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Legal Authorization:

Pa. Constitution, Article V, § 10(c)
42 Pa. C.S., § 1722(a)

About the Committee

Begun as a seven-member section of the Civil Procedural Rules Committee in 1984 and established as its own committee by order of the Supreme Court on June 30, 1987, the Domestic Relations Procedural Rules Committee strives to simplify family law practice. It does this by recommending new rules or amendments to the existing procedural rules relating to paternity, support, custody, divorce and protection from abuse. It reviews new legislation and court decisions to ensure the rules conform with developments in the law as well as the realities of domestic relations practice.

Members are appointed to three-year terms, and each member may serve two consecutive terms.

Domestic

Relations

Procedural

Rules

Committee

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2004 Activities

The committee met four times in 2004 as follows:

February	Philadelphia
May	Harrisburg
August	State College
November	Harrisburg

Invited guests to these meetings included representatives of the Department of Public Welfare and the Domestic Relations Association of Pennsylvania, judges, masters and family law practitioners.

The committee strives to maintain open channels of communication with those who work with or are affected by the rules it proposes. To this end, throughout 2004 committee members and staff spoke at conferences and seminars to inform lawyers, court personnel and others of recent and proposed changes in the procedural rules related to family law matters. These included the Pennsylvania Bar Association Family Law Section's summer and winter meetings, the Joint Family Law Council, local bar associations, the Department of Public Welfare's Domestic Relations Section Director's Conference and the Domestic Relations Association of Pennsylvania Conference.

2004 Recommendations

The following recommendations were promulgated or pending with either the Supreme Court or the committee in 2004. A chart listing the statuses of the recommendations is set forth in Table 3.9.1 on page 72.

Recommendation 66: Amendments as follows:

Rule 1910.16-2(b) -- Benefits. Clarifies the treatment of social security death benefits in support matters and clarifies the obligations of third parties.

Rule 1910.16-6(a) -- Federal Child Care Tax Credit. Rather than including specific

figures and percentages, the revision refers to the tax code such that any future changes in the tax law regarding the credit can be applied automatically.

Promulgated 11-9-04, effective immediately.

Recommendation 67. Support Guidelines Review (Rules 1910.16-1 through 1910.16-7). Pursuant to both federal -- Family Support Act of 1988 (P.L. 100-485, 102 Stat. 2343 (1988)), 42 U.S.C., §467(a) -- and state -- 23 Pa. C.S., §4322(a)-- law, statewide support guidelines must be reviewed at least once every four years to assure that appropriate child support amounts are being awarded. In addition, federal regulation 45 CFR 302.56 requires 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 Domestic Relations Procedural Rules Committee began the mandated review process in early 2003, assisted by Jane Venohr, Ph.D., an economist with Policy Studies, Inc., under contract with the Pennsylvania Department of Public Welfare.

Recommendation 67 includes the following provisions:

Rule 1910.16-3 -- Child Support Schedule. Amendments to reflect updated economic data to ensure that children continue to receive adequate levels of support. In addition, the support amounts in the schedule would apply to parties with a combined net monthly income of \$20,000, rather than the current \$15,000. The amended schedule also would incorporate an increase in the Self Support Reserve* from \$550 per month to \$748 per month.

*Formerly designated as the Computed Allowance Minimum, or CAM, the Self Support Reserve 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.

Rule 1910.16-4 -- Reductions in Support for Shared Parenting Time. Because the basic child support schedule at Pa.R.C.P. 1910.16-3 is based upon studies of expenditures on children in intact households, no consideration is made of the costs the obligor assumes when he or she exercises visitation or partial or shared custody. This amendment institutes a schedule of reductions for shared parenting time.

Rule 1910.16-6 -- Child Care. Proposed amendment to apportion between the parties the cost of child care incurred by both parties during their custodial time with the child.

Submitted October 2004.

Recommendation 68. Technical amendments submitted to the Court without publication to change the **notices regarding legal counsel** in domestic relations matters to be consistent with the notices in other civil matters. (Supreme Court *per curiam* order dated June 10, 2003, promulgated amendments recommended by the Civil Procedural Rules Committee, revising all notices regarding legal counsel in the general civil rules.) Promulgated 3-18-04, effective 6-16-04.

Recommendation 69. Technical amendment to Pa.R.C.P. 1940.4 (**Minimum Qualifications of the Mediator**) submitted to the Court without publication to change the reference from "Academy of Family Mediators" to "Association for Conflict Resolution" to reflect the merger of the two organizations.

Recommendation 71. Amendments as follows:

Rule 1910.16-4. Calculation of Support Obligation, Formula. Subdivision (e) of this rule deals with custodial parents who owe spousal support to non-custodial parents. The proposed language clarifies the offset between child and spousal support.

Rule 1910.16-6(b)(1) and (2) Adjustments to the Basic Support Obligation. On November 20, 2003, the Pennsylvania Supreme Court issued an opinion in *Maher v. Maher*, 575 Pa. 181, 835 A.2d 1281 (Pa. 2003), holding that the trial court erred in requiring a support obligor to pay a portion of the health insurance premium that covered the ex-wife obligee. The proposed amendments bring the rule into conformance with *Maher*.

Rule 1910.17. Effective Date. Change of Circumstances. Copies of Order. Amendment to clarify the issue of retroactivity of support orders. The committee recommended the change to include the statutory language at 23 Pa.C.S.A. §4352(e), permitting retroactivity to an earlier date than the date upon which the petition was filed if the petitioner was precluded from filing a petition for modification by reason of a disability, a misrepresentation of another party or other compelling reason and if the petitioner, when no longer precluded, promptly filed a petition. AOPC

Status of Recommendations		
Recommendation	Subject	Status
66	Child support amendments related to social security death benefits and the federal child care tax credit	Promulgated 11-9-04, effective immediately
67	Amendments related to determination of child support amounts	Pending with Court
68	Technical amendments related to notices regarding legal counsel	Promulgated 3-18-04, effective 6-16-04
69	Technical amendment to minimum qualifications of the mediator	Pending with Court
71	Amendments related to spousal support and retroactivity of child support orders	Pending with committee

Chart 3.9.1