lite* as in subdivision (e)(4)(i), the offset spousal support or alimony *pendente lite* amount is federally taxable, and the trier-of-fact may deviate the final order due to the tax effect, as appropriate.

Official Note: See Pa.R.C.P. No. 1910.19(h).

Explanatory Comment—2005

Pa.R.C.P. No. 1910.16-4(a) sets forth the income shares formula used to establish the support obligation. Subdivision (b) provides the method for calculating support for seven or more children as the basic support schedule in Pa.R.C.P. No. 1910.16-3 sets forth the presumptive amount of support for up to six children.

Subdivision (c) sets forth the method for calculating the presumptive amount of support in cases where the children spend 40% or more of their time during the year with the obligor. When there is equal time sharing, subdivision (2) reduces the support obligation further so that the obligor does not pay more than is necessary to equalize the parties' combined monthly net income between the two households. Subdivision (3) expressly excludes SSR cases from the application of this rule. Since the SSR already reduces support to a minimal level, a further reduction should not be given for the amount of time spent with the children.

Subdivision (d) relates to the calculation of support in divided or split custody cases. It retains the existing method for offsetting the parties' respective support obligations when one or more of the children resides with each party.

Subdivision (e) governs spousal support obligations when the custodial parent owes spousal support. It has not been amended, other than to update the example to be consistent with the new schedule at Pa.R.C.P. No. 1910.16-3.

Explanatory Comment—2010

The basic support schedule incorporates an assumption that the children spend 30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. Variable expenditures, such as food and entertainment, that fluctuate based upon parenting time were adjusted in the schedule to build in the assumption of 30% parenting time. Upward deviation should be considered in cases in which the obligor has little or no contact with the children. However, an upward deviation may not be appropriate if an obligor has infrequent overnight contact with the child, but provides meals and entertainment during daytime contact. Fluctuating expenditures should be

considered rather than the extent of overnight time. A downward deviation may be appropriate when the obligor incurs substantial fluctuating expenditures during parenting time but has infrequent overnights with the children.

The calculation in Pa.R.C.P. No. 1910.16-4(c) reduces an obligor's support obligation further if the obligor spends significantly more time with the children. The obligor will receive an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method still may result in a support obligation even if custody of the children is equally shared. In those cases, the rule provides for a maximum obligation so that the obligee does not receive a larger portion of the parties' combined monthly net income than the obligor.

Source

The provisions of this Rule 1910.16-4 adopted September 6, 1989, effective September 30, 1989, 19 Pa.B. 4151; amended January 27, 1993, effective immediately, 23 Pa.B. 701; amended December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; corrected February 5, 1999, effective April 1, 1999, 29 Pa.B. 645; amended March 2, 2000, effective immediately, 30 Pa.B. 1646; amended October 27, 2000, effective immediately, 30 Pa.B. 5837; amended June 5, 2001, effective immediately, 31 Pa.B. 3306; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended September 24, 2002, effective immediately, 32 Pa.B. 5044; amended November 9, 2004, effective immediately, 34 Pa.B. 6315; amended May 17, 2005, effective immediately, 35 Pa.B. 3216 and 3900; amended September 27, 2005, effective 4 months from the date of this order, 35 Pa.B. 5643; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended July 8, 2010, effective September 6, 2010, 40 Pa.B. 4140; amended August 3, 2011, effective in 30 days, 41 Pa.B. 4531; amended August 26, 2011, effective September 30, 2011, 41 Pa.B. 4849, 4851; amended August 3, 2011, effective in 30 days, 41 Pa.B. 6766; amended January 31, 2012, effective February 28, 2012, 42 Pa.B. 930; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended July 2, 2014, effective in 30 days on August 1, 2014, 44 Pa.B. 4476; amended September 25, 2014, effective in 30 days on October 25, 2014, 44 Pa.B. 6553; amended April 29, 2015, effective July 1, 2015, 45 Pa.B. 2352; amended October 14, 2016, effective January 1, 2017, 46 Pa.B. 6817; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123; amended February 9, 2018, effective April 1, 2018, 48 Pa.B. 1093; amended July 30, 2018, effective January 1, 2019, 48 Pa.B. 4960; amended December 28, 2018, effective January 1, 2019, 49 Pa.B. 170; amended August 17, 2021, effective January 1, 2022, 51 Pa.B. 5539. Immediately preceding text appears at serial pages (395622) to (395636).

Rule 1910.16-5. Support Guidelines. Deviation.

(a) *Deviation.*

(1) The trier-of-fact may deviate from the basic child support, spousal support, or alimony *pendente lite* obligation.

(2) If the trier-of-fact determines a deviation is appropriate based on the factors in subdivision (b), the trier-of-fact shall specify on the record or in writing:

- (i) the calculated basic child support, spousal support, or alimony *pendente lite* obligation;
- (ii) the reason for the deviation;
- (iii) the findings of fact justifying the deviation;
- (iv) the deviation amount; and
- (v) in a spousal support or an alimony *pendente lite* action, the obligation's duration.

Official Note: The deviation applies to the support obligation amount or duration, and not to the party's monthly net income.

(b) *Factors.* In deciding whether to deviate from the basic child support, spousal support, or alimony *pendente lite* obligation, the trier-of-fact shall consider:

- (1) unusual needs and unusual fixed obligations;
- (2) a party's other support obligations;
- (3) other household income;
- (4) the child's age;
- (5) the parties' relative assets and liabilities;
- (6) medical expenses not covered by insurance;
- (7) the parties' and the child's standard of living;
- (8) in a spousal support or alimony *pendente lite* case, the duration of the marriage from the date of marriage to the date of final separation; and
- (9) other relevant and appropriate factors, including the child's best interest.

Explanatory Comment—2005

Rule 1910.16-5 sets forth the factors for deviation from the presumptive amount of support. Subdivision (c) and subsection (b)(8) permit the court to consider the length of the marriage in determining the amount and duration of a spousal support or alimony *pendente lite* award. The primary purpose of these provisions is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

Explanatory Comment—2010

The provisions of subdivision (c), which provided that the court must consider the duration of the parties' marriage in determining the duration of an award of spousal support or alimony *pendente lite*, were moved to new Rule 1910.16-1(c)(2). The duration of the marriage, from the date of marriage to the date of final separation, remains a factor to consider in determining whether or not deviation from the amount of the award is warranted.

Source

The provisions of this Rule 1910.16-5 adopted September 6, 1989, effective September 30, 1989, 19 Pa.B. 4151; amended January 27, 1993, effective immediately, 23 Pa.B. 701; amended November 4, 1993, effective January 1, 1994, 23 Pa.B. 5527; amended July 15, 1994, effective September 1, 1994, 24 Pa.B. 3802; amended August 3, 1995, effective January 1, 1996, 25 Pa.B. 3338; amended December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended September 24, 2003, effective immediately, 33 Pa.B. 5075; amended September 27, 2005, effective 4 months from the date of this order, 35 Pa.B. 5643; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended August 17, 2021, effective January 1, 2022, 51 Pa.B. 5539. Immediately preceding text appears at serial pages (395636) to (395637).

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Rule 1910.16-6. Support Guidelines. Basic Support Obligation Adjustments. Additional Expenses Allocation.

The trier-of-fact may allocate between the parties the additional expenses in subdivisions (a)—(e). Even when a basic support order is inappropriate under the facts of the case, the trier-of-fact may allocate between the parties the additional expenses.

Except for the subdivisions (b)(4) and (e) expenses, the trier-of-fact shall calculate the parties' proportionate share of the additional expenses after adjusting the parties' monthly net income by the spousal support or alimony *pendente lite* obligation received or paid, and dividing each party's adjusted monthly net income by the parties' combined monthly net income. However, the trier-of-fact shall not adjust the parties' monthly net incomes when apportioning the expenses in child support only cases.

(a) *Child care expenses.*

(1) The trier-of-fact:

(i) shall allocate reasonable child care expenses paid by the parties, if necessary to maintain employment or appropriate education in pursuit of income.

(ii) may allocate reasonable child care expenses paid by the parties when the trier-of-fact imputes an earning capacity to a party as provided in Pa.R.C.P. No. 1910.16-2(d)(4)(i)(D).

(2) The trier-of-fact may require that the obligor's share be added to the basic child support obligation, paid directly to the service provider, or paid directly to the obligee.

(3) When a party is receiving a child care subsidy through the Department of Human Services, the expense allocated between the parties is the amount actually paid by the party receiving the subsidy.

(4) The party seeking allocation of child care expenses shall provide to the other party the expense's documentation, such as a receipt or an invoice, promptly after receipt unless the service provider invoices the parties separately for the party's proportionate share of the expense.

(5) The trier-of-fact shall have the discretion to not allocate expenses if documentation is not timely provided to the other party.

(6) Except as provided in subdivision (a)(7), the total child care expenses shall be reduced to reflect the federal child care tax credit available to the eligible party, regardless of whether the credit is actually claimed by that party, up to the maximum annual cost allowable under the Internal Revenue Code.

(7) If the eligible party is not qualified to receive the credit, the federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties.

Example. Mother has primary custody of the parties' two children and Father has partial custody. The parties' respective

monthly net incomes are \$2,000 and \$3,500. At the combined monthly net income of \$5,500 for two children, the basic child support obligation is \$1,567. As Father's income represents 64% of the parties' combined monthly net income, Father's basic child support obligation is \$1,003. Mother incurs monthly child care expenses of \$400, and Father incurs \$100 per month. The total child care expenses, \$500, will be apportioned between the parties, with Father paying 64%, or \$320. As Father is paying \$100 for the children's child care during in his partial custody, he would pay the remaining \$220 to Mother for a total child support obligation of \$1,223 (\$1,003 + \$220).

(b) *Health Insurance Premium.*

(1) The trier-of-fact shall allocate the health insurance premium paid by the parties, including the premium attributable to the party paying the premium, provided that a statutory duty of support is owed to the party or child covered by the health insurance.

(i) If the party paying the health insurance premium is the obligor, the obligee's share is deducted from the obligor's basic support obligation.

(ii) If the obligee is paying the health insurance premium, the obligor's share is added to the obligor's basic support obligation.

(iii) A health insurance premium allocated between the parties shall also include health insurance that is provided and paid by a third-party resident of a party's household (*e.g.*, step-parent) for a child who is the subject of the support order.

(2) The trier-of-fact shall not allocate an employer-paid premium or a premium paid for a party, person, or child to whom no statutory duty of support is owed.

(i) If the parties present evidence of the excluded premium's actual amount—the amount attributed to a party, person, or child not owed a statutory duty of support—the trier-of-fact shall deduct the actual amount excluded from the total premium before allocating the health insurance premium between the parties.

(ii) If the parties do not present evidence of the excluded premium's actual amount, the trier-of-fact shall calculate the excluded amount as follows:

(A) determine the premium's cost per person by dividing the total premium by the number of persons covered under the policy;

(B) multiply the cost per person by the number of persons who are not owed a statutory duty of support, or are not parties to, or the subject of, the support action; and

(C) the resulting amount is excluded from allocation.

Example 1. If the parties are separated, but not divorced, and Husband pays \$200 monthly for employer-provided health

insurance for himself, Wife, the parties' child, and two additional children from a previous marriage, the premium attributable to the additional two children, if not otherwise verifiable or known with reasonable ease and certainty, is calculated by dividing \$200 by five persons and then multiplying the resulting amount of \$40 per person by the two additional children, for a total of \$80 to be excluded from allocation. Deduct this amount from the total premium to arrive at the premium to be allocated between the parties—\$120. Since Husband is paying the premium, and spouses have a statutory duty to support one another pursuant to 23 Pa.C.S. § 4321, Wife's percentage share of the \$120 is deducted from Husband's support obligation. If Wife had been providing the coverage, Husband's percentage share would be added to his basic support obligation.

Example 2. If the parties are divorced and Father pays \$200 monthly for employer-provided health insurance for himself, the parties' child, and two additional children from a previous marriage, the premium attributable to Father and the two additional children will not be allocated between the parties. Thus, using the same calculations in Example 1, the premium attributable to Father and the two other children is \$150 (\$200 premium divided among four covered persons equals \$50 per person multiplied by three) and that amount is deducted from the total premium, leaving \$50 ($\$200 - \$150 = \50) to be allocated between the parties.

Example 3. The parties are divorced, and Mother is the obligee of a child support order. Father, the obligor, pays \$200 monthly for employer-provided health insurance for himself and the parties' child. Mother pays \$400 per month for her employer-provided health insurance that covers only herself. The premium Father pays to cover the parties' child, \$100 (\$200 premium divided between two covered persons, Father and the child), will be allocated between the parties in proportion to their respective monthly net incomes. The premium that covers Father will not be allocated because the parties are no longer married, and he is not owed a duty of support by Mother. The premium Mother pays to provide her own coverage will not be allocated because the parties are no longer married and she is not owed a duty of support by Father.

(3) Pursuant to 23 Pa.C.S. § 4326(a), in every support proceeding, the trier-of-fact shall ascertain a parent's ability to provide medical support for the parties' child and the support "order shall include a requirement for medical

support to be provided by either or both parents, provided that such medical support is accessible to the children.”

(i) The obligor bears the initial responsibility of providing the child’s health care coverage if it is available at a reasonable cost.

(A) “Reasonable cost” to an obligor shall be defined as an amount that does not exceed 5% of the obligor’s monthly net income and, when added to the basic child support obligation plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor’s monthly net income.

(B) If the obligee is providing the coverage, the “reasonable cost” of the obligor’s share shall be defined as an amount that does not exceed 5% of the obligor’s monthly net income and, when added to the basic child support obligation plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor’s monthly net income.

(ii) Unless the child’s health care coverage is provided by the obligee or a third party, the court shall issue the National Medical Support Notice required by 23 Pa.C.S. § 4326(d.1) to the obligor’s employer in response to notification that the obligor is employed.

(A) The notice shall direct the employer to enroll the obligor’s child who is the subject of the support proceeding if the coverage is available at a reasonable cost to the obligor.

(B) However, the notice shall direct that enrollment shall not occur earlier than 25 days from the date of the National Medical Support Notice to allow the obligor time to object.

(C) Concurrent with the issuance of the National Medical Support Notice, the court shall provide notice to the obligor setting forth the process to object to the enrollment based upon unreasonable cost, mistake of fact, or availability of alternative health care coverage for the child.

(D) If there is more than one employer-provided health care coverage option, the obligor shall select the coverage, subject to the obligee’s right to seek a court order designating a different option.

(iii) Absent the availability of health care coverage to the obligor for the parties’ child at a reasonable cost, the court shall order the obligee to provide health care coverage for the child if it is available at a reasonable cost. “Reasonable cost” to the obligee shall be defined as an amount not to exceed 5% of the obligee’s monthly net income.

(iv) If health care coverage is not available to the parties at a reasonable cost, the court may order the the party having primary custody to apply for government-sponsored coverage, such as the Children’s Health Insurance Program (“CHIP”), with any co-premium or other cost apportioned between the parties in proportion to the parties’ respective monthly net incomes.

(v) Within 30 days after the entry of the support order, the party ordered to provide health care coverage shall provide written proof to the other party that medical insurance has been obtained, including insurance cards and all

other materials set forth in the form order in Pa.R.C.P. No. 1910.27(e). There shall be a continuing obligation to provide the other party and the domestic relations section with proof of any changes in coverage.

(vi) The trier-of-fact shall give preference to health care coverage that is readily accessible to the child, as defined by geographic coverage area, access to local treatment providers, or other relevant factors.

Official Note: The maximum amount of any attachment for child and medical support is set forth by the federal Consumer Credit Protection Act (15 U.S.C. §§ 1601 *et seq.*).

(4) If the obligor is paying for the health insurance, the obligee has no income or minimal income, and the obligor will bear 90% or more of the health insurance premium:

(i) the trier-of-fact may, as fairness requires, deduct part or all of the premium actually paid by the obligor to provide coverage for the other party or the child from the obligor's gross income to determine monthly net income for support purposes.

(ii) If such a deduction is taken from the obligor's gross income, the premium allocation as set forth in subdivision (b)(1) shall not be applied.

Official Note: Subdivision (b) does not apply to Medical Assistance. *See* 23 Pa.C.S. § 4326(l).

(c) *Unreimbursed Medical Expenses.* The trier-of-fact shall allocate the obligee's or child's unreimbursed medical expenses. However, the trier-of-fact shall not allocate unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The trier-of-fact may require that the obligor's expense share be included in the basic support obligation, paid directly to the health care provider, or paid directly to the obligee.

(1) *Medical Expenses.*

(i) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person.

(ii) Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, and orthodontia.

(iii) Medical expenses do not include cosmetic, chiropractic, psychiatric, psychological, or other services unless specifically directed in the order of court.

Official Note: While cosmetic, chiropractic, psychiatric, psychological, or other expenses are not required to be apportioned between the parties, the trier-of-fact may apportion such expenses that it determines to be reasonable and appropriate under the circumstances.

(2) The trier-of-fact may impose an annual limitation when the burden on the obligor would otherwise be excessive.

(3) Annual expenses shall be calculated on a calendar year basis.

(i) In the year in which the initial support order is entered, or in any period in which support is being paid that is less than a full year, the \$250 threshold shall be pro-rated.

(ii) The party seeking allocation for an unreimbursed medical expense shall provide to the other party the expense's documentation, such as a receipt or an invoice, promptly upon receipt, but not later than March 31st of the year following the calendar year in which the final bill was received by the party seeking allocation.

(iii) For purposes of subsequent enforcement, unreimbursed medical bills need not be submitted to the domestic relations section prior to March 31st.

(iv) The trier-of-fact shall have the discretion to not allocate an expense if documentation is not timely provided to the other party.

(4) If the trier-of-fact determines that out-of-network medical expenses were not obtained due to medical emergency or other compelling factors, the trier-of-fact may decline to assess the expenses against the other party.

Official Note: If the trier-of-fact determines that the obligee acted reasonably in obtaining services that were not specifically set forth in the order of support, payment for such services may be ordered retroactively.

(d) *Private School Tuition or Summer Camp. Other Additional Expenses.* Expenses outside the scope of typical child-rearing expenses, such as private school tuition, summer camp fees, and other additional expenses as set forth in subdivision (d)(2), have not been factored into the Basic Child Support Schedule.

(1) *Private School Tuition or Summer Camp.* If the trier-of-fact determines that private school or summer camp is reasonable under the parties' circumstances, the trier-of-fact shall apportion the expense to the parties.

(2) *Other Additional Expenses.* The trier-of-fact shall apportion an additional expense to the parties, if the trier-of-fact determines that the expense:

(i) is related to the child's educational, extra-curricular, or developmental activities; and

(ii) is reasonable under the parties' circumstances.

(3) The trier-of-fact may require that a party's proportionate share of a subdivision (d)(1) or (d)(2) expense is:

(i) included in or excluded from the basic child support obligation;

(ii) paid directly to the service provider; or

(iii) paid directly to the other party.

(4) *Documentation.*

(i) The party seeking allocation of an expense shall provide the other party with the expense's documentation, such as a receipt or an invoice, promptly upon receipt, but not later than March 31st of the year following

the calendar year in which the party incurred the expense, unless the service provider invoices the parties separately.

(ii) For subsequent enforcement purposes, a party does not need to submit the expense's documentation to the domestic relations section before March 31.

(iii) The trier-of-fact shall have the discretion to not allocate an expense if documentation is not timely provided to the other party.

(e) *Mortgage Payment.* The support guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the trier-of-fact shall assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise.

(1) If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's monthly net income (including amounts of spousal support, alimony *pendente lite*, and child support), the trier-of-fact may require the obligor to assume up to 50% of the excess amount in the obligor's support obligation.

(2) If the obligor is occupying the marital residence and the mortgage payment exceeds 25% of the obligor's monthly net income (less any amount of spousal support, alimony *pendente lite*, and child support the obligor is paying), the trier-of-fact may downwardly adjust the obligor's support obligation.

(3) This rule shall not be applicable after a final resolution of the outstanding economic claims in the parties' divorce action.

(4) For purposes of this subdivision, "mortgage" shall include a first mortgage, real estate taxes, and homeowners' insurance and may include a subsequent mortgage, a home equity loan, and other marital obligations secured by the marital residence.

Explanatory Comment—2004

Subdivision (a), relating to the federal child care tax credit, has been amended to reflect recent amendments to the Internal Revenue Code, 26 U.S.C. § 21. By generally referencing the Tax Code, rather than incorporating current Code provisions in the rule, further amendments will be incorporated into the support calculation.

Explanatory Comment—2005

Pa.R.C.P. No. 1910.16-6 governs the treatment of additional expenses that warrant an adjustment to the basic support obligation.

Subdivision (a) relates to child care expenses. Subdivision (a) has been amended to require that child care expenses incurred by either party are to be allocated between the parties in proportion to their respective net incomes. Subsection (a)(1), relating to the federal child care tax credit, was amended in 2004 to reflect recent amendments to the Internal Revenue Code, 26 U.S.C. § 21. By referring to the Tax Code in general, rather than incorporating current Code provisions in the rule, any further amendments will be incorporated into the support calculation. Since the tax credit may be taken only against taxes owed, it cannot be used when the eligible parent does not incur sufficient tax liability to fully realize the credit. For this reason, subsection (2) provides that no adjustment to the total child care expenses may be made if the eligible parent does not qualify to receive the credit.

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Subdivision (b) addresses health insurance premiums. The cost of the premiums is generally treated as an additional expense to be allocated between the parties in proportion to their net incomes. Subdivision (b)(1) of the rule permits allocation of the entire premium, including the portion of the premium covering the party carrying the insurance, when the insurance benefits the other party and/or the children. Subdivision (b)(2) clarifies that, in calculating the amount of the health care premium to be allocated between the parties, subdivision (b)(1) requires the inclusion of that portion of the health insurance premium covering the party who is paying the premium, so long as there is a statutory duty of support owed to that party, but not the portion of the premium attributable to non-parties and children who are not the subjects of the support order. Subdivision (b)(2) provides for proration of the premium when the health insurance covers other persons who are not subject to the support action or owed a statutory duty of support. Subdivision (b) also permits an alternative method for dealing with the cost of health insurance premiums in certain circumstances. While, in general, the cost of the premiums will be treated as an additional expense to be allocated between the parties in proportion to their net incomes, in cases in which the obligee has no income or minimal income, subsection (4) authorizes the trier-of-fact to reduce the obligor's gross income for support purposes by some or all of the amount of the health insurance premiums. This is to avoid the result under a prior rule in which the entire cost of health insurance would have been borne by the obligor, with no resulting reduction in the amount of support he or she would otherwise be required to pay under the support guidelines. The goal of this provision is to encourage and facilitate the maintenance of health insurance coverage for dependents by giving the obligor a financial incentive to maintain health insurance coverage.

Subdivision (c) deals with unreimbursed medical expenses. Since the first \$250 of medical expenses per year per child is built into the basic guideline amount in the child support schedule, only medical expenses in excess of \$250 per year per child are subject to allocation under this rule as an additional expense to be added to the basic support obligation. The same is true with respect to spousal support so that the obligee-spouse is expected to assume the first \$250 per year of these expenses and may seek contribution under this rule only for unreimbursed expenses which exceed \$250 per year. The definition of "medical expenses" includes insurance co-payments, deductibles and orthodontia and excludes chiropractic services.

Subdivision (d) governs apportionment of private school tuition, summer camp and other unusual needs not reflected in the basic guideline amounts of support. The rule presumes allocation in proportion to the parties' net incomes consistent with the treatment of the other additional expenses.

Subdivision (e) provides for the apportionment of mortgage expenses. It defines "mortgage" to include the real estate taxes and homeowners' insurance. While real estate taxes and homeowners' insurance must be included if the trier-of-fact applies the provisions of this subdivision, the inclusion of second mortgages, home equity loans and other obligations secured by the marital residence is within the trier-of-fact's discretion based upon the circumstances of the case.

Explanatory Comment—2006

A new introductory sentence in Pa.R.C.P. No. 1910.16-6 clarifies that additional expenses contemplated in the rule may be allocated between the parties even if the parties' respective incomes do not warrant an award of basic support. Thus, even if application of either formula Pa.R.C.P. No. 1910.16-4 results in a basic support obligation of zero, the trier-of-fact may enter a support order allocating between the parties any or all of the additional expenses addressed in this rule.

The amendment of subdivision (e) recognizes that the obligor may be occupying the marital residence and that, in particular circumstances, justice and fairness may warrant an adjustment in his or her support obligation.

Explanatory Comment—2008

Federal and state statutes require clarification to subdivision (b) to ensure that all court orders for support address the children's ongoing need for medical care. In those instances where the children's health care needs are paid by the state's medical assistance program, and eligibility for the Children's Health Insurance Program ("CHIP") is denied due to the minimal income of the custodial parent, the obligor remains required to enroll the parties' children in health insurance that is, or may become, available that is reasonable in cost.

Government-sponsored health care plans represent a viable alternative to the often prohibitive cost of health insurance obtainable by a parent. Except for very low income children, every child is eligible for CHIP, for which the parent with primary physical custody must apply and which is based on that parent's income. A custodial parent may apply for CHIP by telephone or on the Internet. While co-premiums or co-pays increase as the custodial parent's income increases, such costs are generally

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modest and should be apportioned between the parties. Moreover, health care coverage obtained by the custodial parent generally yields more practical results, as the custodial parent resides in the geographic coverage area, enrollment cards are issued directly to the custodial parent, and claims may be submitted directly by the custodial parent.

Explanatory Comment—2010

Subdivision (e), relating to mortgages on the marital residence, has been amended to clarify that the rule cannot be applied after a final order of equitable distribution has been entered. To the extent that *Isralsky v. Isralsky*, 824 A.2d 1178 (Pa. Super. 2003), holds otherwise, it is superseded. At the time of resolution of the parties' economic claims, the former marital residence will either have been awarded to one of the parties or otherwise addressed.

Explanatory Comment—2018

The amendments provide for an adjustment to the parties' monthly net incomes prior to determining the percentage each party pays toward the expenses set forth in Pa.R.C.P. No. 1910.16-6. Previously, the Rules of Civil Procedure apportioned the enumerated expenses in Pa.R.C.P. No. 1910.16-6(a)—(d), with the exception of subdivision (c)(5), between the parties based on the parties' respective monthly net incomes as calculated pursuant to Pa.R.C.P. No. 1910.16-2. This apportionment did not consider the amount of support paid by the obligor or received by the obligee.

The amended rule adjusts the parties' monthly net incomes, upward or downward, by the spousal support/APL amount paid or received by that party prior to apportioning the expenses. This methodology is not new to the Rules of Civil Procedure. In Pa.R.C.P. No. 1910.16-6(c)(5)(rescinded), the parties' monthly net incomes in spousal support/APL-only cases were similarly adjusted prior to the apportionment of unreimbursed medical expenses. Likewise, Pa.R.C.P. No. 1910.16-6(e) considers the parties' monthly net income after the receipt or payment of the support obligation for purposes of determining a mortgage deviation. As the new procedure adopts the methodology in former subdivision (c)(5), that subdivision has been rescinded as delineating the spousal support only circumstance is unnecessary.

Lastly, the amendment consolidates Pa.R.C.P. No. 1910.16-6(b)(1), (2), and (2.1).

Source

The provisions of this Rule 1910.16-6 adopted December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended October 27, 2000, effective immediately, 30 Pa.B. 5837; amended June 5, 2001, effective immediately, 31 Pa.B. 3306; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended October 31, 2002, effective immediately, 32 Pa.B. 5632; amended July 30, 2003, effective immediately, 33 Pa.B. 4073; amended September 24, 2003, effective immediately, 33 Pa.B. 5075; amended November 9, 2004, effective immediately, 34 Pa.B. 6315; amended May 17, 2005, effective immediately, 35 Pa.B. 3216 and 3900; amended September 27, 2005, effective 4 months from the date of this order, 35 Pa.B. 5643; amended October 17, 2006, effective immediately, 36 Pa.B. 6632; amended August 13, 2008, effective October 12, 2008, 38 Pa.B. 4736; amended December 8, 2009, effective immediately, 39 Pa.B. 7097; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended July 8, 2010, effective September 6, 2010, 40 Pa.B. 4140; amended August 26, 2011, effective September 30, 2011, 41 Pa.B. 4851; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended May 14, 2014, effective in 30 days on June 13, 2014, 44 Pa.B. 3233; amended March 12, 2015, effective in 30 days on April 11, 2015, 45 Pa.B. 1842; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123; amended June 23, 2017, effective on October 1, 2017, 47 Pa.B. 3744; amended December 28, 2018, effective January 1, 2019, 49 Pa.B. 170; amended August 17, 2021, effective January 1, 2022, 51 Pa.B. 5539. Immediately preceding text appears at serial pages (395637) to (395644).

Rule 1910.16-7. Support Guidelines. Multiple Family Child Support Obligations.

(a) When an obligor's basic child support obligations total 50% or less of the obligor's monthly net income, there will be no deviation from the basic support obligation on the ground of the existence of a new family.

Example: If the obligor requests a reduction of support for one child of the first marriage on the basis that there is a new child of the second intact marriage, and the relevant monthly net incomes are \$2,500 for the obligor, \$500 for the former spouse, and \$1,300 for the current spouse, the request for a reduction

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will be denied because the obligor's basic support obligations total \$1,138 (\$576 for the first child and \$562 for the second child) and are less than half of the obligor's monthly net income.

(b) When the total of the obligor's basic support obligations exceeds 50% of the obligor's monthly net income, the trier-of-fact may proportionately reduce the basic support obligations.

(1) The goal of the guidelines is to treat each child equitably, and a first or later family shall not receive preference.

(2) The trier-of-fact shall not divide the basic child support obligations for all of the obligor's children among the households in which those children live.

Example 1. The obligor is sued for support of an out-of-wedlock child. The obligor is already paying support for two children of the first marriage, and has an intact second marriage with one child. The relevant monthly net incomes are \$3,800 for the obligor, \$1,100 for the former spouse, \$0 for the current spouse, and \$1,500 for the parent of the new child. The obligor's basic child support obligations to each family are \$1,140 for the two children of the first marriage, \$854 for the one child of the second marriage, and \$743 for the one child out of wedlock for a total of \$2,737. Since the total of these obligations exceeds 50% of the obligor's monthly net income of \$3,800, the trier-of-fact may consider a proportional reduction of the orders.

Example 2. The obligor is sued for support of three children of a second marriage. There is already an order in effect for two children of the first marriage. The relevant monthly net incomes are \$2,500 for the obligor, \$0 for the first spouse, and \$500 for the second spouse. The obligor's basic child support obligation to each family is \$877 for the two children of the first marriage and \$1,040 for the three children of the second marriage for a total support obligation of \$1,917. Since the total obligation leaves the obligor with only \$583 on which to live, the orders are too high as the obligor must be left with a Self-Support Reserve of \$1,063. However, reducing the order for three children while leaving the existing order intact would give preference to the first family, contrary to the rule. Therefore, both orders shall be reduced proportionally.

Example 3. The obligor is sued by three obligees to establish orders for three children. The monthly net income for the obligor and for each obligee is \$1,500. The trier-of-fact would determine that the obligor's basic child support obligation for each child is \$346 for a total of \$1,038 for three children. It would be incorrect to determine the basic child support obligation for three children, in this case \$1,253, and divide that amount among the three children. As the obligations exceed 50% of the obligor's monthly net income, the support orders should be reduced proportionately consistent with subdivision (b) and ensure the obligor retains the Self-Support Reserve of \$1,063 consistent with Pa.R.C.P. No. 1910.16-2(e).

(c) *Presumptive Basic Support Obligation.*

(1) For purposes of this rule, the obligor's presumptive basic support obligation:

- (i) is calculated using only the formula in Pa.R.C.P. No. 1910.16-4; and
- (ii) does not include any additional expenses that may be added pursuant to Pa.R.C.P. No. 1910.16-6.

(2) In calculating the obligor's presumptive basic support obligation, the trier-of-fact shall ensure that the obligor retains at least \$1,063 per month consistent with Pa.R.C.P. No. 1910.16-2(e).

Example 1. Assume that the obligor is paying \$553 per month support for one child of the first marriage, plus an additional \$200 per month for child care expenses. The obligor requests a reduction in this support obligation on the basis that there is one new child of the second intact marriage. The relevant incomes are \$2,400 for the obligor and \$0 for the former and current spouses. The obligor's request for a reduction shall be denied because the total of the basic support obligations for both children is only \$1,106 (\$553 for each child) and does not exceed 50% of the obligor's monthly net income. A reduction shall not be given on the basis that the obligor's contribution to child care expenses for the first child results in an total basic support child obligation of \$1,306, which exceeds 50% of the obligor's monthly net income. The presumptive basic child support obligations for the two children still total \$1,106 (\$553 for each child). The trier-of-fact shall consider the deviation factors under Pa.R.C.P. No. 1910.16-5 and the parties' respective contributions to additional expenses under Pa.R.C.P. No. 1910.16-6 in arriving at an appropriate total child support obligation for each child.

Example 2. Assume that the obligor is paying \$346 per month support for one child of the first marriage. The obligor has one new child of the second intact marriage. The relevant incomes are \$1,500 for the obligor and \$0 for the former and current spouses. A reduction shall not be given on the basis of the obligor's new child because the presumptive basic child support obligations total \$692 (\$346 for each child) and this amount does not exceed 50% of the obligor's monthly net income. Since, however, this amount leaves the obligor with only \$808 per month, the trier-of-fact shall proportionally reduce the basic child support obligations so that the obligor retains \$1,063 per month. The presumptive basic child support obligations total \$437 (\$218.50 for each child). The trier-of-fact shall consider the deviation factors under Pa.R.C.P. No. 1910.16-5 and the parties' respective contributions to additional expenses under Pa.R.C.P. No. 1910.16-6 in arriving at an appropriate total child support obligation for each child.

Explanatory Comment—2010

Rule 1910.16-7 has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve to \$867 per month, the 2008 federal poverty level for one person. The distribution priorities formerly in subdivision (d) have been moved to Rule 1910.17(d) to clarify that these priorities apply to all support orders, not just those involving multiple families.

Explanatory Comment—2013

Rule 1910.16-7 has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve to \$931 per month, the 2012 federal poverty level for one person.

Source

The provisions of this Rule 1910.16-7 adopted December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended October 31, 2002, effective immediately, 32 Pa.B. 5632; amended September 27, 2005, effective 4 months from the date of this order, 35 Pa.B. 5643; amended August 13, 2008, effective October 12, 2008, 38 Pa.B. 4736; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended September 25, 2014, effective in 30 days on October 25, 2014, 44 Pa.B. 6553; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123; amended February 9, 2018, effective April 1, 2018, 48 Pa.B. 1093; amended August 17, 2021, effective January 1, 2022, 51 Pa.B. 5539. Immediately preceding text appears at serial pages (395644) to (395647).

Rule 1910.17. Support Order. Effective Date. Change of Circumstances. Copies of Order. Priority of Distribution of Payments.

(a) An order of support shall be effective from the date of the filing of the complaint or petition for modification unless the order specifies otherwise. In a child support case, if a change in custody occurs after the date of filing, but before a domestic relations conference is held, the trier of fact shall enter a charging order going forward in favor of the primary custodian that shall be effective from the date of the change in custody. The trier of fact also may enter a retroactive arrears order in favor of the party who was the primary custodian at the time of filing. Such an order may address the period from the date of filing to the date of the change in custody. However, a modification of an existing support order may be retroactive to a date preceding the date of filing if the petitioner was precluded from filing a petition for modification by reason of a significant physical or mental disability, misrepresentation of another party or other compelling reason and if the petitioner, when no longer precluded, promptly filed a petition.

Example: Mother has primary custody of the children and files for child support. Two months later, Father becomes the primary custodian. One month after the change in custody, a support conference is held. Father will be the obligee on a charging order that is retroactive to the date he became the primary custodian. However, an order also may be entered with Mother as the obligee for the two-month period from the date of filing to the date of the change in custody.

Official Note: The order must direct payment to be made payable to or payment to be made to the State Collection and Disbursement Unit for transmission to the obligee. See 23 Pa.C.S. § 4325.

Subdivision (a) was amended in 2005 to include the statutory provision at 23 Pa.C.S. § 4352(e) that authorizes the court to enter a modified order that is effective to a date prior to the date on which the petition for modification was filed in certain circumstances. To the effect that the holding in *Kelleher v. Bush*, 832 A.2d 483 (Pa. Super. Ct. 2003), is inconsistent, it is superseded. See 23 Pa.C.S. § 4352(e) for additional provisions.

Every order of support must contain an immediate or conditional order for the attachment of income. See Rule 1910.21.

(b) The order shall notify the obligee and the obligor that each is under a continuing obligation to inform the domestic relations section in writing or by

personal appearance and all other parties in writing within seven days of any material change in circumstances relevant to the level of support or the administration of the support order, including, but not limited to, loss or change of income or employment and change of personal address or change of address of any child receiving support. The order shall also notify the parties that if a party willfully fails to inform the domestic relations section of the required information, the court may adjudge the party to be in contempt of court pursuant to Rules 1910.25 through 1910.25-6 and may order the party to be punished by one or more of the following: jail, fine or probation.

(c) A copy of the support order shall be provided to each party to the action and to the party's attorney, if any, pursuant to Rule 440.

(d) The priorities for distribution of payments and/or collections from the obligor, without regard to the source of the funds or method of collection, are as follows:

- (1) monthly current child support.
- (2) medical, child care or other court-ordered child support-related expenses.
- (3) monthly ordered amount toward child support arrears.
- (4) monthly current spousal support or alimony pendente lite.
- (5) remaining child support arrears.
- (6) monthly ordered amount toward spousal support or alimony pendente lite arrears.
- (7) remaining spousal support or alimony pendente lite arrears.
- (8) court costs and fees.

Explanatory Comment—2010

Subdivision (d) has been moved from Pa.R.C.P. No. 1910.16-7 and expanded for clarification. It addresses the priority of the distribution of payments and collections in all cases, not just those involving multiple families. However, collections realized through the interception of federal tax returns by the Internal Revenue Service are subject to federal distribution priorities. *See* 45 CFR § 303.72(h). An unallocated order for child support and spousal support or child support and alimony *pendente lite* has the same priority as a child support order.

Source

The provisions of this Rule 1910.17 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended November 22, 1994, effective January 1, 1995, 24 Pa.B. 6137; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended May 17, 2005, effective immediately, 35 Pa.B. 3216 and 3900; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended September 25, 2014, effective in 30 days on October 25, 2014, 44 Pa.B. 6553; amended July 30, 2018, effective January 1, 2019, 48 Pa.B. 4960. Immediately preceding text appears at serial pages (390547) to (390548).

Rule 1910.18. Support Order. Subsequent Proceedings. Modification of Spousal Support or Alimony *Pendente Lite* Orders Entered Before January 1, 2019.

(a) Subsequent support order modification or termination proceedings pursuant to Pa.R.C.P. No. 1910.19 shall be brought in the court that entered the order.

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If the action has been transferred pursuant to Pa.R.C.P. No. 1910.2 following the entry of a support order, subsequent proceedings shall be brought in the court to which the action was transferred.

(b) Subsequent support order enforcement proceedings pursuant to Pa.R.C.P. No. 1910.20 may be brought in the court that entered the support order or the court to which the order has been transferred.

(c) Subdivision (a) shall not limit the plaintiff's right to institute additional support proceedings in a county of proper venue.

(d) Unless a modification provides that the Internal Revenue Code, as amended by the Tax Cuts and Jobs Act of 2017 (Pub.L. No. 115-97), expressly applies, an order entered before January 1, 2019 that includes spousal support or alimony *pendente lite* is governed by the Pa.R.C.P. No. 1910.16-4(a)(2)(Part IV) formula.

Official Note: See Pa.R.C.P. No. 1910.16-4(a)(1)(Part B) or (2)(Part IV), as relevant.

Source

The provisions of this Rule 1910.18 amended December 18, 1998, effective January 1, 1999, 29 Pa.B. 16; amended December 28, 2018, effective January 1, 2019, 49 Pa.B. 170. Immediately preceding text appears at serial page (387909).

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

(a) A petition for modification or termination of an existing support order shall specifically aver the material and substantial change in circumstances upon which the petition is based. A new guideline amount resulting from new or revised support guidelines may constitute a material and substantial change in circumstances. The existence of additional income, income sources or assets identified through automated methods or otherwise may also constitute a material and substantial change in circumstances.

(b) The procedure upon the petition shall be in accordance with Rule 1910.10 et seq. After a party has filed a petition for modification of a child support order, the petition may not be withdrawn unless both parties consent or with leave of court. A petition for modification of spousal support or alimony *pendente lite* may be withdrawn without the consent of the other party or leave of court.

(c) Pursuant to a petition for modification, the trier-of-fact may modify or terminate the existing support order in any appropriate manner based on the evidence presented without regard to which party filed the petition for modification. If the trier-of-fact finds that there has been a material and substantial change in circumstances, the order may be increased or decreased based on the parties' respective monthly net incomes, consistent with the support guidelines, existing law, and Pa.R.C.P. No. 1910.18(d), and the party's custodial time with the child at the time the modification petition is heard.

(d) All charging orders for spousal support and alimony *pendente lite* shall terminate upon the death of the payee spouse.

(e) Within six months prior to the date a child who is the subject of a child support order reaches eighteen (18) years of age, the domestic relations section

shall issue an emancipation inquiry and notice to the obligee, with a copy to the obligor, seeking the following information:

- (1) confirmation of the child's date of birth, date of graduation or withdrawal from high school;
- (2) whether the child has left the obligee's household and, if so, the date of departure;
- (3) the existence of any agreement between the parties requiring payments for the benefit of the child after the child has reached age eighteen (18) or graduated from high school; and
- (4) any special needs of the child which may be a basis for continuing support for that child beyond the child's eighteenth birthday or graduation from high school, whichever is last to occur.

The notice shall advise the obligee that if the inquiry is not returned within thirty (30) days of mailing or if there is no agreement or the child does not have any special needs, the charging order may be modified or terminated by the court. In order to avoid overpayment, when no other children are subjects of the child support order and the obligee either does not return the emancipation inquiry within thirty (30) days of its mailing or does not assert grounds for continuing support for the child, then the domestic relations section shall administratively terminate the child support charging order without further proceedings on the last to occur of the date the last child reaches age eighteen (18) or graduates from high school. Termination of the charging order shall not affect any arrears accrued through the date of termination. The court shall have the authority to enter an order requiring the obligor to pay on arrears in an amount equal to the amount of the charging order until all arrears are paid.

If the order applies to another child or children and/or the obligee asserts that there is an agreement between the parties or that a child has special needs requiring continued support, then the domestic relations section may schedule a conference prior to the child's attaining age 18 or graduating from high school to determine if the charging order should be modified.

(f) Upon notice to the obligee, with a copy to the obligor, explaining the basis for the proposed modification or termination, the court may modify or terminate a charging order for support and remit any arrears, all without prejudice, when it appears to the court that:

- (1) the order is no longer able to be enforced under state law; or
- (2) the obligor is unable to pay, has no known income or assets and there is no reasonable prospect that the obligor will be able to pay in the foreseeable future.

The notice shall advise the obligee to contact the domestic relations section within 60 days of the date of the mailing of the notice if the obligee wishes to contest the proposed modification or termination. If the obligee objects, the domestic relations section shall schedule a conference to provide the obligee the opportunity to contest the proposed action. If the obligee does not respond to the

notice or object to the proposed action, the court shall have the authority to modify or terminate the order and remit any arrears, without prejudice.

(g) *Overpayments.*

(1) *Order in Effect.* If there is an overpayment in an amount in excess of two months of the monthly support obligation and a charging order remains in effect, after notice to the parties as set forth below, the domestic relations section shall reduce the charging order by 20% or an amount sufficient to retire the overpayment by the time the charging order is terminated. The notice shall advise the parties to contact the domestic relations section within 30 days of the date of the mailing of the notice if either or both of them wishes to contest the proposed reduction of the charging order. If either party objects, the domestic relations section shall schedule a conference to provide the objecting party the opportunity to contest the proposed action. If neither party responds to the notice or objects to the proposed action, the domestic relations section shall have the authority to reduce the charging order.

(2) *Order Terminated.* If there is an overpayment in any amount and there is no charging order in effect, within one year of the termination of the charging order, the former obligor may file a petition with the domestic relations section seeking recovery of the overpayment. A copy shall be served upon the former obligee as original process. The domestic relations section shall schedule a conference on the petition, which shall be conducted consistent with the rules governing support actions. The domestic relations section shall have the authority to enter an order against the former obligee for the amount of the overpayment in a monthly amount to be determined by the trier of fact after consideration of the former obligee's ability to pay.

(h) *Modification of a Support Order with Child Support and Spousal Support or Child Support and Alimony Pendente Lite Entered Before January 1, 2019.*

(1) In a subsequent modification proceeding of an order awarding child support and spousal support or child support and alimony *pendente lite*, as provided in Pa.R.C.P. No. 1910.18(d), the trier-of-fact may on its own motion or upon the motion of a party:

(i) make an unallocated award in favor of the spouse and one or more children; or

(ii) state the support amount allocable to the spouse and to each child.

(2) The trier-of-fact shall clearly state whether the order is allocated or unallocated even if the child support and spousal support or child support and alimony *pendente lite* amounts are delineated in the order.

(i) If the order is allocated, the Pa.R.C.P. No. 1910-16.4(a)(2)(Part IV) formula determines the spousal support amount.

(A) As the formula assumes an unallocated order, if the order's allocation utilizing the formula is inequitable, the trier-of-fact may adjust the order, as appropriate.

(B) In making an adjustment, the trier-of-fact shall consider the federal income tax consequences.

(C) If the parties are in higher income brackets, the income tax considerations are likely to be a more significant factor in determining a support amount.

(ii) If the order is unallocated or the order is for spousal support or alimony *pendente lite* only, the trier-of-fact shall not consider the federal income tax consequences.

Official Note: See 23 Pa.C.S. § 4348(d) for additional matters that must be specified in a support order if arrearages exist when the order is entered.

(3) A support award for a spouse and children is taxable to the obligee while an award for the children only is not. Consequently, in certain situations, an award only for the children will be more favorable to the obligee than an award to the spouse and children. In this situation, the trier-of-fact should utilize the method that provides the greatest benefit to the obligee.

(4) If the obligee's monthly net income is equal to or greater than the obligor's monthly net income, the guideline amount for spouse and children is identical to the guideline amount for children only. Therefore, in cases involving support for spouse and children, whenever the obligee's monthly net income is equal to or greater than the obligor's monthly net income, the guideline amount indicated shall be attributed to child support only.

(5) Unallocated child support and spousal support or child support and alimony *pendente lite* orders shall terminate upon the obligee's death.

(6) In the event that the obligor defaults on an unallocated order, the trier-of-fact shall allocate the order for child support collection pursuant to the Internal Revenue Service income tax refund intercept program or for registration and enforcement of the order in another jurisdiction under the Uniform Interstate Family Support Act, 23 Pa.C.S. §§ 7101—7903. The trier-of-fact shall provide the parties with notice of allocation.

Official Note: This provision is necessary to comply with various state and federal laws relating to child support enforcement. It is not intended to affect an unallocated order's tax consequences.

(7) An unallocated child support and spousal support or child support and alimony *pendente lite* order is a final order as to the claims covered in the order.

(8) Motions for post-trial relief cannot be filed to the final order.

Official Note: The procedure relating to Motions for Reconsideration is set forth in Pa.R.C.P. No. 1930.2.

Subdivision (h) incorporates Pa.R.C.P. No. 1910.16 (rescinded) and Pa.R.C.P. No. 1910.16-4(f)(rescinded) for subsequent modification proceedings due to the enactment of the Tax Cuts and Jobs Act of 2017 (Pub.L. No. 115-97).

Explanatory Comment—1993

Existence of Guidelines as Substantial Change in Circumstances. In its opinion in *Newman v. Newman*, 409 Pa. Super. Ct. 108, 597 A.2d 684 (Pa. Super. 1991), the Superior Court held that enactment of the guidelines does not constitute a substantial change in circumstance which could serve as the basis for modification of a support order. The amended rule allows the trier of fact to consider new or revised rules as a change in circumstances where the change in the guidelines, either by itself or in combination with other factors, is material and substantial.

Explanatory Comment—2000

The Pennsylvania Child Support Enforcement System (“PACSES”) is electronically linked to a variety of governmental and private agencies and institutions. This linkage enables PACSES to immediately locate and identify an obligor’s income, income sources and assets. Rule 1910.19 is amended to provide that their identification through these automated methods provides a basis for modifying both the current support obligation and the rate of repayment on either past due or overdue support. Identification through means other than PACSES continues to provide the same basis for modification.

While identification of income sources or assets provides a basis for modification, this rule is not intended to prevent a court from ordering that the income or assets be frozen and seized under Rule 1910.26 pending the hearing on the petition for modification. Such relief remains available under Rule 1910.26 governing appropriate interim or special relief. See Rule 1910.1 Explanatory Comment. Nor is this rule intended to affect the court’s ability to seize income or assets under Rule 1910.20 to secure an overdue support obligation.

Explanatory Comment—2002

Although support orders do not terminate automatically, many obligors are unaware of the necessity of filing a petition to terminate a child support order when the child becomes emancipated. As a result, old orders have continued to charge long after the subject child has become an adult. New subdivision (e) is intended to address this problem by giving the obligee notice of a proposed modification or termination of the order and the opportunity to object. If no objection is made, or if the obligee fails to respond with a reason to continue the order, the rule gives the court the authority to terminate or modify the charging order, depending upon whether or not other children are covered under the order.

Explanatory Comment—2006

New subdivision (f) addresses an increasing multiplicity of circumstances in which the continued existence of a court-ordered obligation of support is inconsistent with rules or law. An obligor with no known assets whose sole source of income is Supplemental Security Income or cash assistance cannot be ordered to pay support under Rule 1910.16-2. Likewise, an obligor with no verifiable income or assets whose institutionalization, incarceration or long-term disability precludes the payment of support renders the support order unenforceable and uncollectible, diminishing the perception of the court as a source of redress and relief. Often, the obligor is unable or unaware of the need to file for a modification or termination, or the parties abandon the action. In those circumstances, the courts are charged with managing dockets with no viable outcomes. Both the rules and the federal guidelines for child support under Title IV-D of the Social Security Act provide for circumstances under which a support order shall not be entered or under which a child support case may be closed. Subdivision (f) expands the authority of the courts to respond to case management issues brought about by changes in circumstances of the parties of which the courts become aware through the expansion of automated interfaces and data exchanges.

Source

The provisions of this Rule 1910.19 amended January 27, 1993, effective immediately, 23 Pa.B. 701; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended June 5, 2001, effective immediately, 31 Pa.B. 3306; amended October 11, 2002, effective immediately, 32 Pa.B. 5263; amended May 19, 2006, effective immediately, 36 Pa.B. 2629; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended September 19, 2011, effective October 31, 2011, 41 Pa.B. 5153; amended November 5, 2012, effective December 5, 2012, 42 Pa.B. 7091; amended December 28, 2018, effective January 1, 2019, 49 Pa.B. 170. Immediately preceding text appears at serial pages (387909) to (387912).

Rule 1910.20. Support Order. Enforcement. General.

(a) A support order shall be enforced by income withholding as required by law in the manner provided by Rule 1910.21.

(b) Upon the obligor’s failure to comply with a support order, the order may also be enforced by any one or all of the following remedies:

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(1) pursuant to Rule 1910.21, and without further hearing or prior notice to the obligor, increasing the amount of monthly support payments for payment of the overdue support at a rate to be determined by the court; withholding or seizing periodic or lump sum payments of income from a government agency, including unemployment compensation, social security, retirement or disability benefits and any other benefits; withholding or seizing periodic or lump sum payments of income from insurance carriers or privately-insured employers,

including workers' compensation benefits; withholding or seizing judgments or settlements; and withholding or seizing public and private retirement funds in pay status;

- (2) pursuant to Rule 1910.22, imposing liens on real property;
- (3) pursuant to Rule 1910.23, attaching and seizing assets of the obligor held in financial institutions;
- (4) pursuant to Rule 1910.24, reducing and executing a judgment against the obligor;
- (5) pursuant to Rules 1910.25 through 1910.25-6, initiating contempt proceedings;
- (6) reporting the amount of overdue support to consumer reporting agencies in the manner prescribed by 23 Pa.C.S. § 4303;
- (7) when the obligor owes overdue support in an amount of three months or more, suspending occupational, commercial/driver's and recreational licenses in the manner prescribed by 23 Pa.C.S. § 4355.

These remedies are cumulative and not alternative.

(c) For purposes of this Rule, overdue support remains subject to the remedies set forth in subdivision (b) of this Rule until paid in full. Except as provided in 23 Pa.C.S. § 4355 for suspension of licenses, neither a repayment schedule subsequently agreed to by the parties nor an order of court establishing such a schedule precludes the use of these remedies for collecting overdue support more quickly, whenever feasible.

Source

The provisions of this Rule 1910.20 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended May 31, 2000, effective July 1, 2000, 20 Pa.B. 3155. Immediately preceding text appears at serial page (256281).

Rule 1910.21. Support Order. Enforcement. Withholding of Income.

(a) *Immediate Income Withholding.* Every order of court shall contain an immediate order for the withholding of income unless (1) there is no overdue support owing under the order and (2) either the court finds there is good cause not to require immediate income withholding or the parties agree in writing to an alternative arrangement.

(b) *Initiated Income Withholding.* If there is no immediate income withholding pursuant to subdivision (a), and nonpayment of the support order causes overdue support to accrue, the court shall enter an order for the immediate withholding of income.

(c) *Order for Withholding.* An order for income withholding must include a provision directing that no commutation or compromise and release of worker's compensation benefits, severance pay or any payment in lieu thereof shall be paid to the defendant until the order for withholding is dissolved by further order of court.

(d) *Service on Employer.*

(1) The order for income withholding shall be served upon the obligor's employer. The employer shall pay to the State Collection and Disbursement Unit the full amount set forth in the order and may deduct from the balance due the obligor an amount authorized by law for clerical work and expense involved in complying with the order. Upon termination of the obligor's employment, the employer shall notify the domestic relations section of the termination, the obligor's last known address, and the name and address of the obligor's new employer, if known.

(2) Upon willful failure to obey an order for income withholding, the employer, or an officer or employee of the employer, may be held in contempt and subject to other remedies provided by law.

Official Note: 23 Pa.C.S. § 4348(k)(1) provides that contempt is punishable by jail or fine. 23 Pa.C.S. § 4348(k)(2) provides that the employer is liable for any amount which the employer willfully fails to withhold or for any amount withheld but not forwarded to the domestic relations section. 23 Pa.C.S. § 4348(k)(3) provides that the court may attach funds or property of an employer.

(e) *Notice to Obligor. Objections.* A notice of entry of an order for income withholding shall be served on the obligor. The obligor may object to the order in writing or by personal appearance before the county domestic relations section within ten days after issuance of the notice. The grounds for an objection are limited to the following mistakes of fact: (i) no overdue support exists under the order or there is a mistake in the amount of overdue support; (ii) there is a mistake in the identity of the obligor; or (iii) the amount being withheld exceeds the maximum amount which may be withheld under the federal Consumer Credit Protection Act, 15 U.S.C. § 1673. If a mistake of fact has occurred, the order shall be modified accordingly.

(f) *Income Withholding When the Obligor Defaults on Support Order.*

(1) When an obligor is subject to an order for income withholding and payment is received from the employer within 15 days from the date upon which the obligor's obligation would be considered overdue (i.e. the date upon which delinquent support is equal to one month's support obligation), the payment shall be considered timely and any past due support shall not be converted to overdue support or subject to automated enforcement mechanisms.

(2) When nonpayment of the support order by the obligor causes overdue support to accrue, the court may increase the order for income withholding until the overdue support is paid in full. The court may also direct the employer to withhold any periodic or lump sum distributions of income which may be payable to the obligor in addition to regular income until further order of court.

(g) *Priority of Income Withholding.* If there are multiple support obligations in effect against the income of the obligor, the court shall allocate among the obligees the amount of income available for withholding, giving priority to cur-

rent child support, child support-related expenses and child support arrears to the limit provided by law and stating the priority of payment to the obligee.

(h) *Termination of Order for Income Withholding.* An order for income withholding shall continue until dissolved by the court as provided by law.

Official Note: Pursuant to 23 Pa.C.S. § 4348(h), an order for income withholding may be terminated when (1) the support obligation has terminated and the total arrears are paid; (2) the payee cannot be located and it becomes impossible to forward payments; or (3) the result would be unconscionable. The order may also be terminated administratively by the domestic relations section.

Explanatory Comment—2008

New subdivision 1910.21(f)(1) is intended to address circumstances in which an employer timely withholds income from an obligor pursuant to an income withholding order, but a delay occurs in receipt of the funds by the State Collection and Disbursement Unit. In those cases, it would be inappropriate to consider the obligor's payment as untimely and convert past due support to overdue support because an obligor subject to an income withholding order has no control over the timing of the transmission of the funds from the employer. This new rule addresses solely timing issues by providing a 15-day grace period. It does not apply to obligors who are not subject to an order for income withholding.

Source

The provisions of this Rule 1910.21 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; rescinded March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended August 13, 2008, effective immediately, 38 Pa.B. 4735; amended August 13, 2008, effective October 12, 2008, 35 Pa.B. 4736. Immediately preceding text appears at serial pages (319383) to (319384) and (267747).

Rule 1910.21-1. [Renumbered].

Source

The provisions of this Rule 1910.21-1 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (256281) to (256283).

Rule 1910.21-2. [Renumbered].

Source

The provisions of this Rule 1910.21-2 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (200345).

Rule 1910.21-3. [Renumbered].

Source

The provisions of this Rule 1910.21-3 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (200345).

Rule 1910.21-4. [Renumbered].

Source

The provisions of this Rule 1910.21-4 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (200345) to (200346).

Rule 1910.21-5. [Renumbered].

Source

The provisions of this Rule 1910.21-5 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (200346) and (256973).

Rule 1910.21-6. [Renumbered].

Source

The provisions of this Rule 1910.21-6 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (256973).

Rule 1910.21-7. [Renumbered].

Source

The provisions of this Rule 1910.21-7 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (256974).

Rule 1910.22. Support Order. Enforcement. Liens Against Real Property.

(a) An overdue support obligation of this or any other state which is on record at the domestic relations section shall constitute a lien of record by operation of law against the obligor's real property located in Pennsylvania. When the overdue obligation arises in another state, it shall be transmitted to the Department of Public Welfare Central Registry. Upon receipt and verification of the amount owed, the Central Registry shall notify the appropriate domestic relations section which shall enter the amount owed in its records.

(b) A person seeking certification of a lien of record arising from overdue support owed by an obligor shall submit a written request for certification to the domestic relations section. The request must include the obligor's full name, date

of birth and social security number, if known. Within two business days, the domestic relations section shall provide written certification of the amount of overdue support owed as of the date of certification and shall enter the amount and date of certification on the docket.

Official Note: Rule 76 defines “person” as including a corporation, partnership and association as well as a natural person.

(c) The domestic relations section shall provide a copy of the written certification to the parties. Either party may object to the certification in writing or by personal appearance before the domestic relations section. The grounds for an objection are limited to the following: (1) no overdue support exists under the support order or there is a mistake in the certified amount of overdue support; (2) there is a mistake in the identity of the obligor; or (3) the lien cannot attach to the property as a matter of law. Pending a court’s disposition of the objection, the certification shall remain in full force and effect unless stayed by the court for good cause shown.

(d) Payment of the certified amount of overdue support shall constitute a satisfaction thereof and the domestic relations section shall record the amount of payment on the docket.

Source

The provisions of this Rule 1910.22 amended June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended September 26, 1990, effective immediately, 20 Pa.B. 5197; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767; amended June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (256974) and (260381) to (260382).

Rule 1910.23. Support Order. Enforcement. Attachment of Assets Held by Financial Institutions.

(a) Upon identification of an obligor’s assets held by a financial institution, the court shall, upon certification of the overdue support owed by the obligor, enter an immediate order prohibiting the release of those assets until further order of court. The order shall be served on the financial institution in the manner prescribed by Rules 400 through 406 governing service of original process or by registered mail, return receipt requested, or by electronic service upon the request of the financial institution. Service by mail is complete upon the return of the registered mail receipt personally signed by the financial institution or other evidence of service satisfactory to the court. Service of the order on the financial institution shall attach the asset up to the amount of the overdue support until further order of court.

(b) The domestic relations section shall provide written notification of the attachment to the obligor. The obligor and any joint owner of the account who

has been notified by the financial institution may object to the attachment in writing or by personal appearance before the domestic relations section within 30 days after issuance of the notice. The grounds for an objection are limited to the following: (1) no overdue support exists under the support order or there is a mistake in the certified amount of overdue support; (2) there is a mistake in the identity of the obligor; or (3) the account is not subject to attachment as a matter of law.

(c) If no objection is made within 30 days after notice was issued, the court shall, upon proof that obligor was properly served with notice of the attachment, enter an order seizing the assets up to the amount of overdue support owed. The order shall be served on the financial institution and a copy of the order provided to both parties.

Source

The provisions of this Rule 1910.23 rescinded April 29, 1991, effective July 1, 1991, 21 Pa.B. 2335; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended January 25, 2013, effective February 24, 2013, 43 Pa.B. 801. Immediately preceding text appears at serial pages (267749) to (267750).

Rule 1910.23-1. [Rescinded].

Source

The provisions of this Rule 1910.23-1 adopted April 29, 1991, effective July 1, 1991, 21 Pa.B. 2335; rescinded May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (260382).

Rule 1910.23-2. [Rescinded].

Source

The provisions of this Rule 1910.23-2 adopted April 29, 1991, effective July 1, 1991, 21 Pa.B. 2335; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; rescinded May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (260382) and (228795).

**Rule 1910.24. Support Order. Enforcement. Judgment for Arrearages.
Petition to Correct Judgment. Execution.**

(a) On and after the date it is due, overdue support shall constitute a judgment against the obligor as provided by law. The prothonotary shall enter the judgment of record upon the proper docket and in the judgment index either at the direction of the court or upon praecipe of a party or the domestic relations section. The judgment must be accompanied by a written certification showing that obligor owes overdue support pursuant to an order of court.

(b) A petition to correct the judgment shall be limited to the following grounds: (1) no overdue support exists under the support order or (2) there is a mistake in the amount of overdue support. The petition initially shall be determined before a conference officer or hearing officer in the same manner as an

original proceeding for support. Except as provided by order of court, the filing of a petition to correct a judgment shall not stay the proceedings.

Official Note: It is important to note that the petition to strike or open a judgment used in civil practice is not adopted here.

(c) The judgment may be enforced against the obligor's real or personal property as provided by Rules 3001 through 3011, governing transfer of judgments, and Rules 3101 through 3149, governing enforcement of judgments for the payment of money.

Official Note: See Section 8104 of the Judicial Code, 42 Pa.C.S., § 8104, which imposes a duty upon a judgment creditor who has received satisfaction of a judgment, upon written request and tender of the fee, to enter satisfaction in the office of the clerk of court (the prothonotary) in which the judgment is outstanding.

Source

The provisions of this Rule 1910.24 amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (228795).

Rule 1910.25. Enforcement. Support Order. Civil Contempt. Petition. Service. No Answer Required.

(a) Upon failure to comply with an order of support, a petition for civil contempt

- (1) may be filed by the obligee at any time, or
- (2) shall be filed by the domestic relations section
 - (i) immediately upon the accrual of arrearages in any amount for fifteen days where it is known at the outset that income cannot be attached; or
 - (ii) immediately upon learning that an order for income withholding pursuant to Rule 1910.21 has been ineffective, or within twenty days of failure to comply with the order of support, whichever is earlier.

Official Note: Except as provided in 23 Pa.C.S. § 4355 relating to suspension of licenses, an order entered pursuant to a contempt proceeding which establishes a rate of repayment on overdue support does not preclude the use of other remedies under Title 23 or these Rules for collecting overdue support more quickly, whenever feasible.

(b) The petition shall begin with an order of court in substantially the following form:

[CAPTION]

ORDER OF COURT

Legal proceedings have been brought against you alleging that you have disobeyed an order of court for support.

(1) A critical issue in the contempt proceeding is your ability to pay and comply with the terms of the support order. If you wish to defend against the claim set forth in the following pages, you may, but are not required to, file in writing with the court your defenses or objections.

(2) You, _____, Respondent, must appear in person in court on _____ (day and date) at _____ (a.m./p.m.) in (court) room _____, _____ (address).

IF YOU DO NOT APPEAR IN PERSON,
THE COURT MAY
ISSUE A WARRANT FOR YOUR ARREST
AND YOU MAY BE COMMITTED TO JAIL.

(3) If the court finds that you have willfully failed to comply with its order for support, you may be found to be in contempt of court and committed to jail, fined or both.

You will have the opportunity to disclose income, other financial information and any relevant personal information at the conference/hearing so that the court can determine if you have the ability to pay. You may also tell the court about any unusual expenses that may affect your ability to pay. You may fill out the enclosed Income Statement and Expense Statement forms and submit them to the court.

At the conference/hearing, the contempt petition may be dismissed, new and/or modified purge conditions may be imposed, or the judge may order you to jail. If the obligee fails to appear, the court will proceed with the case and enter an appropriate order.

YOU ARE REQUIRED TO BRING:

- Your most recent pay stub for any and all employers
- Payroll address, phone number, fax number and contact person
- Proof of medical coverage

Any other documentation relevant to your case and the issue of contempt as stated in the petition, including the completed Income Statement and Expense Statement forms. For example, other documentation that may be relevant includes documents related to claims for unemployment compensation, workers' compensation and Social Security benefits.

BY THE COURT:

DATE OF ORDER: _____

Judge

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)

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Official Note: Neither Rule 1018.1 (Notice to Defend) nor Rule 1361 (Notice to Plead) apply to a petition for enforcement of support.

(c) The petition shall aver the facts alleged to constitute the failure to comply with the support order. The petition shall set forth the amount of support arrearages, if any, as provided by the domestic relations section. Unless specially ordered by the court, no answer to the petition is required.

(d) The petition shall be served upon the respondent

- (1) by ordinary mail with the return address of the domestic relations section appearing thereon; or
- (2) by any form of mail which requires the respondent to sign a receipt; or
- (3) by a competent adult; or

Official Note: See Rule 76 for the definition of “competent adult.”

(4) pursuant to special order of court. A respondent who attends the conference and/or hearing in person shall be deemed to have been served.

(e) The court may issue a bench warrant as provided by Rule 1910.13-1 for failure of the respondent to appear.

(f) The respondent shall be advised in the Order/Notice to Appear that his or her present ability to pay is a critical issue in the contempt proceeding. The respondent shall be provided with Income and Expense Statements to demonstrate financial ability to pay. At the hearing, the respondent shall be provided the opportunity to respond to any questions about his or her financial status. The trier of fact shall issue an express finding that the respondent does or does not have the present ability to pay.

Explanatory Comment—2012

The amendments to the form in subdivision (b) and new subdivision (f) are intended to assure compliance with the U.S. Supreme Court’s decision in *Turner v. Rogers*, 131 S. Ct. 2507 (2011). In that case, the Court held that counsel need not automatically be appointed for indigent support obligors facing incarceration in civil contempt proceedings. The Court held that the due process clause of the Fourteenth Amendment to the U.S. Constitution does not require that counsel be provided where the obligee is not represented by counsel and the state provides alternative procedural safeguards including adequate notice of the importance of the ability to pay, a fair opportunity to present, and to dispute, relevant information, and express court findings as to the obligor’s ability to pay.

Source

The provisions of this Rule 1910.25 amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended March 18, 2004, effective June 16, 2004, 34 Pa.B. 1754; amended November 30, 2012, effective December 30, 2012, 42 Pa.B. 7521. Immediately preceding text appears at serial pages (303570) and (328351).

Rule 1910.25-1. Civil Contempt. Hearing by Court. Conference by Officer.

(a) After service of the petition and order of court upon the respondent, there shall be (1) an office conference conducted by a conference officer, as provided by Rule 1910.25-2, or (2) an immediate hearing by the court, if permitted by the court.

(b) If, at any time during a contempt proceeding, including proceedings under Rules 1910.25-2, 1910.25-3 and 1910.25-4, the hearing officer or conference officer determines that the failure to comply with the support order is willful and

there is present ability to comply, the petition for contempt shall be heard by the court for consideration of incarceration and other appropriate sanctions.

Official Note: The determination required by subdivision (b) shall be made by a conference officer in counties adopting the procedure of Rule 1910.25-3 (conference and hearing de novo) or by a hearing officer in counties adopting the alternative procedure of Rule 1910.25-4 (record hearing and exceptions).

Courts should strive to hear these cases promptly, on the same day if possible.

Source

The provisions of this Rule 1910.25-1 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155.

Rule 1910.25-2. Civil Contempt. Office Conference. Agreement. Alternative Procedures Upon Failure to Agree.

- (a) The office conference shall be conducted by a conference officer.
- (b) The conference officer may make a recommendation to the parties as to the disposition of the proceedings.
- (c) If an agreement is reached at the conference, the conference officer shall prepare a written order in conformity with the agreement for signature by the parties and submission to the court. The court may enter the order in accordance with the agreement without hearing the parties.
- (d) If an agreement is not reached, the procedure shall be as prescribed by Rule 1910.25-3 unless the court by local rule adopts the alternative procedure of Rule 1910.25-4.

Source

The provisions of this Rule 1910.25-2 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155.

Rule 1910.25-3. Civil Contempt. Conference Summary. Order. Hearing De Novo.

- (a) If an agreement is not reached, the conference officer shall, at the conclusion of the conference or shortly thereafter, prepare a conference summary and furnish copies to the court and to all parties. The conference summary shall state:
 - (1) the facts upon which the parties agree,
 - (2) the contentions of the parties with respect to facts upon which they disagree, and
 - (3) the conference officer's recommendation whether
 - (i) the respondent has willfully failed to comply with the order for support,
 - (ii) the respondent should be held in contempt, and
 - (iii) sanctions or purge conditions should be imposed against the respondent.

Official Note: The sanction of imprisonment may be imposed only following an evidentiary hearing before a judge. See Rule 1910.25-5(a).

- (b) The court, without hearing the parties, may enter an appropriate order after consideration of the conference summary. Each party shall be provided with

a copy of the order and written notice that any party may, within twenty days after the date of receipt or the date of the mailing of the order, whichever occurs first, file a written demand with the domestic relations section for a hearing before the court.

(c) A demand for a hearing before the court shall stay the contempt order.

(d) If the court does not enter an order under Rule 1910.25-2(c) or subdivision (b) of this rule within five days of the conference, or if an order is entered and a demand for a hearing before the court is filed, there shall be a hearing de novo before the court. The domestic relations section shall schedule the hearing and give notice to the parties. The hearing de novo shall be held no later than seventy-five days after the date the petition for contempt was filed.

(e) The court shall not be precluded from conducting a hearing on the petition for contempt on the same day as the office conference.

Official Note: Every effort should be made to ensure that these cases are heard promptly, on the same day if possible.

Source

The provisions of this Rule 1910.25-3 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended June 11, 2007, effective immediately, 37 Pa.B. 2800. Immediately preceding text appears at serial pages (303572) and (267753).

Rule 1910.25-4. Civil Contempt. Alternative Procedure. Record Hearing. Report. Exceptions. Order.

(a) At the conclusion of the conference if an agreement has not been reached, the parties shall be given notice of the date, time, and place of a hearing if the conference and hearing have not been scheduled for the same date. The hearing on the record shall be conducted by a hearing officer who must be a lawyer.

Official Note: Every effort should be made to ensure that cases are heard promptly, on the same day if possible.

(b) The hearing officer shall receive evidence, hear argument and file with the court a report containing a proposed order. A copy of the report shall be furnished to all parties at the conclusion of the hearing. The report may be in narrative form and shall include the officer's recommendation with respect to the following matters, together with the reasons therefor:

- (1) whether the respondent has willfully failed to comply with the order for support,
- (2) whether the respondent should be held in contempt, and
- (3) whether sanctions or purge conditions should be imposed against the respondent.

Official Note: The sanction of imprisonment may be imposed only following an evidentiary hearing before a judge. See Rule 1910.25-5(a).

(c) Within twenty days after the conclusion of the hearing, any party may file exceptions to the report or any part thereof, to rulings on objections, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and

without discussion. Matters not covered by exceptions are deemed waived unless, prior to the entry of the order, leave is granted to file exceptions raising those matters.

(d) If no exceptions are filed within the twenty-day period, the court shall review the report and, if approved, enter an order.

(e) If exceptions are filed, the court shall, no later than seventy-five days after the date the petition for contempt was filed, hear argument on the exceptions or hold a hearing de novo. The court shall enter an appropriate order.

Source

The provisions of this Rule 1910.25-4 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended June 11, 2007, effective immediately, 37 Pa.B. 2800. Immediately preceding text appears at serial pages (267753) to (267754).

Rule 1910.25-5. Civil Contempt. Contempt Order. Incarceration.

(a) No respondent may be incarcerated as a sanction for contempt without an evidentiary hearing before a judge.

(b) The court shall make a finding, on the record, as to whether the respondent, based upon the evidence presented at hearing, does or does not have the present ability to pay the court-ordered amount of support.

(c) An order committing a respondent to jail for civil contempt of a support order shall specify the conditions the fulfillment of which will result in the release of the respondent.

Official Note: The time periods set forth in Rules 1910.25 through 1910.25-6 are for the benefit of the plaintiff, and not for the defendant. The goal is the prompt initiation of contempt proceedings because of the importance of ongoing support payments. The time periods in no way limit the right of either the domestic relations section or the plaintiff to proceed with a contempt action.

Source

The provisions of this Rule 1910.25-5 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended June 11, 2007, effective immediately, 37 Pa.B. 2800; amended November 30, 2012, effective December 30, 2012, 42 Pa.B. 7521. Immediately preceding text appears at serial page (328354).

Rule 1910.25-6. Civil Contempt. No Post Trial Relief.

No motions for post trial relief shall be filed to any orders entered pursuant to Rules 1910.25 through 1910.25-6.

Source

The provisions of this Rule 1910.25-6 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155.

Rule 1910.25-7. Indirect Criminal Contempt. Incarceration.

In addition to any other remedy available to the court, the court may order the respondent to obtain employment with income that can be verified and is subject to income attachment. If the respondent willfully fails to comply with an order to obtain such employment, the court may commit the respondent to jail upon adjudication for indirect criminal contempt, provided the respondent is afforded all of the procedural safeguards available to criminal defendants.

Explanatory Comment—2007

Parental support of children is a fundamental requirement of law and public policy. Absent an inability to maintain employment or acquire other income or assets, sanction in the form of incarceration may be imposed by the court to compel compliance and provide an incentive to obey the law.

ACTIONS FOR SUPPORT

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The contempt process, which should be used as a last resort, is necessary to impose coercive sanctions upon those obligors whose circumstances provide no recourse to the court to compel payment or a good faith effort to comply. Appellate opinions have made it clear that an obligor who is in civil contempt cannot be incarcerated without the present ability to fulfill the conditions the court imposes for release. However, the courts also have noted that recalcitrant obligors may be imprisoned for indirect criminal contempt if afforded the proper procedural safeguards. See *Godfrey v. Godfrey*, 894 A.2d 776 (Pa. Super. 2006); *Hyle v. Hyle*, 868 A.2d 601 (Pa. Super. 2005).

Source

The provisions of this Rule 1910.25-7 adopted June 11, 2007, effective immediately, 37 Pa.B. 2800.

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Rule 1910.26. Support Order. Enforcement. Stay of Proceedings. Special Relief.

(a) An action for support or a support order may be stayed only by a special order of court upon a showing of compelling circumstances following notice and hearing or upon agreement of the parties in writing.

(b) At any time after the filing of the complaint, the court may on application issue a preliminary or special injunction, appoint a temporary receiver, order the seizure of property, dispose of seized property or grant other appropriate interim or special relief.

Source

The provisions of this Rule 1910.26 amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (228795) to (228806).

Rule 1910.27. Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification. Petition for Recovery of Support Overpayment.

(a) The complaint in an action for support shall be substantially in the following form:

(Caption)
COMPLAINT FOR SUPPORT

1. Plaintiff resides at _____,
(Street) (City) (Zip Code)
_____ County. Plaintiff's Social Security Number is _____, and date of birth is _____.

2. Defendant resides at _____,
(Street) (City) (Zip Code)
_____ County. Defendant's Social Security Number is _____, and date of birth is _____.

3. (a) Plaintiff and Defendant were married on _____,
(Date)
at _____.
(City and State)

(b) Plaintiff and Defendant were separated on _____.
(Date)

(c) Plaintiff and Defendant were divorced on _____, at
(Date)

(City and State)

4. Plaintiff and Defendant are the parents of the following children:

(a) Born of the Marriage:

Name	Birth Date	Age	Residence
_____	_____	_____	_____
_____	_____	_____	_____

(b) Born out of Wedlock:

Name	Birth Date	Age	Residence
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5. Plaintiff seeks to pay support or receive support for the following persons: _____ .

6. (a) Plaintiff is (not) receiving public assistance in the amount of \$ _____ per _____ for the support of _____ .
(Name(s))

(b) Plaintiff is receiving additional income in the amount of \$ _____ from _____ .

7. A previous support order was entered against the plaintiff defendant on _____ in an action at _____ in
(Court, term and docket number)
the amount of \$ _____ for the support of _____ .
(Name)

There are (no) arrearages in the amount of \$ _____ .
The order has (not) been terminated.

8. Plaintiff Defendant last received support from the other party in the amount of \$ _____ on _____ .
(Date)

WHEREFORE, Plaintiff requests that an order be entered on behalf of the aforementioned child(ren) and/or spouse for reasonable support and medical coverage.

Date Plaintiff or Attorney for Plaintiff

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

Date Plaintiff

NOTICE

Guidelines for child and spousal support, and for alimony pendente lite have been prepared by the Court of Common Pleas and are available for inspection in the office of Domestic Relations Section,

(Address)

Official Note: See Pa.R.C.P. No. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions (e.g., divorce, custody), the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* shall apply.

(b) The order to be attached at the front of the complaint in subdivision (a) shall be substantially in the following form:

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(Caption)
ORDER OF COURT

Plaintiff, _____ and _____, defendant, are ordered to appear at _____ before _____, a conference officer of the Domestic Relations Section, on the _____ day of _____, 20_____, at _____ .M., for a conference, after which the officer may recommend that an order for support be entered against you.

You are further ordered to bring to the conference

- (1) a true copy of your most recent Federal Income Tax Return, including W-2s, as filed,
- (2) your pay stubs for the preceding six months,
- (3) the Income Statement and the appropriate Expense Statement, if required, attached to this order, completed as required by Rule 1910.11(c),
- (4) verification of child care expenses, and
- (5) proof of medical coverage which you may have, or may have available to you.

If you fail to appear for the conference or to bring the required documents, the court may issue a warrant for your arrest and/or enter an interim support order. If paternity is an issue, the court shall enter an order establishing paternity.

(6) If a physician has determined that a medical condition affects your ability to earn income you must obtain a Physician Verification Form from the domestic relations section, sign it, have it completed by your doctor, and bring it with you to the conference.

THE TRIER OF FACT SHALL ENTER AN APPROPRIATE CHILD SUPPORT ORDER BASED UPON THE EVIDENCE PRESENTED, WITHOUT REGARD TO WHICH PARTY INITIATED THE SUPPORT ACTION. THE DETERMINATION OF WHICH PARTY WILL BE THE OBLIGEE AND WHICH WILL BE THE OBLIGOR WILL BE MADE BY THE TRIER OF FACT BASED UPON THE RESPECTIVE INCOMES OF THE PARTIES, CONSISTENT WITH THE SUPPORT GUIDELINES AND EXISTING LAW, AND THE CUSTODIAL ARRANGEMENTS AT THE TIME OF THE INITIAL OR SUBSEQUENT CONFERENCE, HEARING, OR TRIAL. IF SUPPORTED BY THE EVIDENCE, THE PARTY NAMED AS THE DEFENDANT IN THE INITIAL PLEADING MAY BE DEEMED TO BE THE OBLIGEE, EVEN IF THAT PARTY DID NOT FILE A COMPLAINT FOR SUPPORT.

Date of Order: _____ J.

YOU HAVE THE RIGHT TO A LAWYER, WHO MAY ATTEND THE CONFERENCE AND REPRESENT YOU. 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)

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

(c) The Income Statements and Expense Statements to be attached to the order in subdivision (b) shall be substantially in the following form:

(1) *Income Statements*. This form must be filled out in all cases.

Official Note: See Pa.R.C.P. No. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions (e.g., divorce, custody), the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* shall apply.

_____ v. _____ No. _____

THIS FORM MUST BE FILLED OUT

(If you are self-employed or if you are salaried by a business of which you are owner in whole or in part, you must also fill out the Supplemental Income Statement which appears below.

INCOME STATEMENT OF

(Name) (PACASES Number)

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

Date: _____
Plaintiff or Defendant

INCOME

Employer: _____
Address: _____
Type of Work: _____
Payroll Number: _____
Pay Period (weekly, biweekly, etc): _____
Gross Pay per Pay Period: \$ _____
Itemized Payroll Deductions:
Federal Withholding \$ _____
FICA _____
Local Wage Tax _____
State Income Tax _____
Mandatory Retirement _____

ACTIONS FOR SUPPORT

231 Rule 1910.27

INCOME

Union Dues	_____
Health Insurance	_____
Other (specify)	_____
_____	_____
_____	_____
Net Pay per Pay Period:	\$_____

Other Income:

	Week	Month	Year
	(Fill in Appropriate Column)		
Interest	\$_____	\$_____	\$_____
Dividends	_____	_____	_____
Pension Distributions	_____	_____	_____
Annuity	_____	_____	_____
Social Security	_____	_____	_____
Rents	_____	_____	_____
Royalties	_____	_____	_____
Unemployment Comp.	_____	_____	_____
Workers Comp.	_____	_____	_____
Employer Fringe Benefits	_____	_____	_____
Other _____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total	\$_____	\$_____	\$_____
TOTAL INCOME	_____	_____	_____

PROPERTY OWNED

Description	Value	Ownership*		
		H	W	J
Checking accounts	\$ _____	_____	_____	_____
Savings accounts	_____	_____	_____	_____
Credit Union	_____	_____	_____	_____
Stocks/bonds	_____	_____	_____	_____
Real estate	_____	_____	_____	_____
Other	_____	_____	_____	_____
Total	\$ _____	_____	_____	_____

INSURANCE

Company	Policy No.	Coverage*		
		H	W	C
Hospital				
Blue Cross	_____	_____	_____	_____
Other	_____	_____	_____	_____
Medical				
Blue Shield	_____	_____	_____	_____
Other	_____	_____	_____	_____
Health/Accident	_____	_____	_____	_____
Disability Income	_____	_____	_____	_____
Dental	_____	_____	_____	_____
Other	_____	_____	_____	_____

*H=Husband; W=Wife; J=Joint; C=Child

SUPPLEMENTAL INCOME STATEMENT

(a) This form is to be filled out by a person (check one):

- (1) who operates a business or practices a profession, or
- (2) who is a member of a partnership or joint venture, or
- (3) who is a shareholder in and is salaried by a closed corporation or similar entity.

(b) Attach to this statement a copy of the following documents relating to the partnership, joint venture, business, profession, corporation or similar entity:

- (1) the most recent Federal Income Tax Return, and
- (2) the most recent Profit and Loss Statement.

(c) Name of business: _____
 Address and
 Telephone Number: _____

(d) Nature of business (check one)

- (1) partnership
- (2) joint venture
- (3) profession
- (4) closed corporation
- (5) other

(e) Name of accountant, controller or other person in charge of financial records:

(f) Annual income from business:

(1) How often is income received?

(2) Gross income per pay period:

(3) Net income per pay period:

(4) Specified deductions, if any:

(2) *Expense Statements.* An Expense Statement is not required in cases that can be determined pursuant to the guidelines unless a party avers unusual needs and expenses that may warrant a deviation from the guideline amount of support pursuant to Pa.R.C.P. No. 1910.16-5 or seeks an apportionment of expenses pursuant to Pa.R.C.P. No. 1910.16-6. *See* Pa.R.C.P. No. 1910.11(c)(1). Child support is calculated under the guidelines based upon the monthly net incomes of the parties, with additional amounts ordered as necessary to provide for child care expenses, health insurance premiums, unreimbursed medical expenses, mortgage payments, and other needs, contingent upon the obligor’s ability to pay. The Expense Statement in subparagraph (A) shall be utilized if a party is claiming that he or she has unusual needs and unusual fixed expenses that may warrant deviation or adjustment in a case determined under the guidelines. In child support, spousal support, and alimony *pendente lite* cases calculated pursuant to Pa.R.C.P. No. 1910.16-3.1 and in divorce cases involving claims for alimony, counsel fees, or costs and expenses pursuant to Pa.R.C.P. No. 1920.31(a), the parties shall complete the Expense Statement in subparagraph (B).

Official Note: See Pa.R.C.P. No. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions (e.g., divorce, custody), the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* shall apply.

(A) *Guidelines Expense Statement.* If the combined monthly net income of the parties is \$30,000 or less, it is not necessary to complete this form unless a party is claiming unusual needs and expenses that may warrant a deviation from the guideline amount of support pursuant to Rule 1910.16-5 or seeks an apportionment of expenses pursuant to Rule 1910.16-6. At the conference, each party must provide receipts or other verification of expenses claimed on this statement. The Guidelines Expense Statement shall be substantially in the following form.

EXPENSE STATEMENT OF

(Name)

(PACSES Number)

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

Date: _____

Plaintiff or Defendant

Weekly Monthly Yearly

(Fill in Appropriate Column)

Mortgage (including real estate taxes and homeowner's insurance) or Rent	\$ _____	\$ _____	\$ _____
Health Insurance Premiums	_____	_____	_____
Unreimbursed Medical Expenses:			
Doctor	_____	_____	_____
Dentist	_____	_____	_____
Orthodontist	_____	_____	_____
Hospital	_____	_____	_____
Medicine	_____	_____	_____
Special Needs (glasses, braces, orthopedic devices, therapy)	_____	_____	_____
Child Care	_____	_____	_____
Private school	_____	_____	_____
Parochial school	_____	_____	_____
Loans/Debts	_____	_____	_____
Support of Other Dependents:			
Other child support	_____	_____	_____
Alimony payments	_____	_____	_____
Other: (Specify)	_____	_____	_____
Total	\$ _____	\$ _____	\$ _____

(B) *Expense Statement for Cases Pursuant to Rule 1910.16-3.1 and Rule 1920.31.* No later than five business days prior to the conference, the parties shall exchange this form, along with receipts or other verification of the expenses set forth on this form. Failure to comply with this provision may result in an appropriate order for sanctions and/or the entry of an interim order based upon the information provided.

EXPENSE STATEMENT OF

 (Name) (PACSES Number)

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

Date: _____

Plaintiff or Defendant

EXPENSES	MONTHLY TOTAL	MONTHLY CHILDREN	MONTHLY PARENT
HOME			
Mortgage or Rent	_____	_____	_____
Maintenance	_____	_____	_____
Lawn Care	_____	_____	_____
2nd Mortgage	_____	_____	_____
UTILITIES			
Electric	_____	_____	_____
Gas	_____	_____	_____
Oil	_____	_____	_____
Telephone	_____	_____	_____
Cell Phone	_____	_____	_____
Water	_____	_____	_____
Sewer	_____	_____	_____
Cable TV	_____	_____	_____
Internet	_____	_____	_____
Trash/ Recycling	_____	_____	_____
TAXES			
Real Estate	_____	_____	_____
Personal Property	_____	_____	_____
INSURANCE			
Homeowners/ Renters	_____	_____	_____
Automobile	_____	_____	_____
Life	_____	_____	_____
Accident/Disability	_____	_____	_____
Excess Coverage	_____	_____	_____
Long-Term Care	_____	_____	_____

ACTIONS FOR SUPPORT

231 Rule 1910.27

AUTOMOBILE

Lease or Loan Payments	_____	_____	_____
Fuel	_____	_____	_____
Repairs	_____	_____	_____
Memberships	_____	_____	_____

MEDICAL

Medical Insurance	_____	_____	_____
Doctor	_____	_____	_____
Dentist	_____	_____	_____
Hospital	_____	_____	_____
Medication	_____	_____	_____
Counseling/Therapy	_____	_____	_____
Orthodontist	_____	_____	_____
Special Needs (glasses, etc.)	_____	_____	_____

EDUCATION

Tuition	_____	_____	_____
Tutoring	_____	_____	_____
Lessons	_____	_____	_____
Other	_____	_____	_____

PERSONAL

Debt Service	_____	_____	_____
Clothing	_____	_____	_____
Groceries	_____	_____	_____
Haircare	_____	_____	_____
Memberships	_____	_____	_____

MISCELLANEOUS

Child Care	_____	_____	_____
Household Help	_____	_____	_____
Summer Camp	_____	_____	_____
Papers/Books/Magazines	_____	_____	_____
Entertainment	_____	_____	_____
Pet Expenses	_____	_____	_____

EXPENSES	MONTHLY TOTAL	MONTHLY CHILDREN	MONTHLY PARENT
Vacations	_____	_____	_____
Gifts	_____	_____	_____
Legal Fees/Prof. Fees	_____	_____	_____
Charitable Contributions	_____	_____	_____
Children's Parties	_____	_____	_____
Children's Allowances	_____	_____	_____
Other Child Support	_____	_____	_____
Alimony Payments	_____	_____	_____
TOTAL MONTHLY EXPENSES	_____	_____	_____

(d) The form used to obtain information relating to health insurance coverage from a party shall be in substantially the following form:

(Caption)
**HEALTH INSURANCE COVERAGE INFORMATION
 REQUIRED BY THE COURT**

This form must be completed and returned to the domestic relations section.

IF YOU FAIL TO PROVIDE THE INFORMATION REQUESTED, THE
 COURT MAY FIND THAT YOU ARE IN CONTEMPT OF COURT.

Do you provide insurance coverage for the dependents named below? (Check each type of insurance which you provide).

Full Name SS #	Type of Coverage					
	Hospital- zation	Medical	Dental	Eye	Prescrip- tion	Other
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Before forwarding the form to the party, the domestic relations section should fill in the names and Social Security numbers of the dependents about whom the information is sought.

Provide the following information for all types of insurance you maintain, whether or not any of the above-named dependents is covered at this time:

Insurance company (provider): _____
Group #: _____ Plan #: _____ Policy #: _____
Effective coverage date: _____ Type of coverage: _____
Employee cost of coverage for dependents: _____

Insurance company (provider): _____
Group #: _____ Plan #: _____ Policy #: _____
Effective coverage date: _____ Type of coverage: _____
Employee cost of coverage for dependents: _____

Insurance company (provider): _____
Group #: _____ Plan #: _____ Policy #: _____
Effective coverage date: _____ Type of coverage: _____
Employee cost of coverage for dependents: _____

Insurance company (provider): _____
Group #: _____ Plan #: _____ Policy #: _____
Effective coverage date: _____ Type of coverage: _____
Employee cost of coverage for dependents: _____

If the above-named dependents are not currently covered by insurance, please state the earliest date coverage could be provided. _____

(e) The form of a support order shall be substantially as follows:

(Caption)
(FINAL) (TEMPORARY) (MODIFIED)
ORDER OF COURT

AND NOW, _____, based upon the Court's determination that Payee's monthly net income is \$ _____, and Payor's monthly net income is \$ _____, it is hereby ordered that the Payor pay to the Domestic Relations Section, Court of Common Pleas, _____ Dollars (\$ _____) a month payable (WEEKLY/BI-WEEKLY/SEMI-MONTHLY/MONTHLY) as follows: _____. Arrears set at \$ _____ as of _____ are due in full IMMEDIATELY. Contempt proceedings, credit bureau reporting and tax refund offset certification will not be initiated, and judgment will not be entered, as long as payor pays \$ _____ on arrears on each payment date. Failure to make each payment on time and in full will cause all arrears to become subject to immediate collection by all of the means listed above.

For the support of: _____

Said money to be turned over by the domestic relations section to: _____

Payments must be made (STATE ACCEPTABLE FORMS OF PAYMENT). All checks and money orders must be made payable to (NAME OF ENTITY TO WHOM CHECKS SHOULD BE MADE PAYABLE) and mailed to (NAME OF OFFICE) at (MAILING ADDRESS). Each payment must bear your (FILE/CASE/FOLIO/DOMESTIC RELATIONS) number in order to be processed. Do not send cash by mail.

Unreimbursed medical expenses are to be paid _____ % by defendant and _____ % by plaintiff. (PLAINTIFF/DEFENDANT/NEITHER) to provide medical insurance coverage. Within 30 days after the entry of this order, the party ordered to provide medical insurance shall submit to the other party written proof that medical insurance coverage has been obtained or that application for coverage has been made. Proof of coverage shall consist, at a minimum, of: 1) the name of the health care coverage provider(s); 2) any applicable identification numbers; 3) any cards evidencing coverage; 4) the address to which claims should be made; 5) a description of any restrictions on usage, such as prior approval for hospital admissions, and the manner of obtaining approval; 6) a copy of the benefit booklet or coverage contract; 7) a description of all deductibles and co-payments; and 8) five copies of any claim forms.

IMPORTANT LEGAL NOTICE

PARTIES MUST WITHIN SEVEN DAYS INFORM THE DOMESTIC RELATIONS SECTION AND THE OTHER PARTIES, IN WRITING, OF ANY MATERIAL CHANGE IN CIRCUMSTANCES RELEVANT TO THE LEVEL OF SUPPORT OR THE ADMINISTRATION OF THE SUPPORT ORDER, INCLUDING, BUT NOT LIMITED TO, LOSS OR CHANGE OF INCOME OR EMPLOYMENT AND CHANGE OF PERSONAL ADDRESS OR CHANGE OF ADDRESS OF ANY CHILD RECEIVING SUPPORT. A PARTY WHO WILLFULLY FAILS TO REPORT A MATERIAL CHANGE IN CIRCUMSTANCE MAY BE ADJUDGED IN CONTEMPT OF COURT, AND MAY BE FINED OR IMPRISONED.

PENNSYLVANIA LAW PROVIDES THAT ALL SUPPORT ORDERS SHALL BE REVIEWED AT LEAST ONCE EVERY THREE (3) YEARS IF SUCH A REVIEW IS REQUESTED BY ONE OF THE PARTIES. IF YOU WISH TO REQUEST A REVIEW AND ADJUSTMENT OF YOUR ORDER, YOU MUST DO THE FOLLOWING: AN UNREPRESENTED PERSON WHO WANTS TO MODIFY (ADJUST) A SUPPORT ORDER SHOULD (insert instructions for local domestic relations section).

ALL CHARGING ORDERS FOR SPOUSAL SUPPORT AND ALIMONY PENDENTE LITE, INCLUDING UNALLOCATED ORDERS FOR CHILD AND SPOUSAL SUPPORT OR CHILD SUPPORT AND ALIMONY PENDENTE LITE, SHALL TERMINATE UPON THE DEATH OF THE PAYEE.

A MANDATORY INCOME ATTACHMENT WILL ISSUE UNLESS THE DEFENDANT IS NOT IN ARREARS IN PAYMENT IN AN AMOUNT EQUAL TO OR GREATER THAN ONE MONTH'S SUPPORT OBLIGATION AND (1) THE COURT FINDS THAT THERE IS GOOD CAUSE NOT TO REQUIRE IMMEDIATE INCOME WITHHOLDING; OR (2) A WRITTEN AGREEMENT IS REACHED BETWEEN THE PARTIES WHICH PROVIDES FOR AN ALTERNATE ARRANGEMENT.

DELINQUENT ARREARAGE BALANCES MAY BE REPORTED TO CREDIT AGENCIES. ON AND AFTER THE DATE IT IS DUE, EACH UNPAID SUPPORT PAYMENT SHALL CONSTITUTE A JUDGMENT AGAINST YOU.

IT IS FURTHER ORDERED that, upon payor's failure to comply with this order, payor may be arrested and brought before the Court for a Contempt hearing; payor's wages, salary, commissions, and/or income may be attached in accordance with law; this Order will be increased without further hearing to \$ _____ a month until all arrearages are paid in full. Payor is responsible for court costs and fees.

Copies delivered to parties _____ (INDICATE DATE DELIVERED).

Consented:

Plaintiff

Plaintiff's Attorney

Defendant

Defendant's Attorney

BY THE COURT:

J.

(f) A petition for modification of support shall be in substantially the following form:

(Caption)

PETITION FOR MODIFICATION
OF AN EXISTING SUPPORT ORDER

1. The petition of _____ respectfully represents that on _____, 19_____, an Order of Court was entered for the support of _____. A true and correct copy of the order is attached to this petition.

2. Petitioner is entitled to _____* of this Order because of the following material and substantial change(s) in circumstance: _____

*Fill in the relief sought, i.e. increase, decrease, modification, termination, suspension, vacation

WHEREFORE, Petitioner requests that the Court modify the existing order for support.

(Attorney for Petitioner)(Petitioner)

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

Date

Petitioner

(g) The order to be attached at the front of the petition for modification set forth in subdivision (f) shall be in substantially the following form:

(Caption)

ORDER OF COURT

You, _____, Respondent, have been sued in Court to modify an existing support order. You are ordered to appear in person at _____ on _____ at _____M., for a conference/ hearing and to remain until dismissed by the Court. If you fail to appear as provided in this Order, an Order for Modification may be entered against you.

You are further ordered to bring to the conference

- (1) a true copy of your most recent Federal Income Tax Return, including W-2s, as filed,
- (2) your pay stubs for the preceding six months,
- (3) the Income Statement and appropriate Expense Statement, if required, attached to this order, completed as required by Rule 1910.11(c),
- (4) verification of child care expenses, and
- (5) proof of medical coverage which you may have, or may have available to you.
- (6) If a physician has determined that a medical condition affects your ability to earn income, you must obtain a Physician Verification Form from the domestic relations section, sign it, have it completed by your doctor, and bring it with you to the conference.

THE TRIER OF FACT MAY INCREASE, DECREASE OR TERMINATE THE EXISTING ORDER BASED UPON THE EVIDENCE PRESENTED. AN ORDER MAY BE ENTERED AGAINST EITHER PARTY WITHOUT REGARD TO WHICH PARTY FILED THE MODIFICATION PETITION.

Date of Order: _____ J.

2. Defendant is an adult individual residing at:

3. Plaintiff and defendant were parties in a prior support action that was terminated by order dated _____ at docket number _____ .

4. There is an overpayment owing to the instant plaintiff.

Wherefore, the plaintiff requests that, pursuant to Pa.R.C.P. No. 1910.19(g)(2), an order be entered against the defendant and in favor of the plaintiff in the amount of the overpayment.

Date _____ Petitioner or Attorney for Petitioner

I verify that the statements in this petition are true and correct to the best of my knowledge, information and belief. 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) _____ (Petitioner signature) _____

(j) The order to be attached at the front of the petition for recovery of support overpayment in closed case set forth in subdivision (i) shall be in substantially the following form:

(Caption)
ORDER OF COURT

You, _____, defendant, are ordered to appear at _____ before _____, a conference officer of the Domestic Relations Section, on the _____ day of _____, 20____, at ____ .M., for a conference, after which the officer may recommend that an order for the recovery of a support overpayment be entered against you.

You are further ordered to bring to the conference

- (1) a true copy of your most recent federal income tax return, including W-2s, as filed,
- (2) your pay stubs for the preceding six months, and
- (3) the Income Statement and the appropriate Expense Statement, if you are claiming that you have unusual needs or unusual fixed obligations.

Date of Order: _____ J.

YOU HAVE THE RIGHT TO A LAWYER, WHO MAY ATTEND THE CONFERENCE AND REPRESENT YOU. 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)

1910-80

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

Explanatory Comment—1994

The support complaint and Income and Expense Statements contain a verification which states that the documents are subject to the penalties of the Crimes Code relating to unsworn falsification to authorities. A notary public is not needed.

Explanatory Comment—2006

Rule 1910.27(c) is amended to separate income and expense information and to elicit the expense information relevant in cases that fall within the guidelines, as well as those that do not. In cases which can be determined under the guidelines, no expense information need be provided unless a party is claiming unusual needs and expenses that may warrant a deviation pursuant to Rule 1910.16-5 or an apportionment of expenses pursuant to Rule 1910.16-6. If a party is claiming such expenses, the form at subsection (c)(2)(A) should be submitted. A separate expense form for cases in which the parties' combined monthly net income exceeds \$20,000 is set forth at subsection (c)(2)(B).

Rule 1910.11(c) was amended, effective in March 1995, to provide that only income and extraordinary expenses need be shown on the Income and Expense Statement in cases which can be determined pursuant to the guidelines. The Explanatory Comment—1994 explained the rationale for the amendment.

Nevertheless, because space for both income and expense information was provided on the same form Income and Expense Statement, parties often needlessly expended time and effort to provide expense information that was not relevant at the conference. The amendments are intended to clarify and simplify the submission of expense information.

Explanatory Comment—2010

When the combined net monthly income of the parties exceeds \$30,000, the case will be decided pursuant to Rule 1910.16-3.1 and the Income Statement and the Expense Statement at Rule 1910.27(c)(2)(B) must be submitted.

Explanatory Comment—2012

The form complaint for support in subdivision (a) has been amended to accommodate cases initiated pursuant to Rule 1910.3(a)(6). Because a support order may be entered against either party without regard to which party initiated the support action pursuant to Rule 1910.3(b), a party who believes that he or she may owe a duty of support may use the complaint form to initiate the action even if he or she ultimately is determined to be the obligor. In active charging support cases in which there is an overpayment in an amount in excess of two months of the monthly support obligation and the domestic relations section fails to reduce the charging order automatically to recoup the overpayment pursuant to Rule 1910.19(g)(1), the obligor may file a petition for recovery as set forth in subdivision (h) above. A separate form petition has been added in subdivision (i) by which a former support obligor may seek recovery of an overpayment in any amount in terminated cases pursuant to Rule 1910.19(g)(2).

Source

The provisions of this Rule 1910.27 amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; amended December 2, 1994, effective March 1, 1995, 25 Pa.B. 6263; amended March 24, 1997, effective July 1, 1997, 27 Pa.B. 1549; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended June 5, 2001, effective immediately, 31 Pa.B. 3306; amended June 24, 2002, effective immediately, 32 Pa.B. 3389; amended March 18, 2004, effective June 16, 2004, 34 Pa.B. 1754; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7113; amended August 13, 2008, effective October 12, 2008, 38 Pa.B. 4736; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended November 5, 2012, effective December 5, 2012, 42 Pa.B. 7091; amended November 30, 2012, effective December 30, 2012, 42 Pa.B. 7522; amended September 25, 2014, effective in 30 days on October 25, 2014, 44 Pa.B. 6553; amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 477; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3520. Immediately preceding text appears at serial pages (390099) to (390106), (365307) to (365312), (374093) to (374094) and (390107).

Rule 1910.28. Order for Earnings and Health Insurance Information. Form of Earnings Report. Form of Health Insurance Coverage Information.

(a) The order for earnings and health insurance information shall be in substantially the following form:

(Caption)

ORDER FOR EARNINGS REPORT, HEALTH INSURANCE INFORMATION AND SUBPOENA

TO: _____
TO: _____
TO: _____

AND NOW, this _____ day of _____, 20____, since it appears that _____ is employed by you, and it is necessary
Name of employee

that the Court obtain earnings and health insurance information relating to the above-named individual in order to adjudicate a matter of support, IT IS HEREBY ORDERED AND DECREED that you supply the Court with the information required by the enclosed Earnings Report and Health Insurance Coverage Report and file them with the Court within fifteen (15) days of the date of this order.

If you fail to supply the information required by this Order, a subpoena will issue requiring you to attend Court and bring the material with you, or other appropriate sanctions will be imposed by the Court.

BY THE COURT: _____
J.

(b) The employer shall file an Earnings Report substantially in the following form:

Employer: _____ *Re: Name* _____
_____ Social Security No. _____
Support Action No. _____

EARNINGS REPORT

To the Employer:

Furnish earnings information for the above-named employee for each pay period during the last six months. It is preferred that you attach a photocopy of your records containing the earnings information requested. Attach a copy of the employe's most recent W-2 Form.

Payroll Number: _____

Nature of Employment:	_____
Payroll Period Ending	_____
Date of Pay	_____
Gross Pay	_____
Deductions	_____
Fed. Withholding	_____
Social Security	_____
Local Wage Tax	_____
State Income Tax	_____

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Payroll Period Ending	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Date of Pay	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Gross Pay	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Deductions	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Fed. Withholding	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Social Security	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Local Wage Tax	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
State Income Tax	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Retirement	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Savings Bonds	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Credit Union	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Life Insurance	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Health Insurance	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Other (Specify)	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Net Pay	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Hours Worked	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

I verify that the statements made in this Earning Report 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: _____ Signed _____
 by: _____ Position: _____

(c) The form which the employer uses to report health insurance coverage information shall be substantially as follows:

Official Note: the information requested in the following report may be provided by an employer on its own form, for example, as a computer print out.

(Caption)

HEALTH INSURANCE COVERAGE REPORT

This information must be completed and returned within 15 days. Failure to comply may result in issuance of a subpoena or other appropriate sanctions.

Employee's Name: _____

Employee's Social Security #: _____

Does the employer make medical, dental, eye care, prescription or other insurance coverage available to the employee? Yes No

Name the dependents covered under the employee's insurance, and indicate which types of coverage they have through your company.

Full Name SS #	Type of Coverage					
	Hospital- ization	Medical	Dental	Eye	Prescrip- tion	Other
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Type of Coverage					
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Provide the information indicated for each type of insurance which is available to the employee, whether or not any of the above-named dependents are covered at this time:

Insurance company (provider): _____
 Group #: _____ Plan #: _____ Policy #: _____
 Effective coverage date: _____ Type of coverage: _____
 Cost of coverage for dependents: _____

Insurance company (provider): _____
 Group #: _____ Plan #: _____ Policy #: _____
 Effective coverage date: _____ Type of coverage: _____
 Cost of coverage for dependents: _____

Insurance company (provider): _____
 Group #: _____ Plan #: _____ Policy #: _____
 Effective coverage date: _____ Type of coverage: _____
 Cost of coverage for dependents: _____

Insurance company (provider): _____
 Group #: _____ Plan #: _____ Policy #: _____
 Effective coverage date: _____ Type of coverage: _____
 Cost of coverage for dependents: _____

If the above-named dependents are not currently covered by insurance, please state the earliest date coverage could be provided. _____

PLEASE PROVIDE FORMS NECESSARY TO ADD DEPENDENTS, AS THE EMPLOYEE MAY BE ORDERED TO PROVIDE COVERAGE FOR THEM.

I verify that the statements made in this Health Insurance Coverage information form 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: _____ Signature: _____
 Title: _____

Source

The provisions of this § 1910.28 amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; amended December 2, 1994, effective March 1, 1995, 25 Pa.B. 6263; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended September 24, 2002, effective immediately, 32 Pa.B. 5044. Immediately preceding text appears at serial pages (290225) to (290226) and (267769).

Rule 1910.29. Evidence in Support Matters.

(a) *Record Hearing.* Except as provided in this rule, the Pennsylvania Rules of Evidence shall be followed in all record hearings conducted in an action for support. A verified petition, affidavit or document, and any document incorporated by reference therein which would not be excluded under the hearsay rule if given in person shall be admitted into evidence if (1) at least 20 days' written notice of the intention to offer them into evidence was given to the adverse party accompanied by a copy of each document to be offered; (2) the other party does not object to their admission into evidence; and (3) the evidence is offered under oath by the party or witness. An objection must be in writing and served on the proponent of the document within 10 days of the date of service of the notice of intention to offer the evidence. When an objection is properly made, the Pennsylvania Rules of Evidence shall apply to determine the admissibility of the document into evidence.

(b) *Medical Evidence.*

(1) *Non-Record Proceeding.* In a non-record hearing, if a physician has determined that a medical condition affects a party's ability to earn income and that party obtains a Physician Verification Form from the domestic relations section, has it completed by the party's physician and submits it at the conference, it may be considered by the conference officer. If a party is receiving Social Security disability or workers' compensation benefits, the party shall submit copies of the disability or workers' compensation determination in lieu of the Physician Verification Form.

(2) *Record Proceeding.* If the matter proceeds to a record hearing and the party wishes to introduce the completed Physician Verification Form into evidence, he or she must serve the form on the other party not later than 20 days after the conference. The other party may file and serve an objection to the introduction of the form within 10 days of the date of service. If an objection is made and the physician testifies, the trier of fact shall have the discretion to allocate the costs of the physician's testimony between the parties. If there is no objection, the form may be admitted into evidence without the testimony of the physician. In the event that the record hearing is held sooner than 30 days after the conference, the trier of fact may provide appropriate relief, such as granting a continuance to the objecting party.

(3) The Physician Verification Form shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS
OF _____ COUNTY

Member Name:
Docket Number:
PACSES Case Number:
Other State ID Number:

PHYSICIAN VERIFICATION FORM
TO BE COMPLETED BY THE TREATING PHYSICIAN

Physician's name: _____
Physician's license number: _____
Nature of patient's sickness or injury:

Date of first treatment: _____
Date of most recent treatment: _____
Frequency of treatments: _____
Medication: _____

The patient has had a medical condition that affects his or her ability to earn income from: _____ through _____
If the patient is unable to work, when should the patient be able to return to work? Will there be limitations?

Remarks:

Date: _____
Signature of Treating Physician: _____
Physician's address:

Physician's telephone number: _____
I authorize my physician to release the above information to the _____
County Domestic Relations Section.
Patient's signature: _____ Date: _____

Explanatory Comment—2000

23 Pa.C.S. § 4342(f) creates a hearsay exception in support actions to permit a verified petition, affidavit or document and a document incorporated by reference in any of them to be admitted into evidence if it would not otherwise be excluded as hearsay if given in person and it is admitted under oath by a party or witness to the support action. Rule 1910.29 requires that notice of the documents

to be admitted be given to the other party prior to the hearing. It also sets forth the procedures for raising an objection to the admission of those documents.

If the requisite 20-day notice is given and there is no objection, the document must be admitted into evidence under this rule and 23 Pa.C.S. § 4342(f). In the event an objection is timely made, the rules of evidence apply to determine the document's ultimate admissibility.

Rule 1910.29 is not intended to affect 23 Pa.C.S. § 4342(g) and (h) relating to admissibility of payment records, billing statements and bills for genetic testing and prenatal and postnatal health care of the mother and child. Those documents are admissible into evidence without advance notice for the limited purposes which are expressly set forth in those statutory provisions.

Source

The provisions of this Rule 1910.29 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended November 30, 2012, effective December 30, 2012, 42 Pa.B. 7522. Immediately preceding text appears at serial page (324707).

Rule 1910.30. [Rescinded].

Source

The provisions of this Rule 1910.30 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; rescinded May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (200369) to (200370).

Rule 1910.31. [Rescinded].

Source

The provisions of this Rule 1910.31 amended April 23, 1985, effective July 1, 1985, 15 Pa.B. 1726; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; rescinded May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (200370) and (252117).

Rule 1910.49. Acts of Assembly Not Suspended.

The rules governing an action for support shall not be deemed to suspend or affect the following Acts or parts of Acts of Assembly:

- (1) Chapter 43 of Title 23 of the *Consolidated Statutes*, 23 Pa.C.S. § 4301 et seq., relating to support matters generally;
- (2) Chapter 45 of Title 23 of the *Consolidated Statutes*, 23 Pa.C.S. § 4501 et seq., except § 4533, known as the Revised Uniform Reciprocal Enforcement of Support Act (1968);
- (3) Section 1 of the Act of June 11, 1913, P. L. 468, 48 P. S. § 133, relating to execution of a support order against real property owned by the entireties;
- (4) Sections 1 to 5 of the Act of May 24, 1923, P. L. 446, 48 P. S. §§ 137—141, only insofar as the Act authorizes execution against real estate held by the entireties;

(5) The Act of December 19, 1990, P. L. 1240, No. 206, 23 Pa.C.S. § 3507, insofar as it provides for tenancy in common of property held by the entireties after divorce; and

Official Note: See the Divorce Code as to equitable distribution of property in divorce actions.

(6) The Act of December 19, 1990, P. L. 1240, No. 206, 23 Pa.C.S. § 6101, known as the Protection from Abuse Act.

Official Note: The Protection from Abuse Act provides a procedure to obtain a temporary order of support in addition to other relief.

Source

The provisions of this Rule 1910.49 adopted November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943. Immediately preceding text appears at serial pages (142514) to (142515).

Rule 1910.50. Suspension of Acts of Assembly.

The following Acts or parts of Acts of Assembly are suspended insofar as they apply to the practice and procedure in an action for support:

(1) Section 3 of the Support Law of June 24, 1937, P. L. 2045, 62 P. S. § 1973, insofar as it provides a procedure to enforce the liability of relatives for the support of an indigent person; and

(2) Section 4 of Act 1996-20, 23 Pa.C.S. § 4342, insofar as it provides that long arm jurisdiction shall be used in preference to proceedings under Part VIII-A relating to intrastate family support actions;

(3) Act Nos. 1997-58 and 1998-127 insofar as they are inconsistent with Rule 1910.20 relating to the availability of remedies for collection of past due and overdue support;

(4) Section 4 of Act 1997-58, 23 Pa.C.S. § 4342(f), insofar as it is inconsistent with Rule 1910.29 as it relates to record hearings in support actions;

(5) Section 4 of Act 1998-127, 23 Pa.C.S. § 4352(d), insofar as it is inconsistent with Rule 1910.22 providing that overdue support on public record at the domestic relations section constitutes a lien of record against all real property within the state of Pennsylvania which is owned by the obligor;

(6) Section 4 of Act 1998-127, 23 Pa.C.S. § 4352(d.1), only insofar as subsection (1) of that provision provided that the underlying support action shall either be pending at the county domestic relations section or shall be forced by the county domestic relations section in order for a lien to arise against real property located in that county; and

(7) All Acts or parts of Acts of Assembly inconsistent with these rules to the extent of such inconsistency.

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Source

The provisions of this Rule 1910.50 adopted November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended December 18, 1998, effective January 1, 1999, 29 Pa.B. 16; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended November 30, 2012, effective December 30, 2012, 42 Pa.B. 7522. Immediately preceding text appears at serial pages (324708) to (324709).

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