

**Domestic
Relations
Committee**

1996 Membership:

Honorable Max Baer, *Chairman*
Mark M. Dalton
Joseph J. DiPrimio, Esq.
Gary G. Gentile, Esq.
Honorable Renee C. Hughes
Lucille Marsh, Esq.
David S. Rasner, Esq.
Joanne Ross Wilder, Esq.
Honorable Paul P. Panepinto

Staff:

Sophia P. Paul, Esq., *Counsel*

Legal Authorization:

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

429 Forbes Avenue
Suite 300, Allegheny Bldg.
Pittsburgh, PA 15219
(412) 350-4541
Fax (412) 565-2336
spaul@.court.state.pa.us.

History/Background

Established by order of the Supreme Court on June 30, 1987, the Domestic Relations Committee strives to simplify domestic relations practice by recommending amendments to the procedural rules relating to support, custody, divorce and protection from abuse. It reviews new legislation and court decisions to ensure that the rules conform with developments in the law as well as the realities of domestic relations practice. In all of its work, the committee's goals include promoting statewide standardization of practice, streamlining procedure and encouraging the expeditious disposition of domestic relations matters.

The Domestic Relations Committee consists of seven judges and attorneys and one district court administrator appointed by the Supreme Court for maximums of three full three-year terms.

1996 Activities

The committee met four times in 1996 to consider lengthy agendas. It spent a significant amount of time on developing procedures to expedite the process of establishing paternity. These procedures include the entry of an order establishing paternity if the defendant fails to appear for conference, hearing or genetic testing as well as a provision affording the parties an opportunity to stipulate that genetic tests will control the outcome of the case. Paternity forms were streamlined for easier use by *pro se* litigants.

The committee also proposed changing the current rule prohibiting discovery in family cases without leave of court. The new proposal would permit discovery without leave of court in equitable distribution, alimony, counsel fees and expenses, and complex support cases.

The committee has substantially completed the revisions to the protection from abuse procedures, which included the

development of standard form pleadings and orders, after extensive consultation with police officers, court representatives and domestic violence advocates.

Finally, the committee has proposed changing the current venue rule in support cases so that it conforms with the newly-enacted Uniform Interstate and Intrastate Family Support Acts. This change will facilitate the establishment and collection of child support by permitting the action to be filed in the county in which the child resides even though that county was not where the family last resided together.

The staff attended conferences and seminars in order to present information relating to domestic relations rules and receive comments from practitioners and other persons affected by them. The staff also attended meetings of various organizations interested in domestic relations, including the Pennsylvania Bar Association and the Domestic Relations Association of Pennsylvania.

In addition, the staff continues to consult extensively with the team responsible for developing a federally mandated computer network, the Pennsylvania Automated Child Support Enforcement System (PACSES), which will automate all child support establishment and enforcement activities statewide.

1996 Recommendations

The following recommendations were pending either with the Court or the committee during 1996 or have been withdrawn by the committee. Numbers are assigned in the order in which each is submitted for publication. The statuses of the recommendations are set forth in Table 3.8.1 on page 78.

Recommendation 38: Proposes to amend Rules 1910.22 and 1910.31 to provide for allocation and distribution of **support payments**. Pending in committee.

Recommendation 39: Proposes creation of new Rule 1930.5, which would provide that **final orders** in domestic relations matters constitute judgments for the purposes of appeal, and further provides that all final orders are to be served by the prothonotary. Pending in committee.

Recommendation 40: Proposes to amend Rules 1910.15 and 1910.28 to provide expedited procedures in **paternity** as well as standard forms for use in those proceedings. Pending with Court.

Recommendation 41: Proposes to amend Rules 1910.9, 1910.11, 1910.12, 1915.5, 1920.91 and 4001, rescind 1920.22 and create new Rule 1930.5 to permit **discovery** without leave of court in equitable distribution, alimony, counsel fees and expenses, and complex support cases. Published 4-20-96; pending with Court.

Recommendation 42: Proposed to amend **protection from abuse** procedures. Published 5-24-96; withdrawn by committee.

Recommendation 43: Proposes to amend Rule 1920.72(e) to require the **divorce form** to state that all economic claims to be filed prior to the date of the notice of intention to request a divorce decree and to correct technical errors in Rules 1920.42 and 1920.73. Published 6-29-96; pending with Court.

Recommendation 45: (Revision of Recommendation 42.) Proposes to amend Rule 1901 *et*

seq. relating to **protection from abuse** actions, to standardize court pleadings and orders and other forms for easier use in Pennsylvania. Published 2-8-97; pending in committee.

Recommendation 46: Proposes to amend Rule 1910.2 relating to **venue in support actions** to permit an action for support to be filed. Published 2-8-97; pending in committee.

Plans for 1996

The committee will continue its efforts to make the domestic relations rules as useful as possible for courts, practitioners and litigants. In addition to pursuing the recommendations which are still pending in committee, the committee will continue its ongoing review of the support guidelines, as required by 23 Pa. C.S., §4322, and will begin the process of developing mediation guidelines for divorce and custody cases, as required by 23 P.S., §3901.

Contact Person

Anyone having questions about the committee and its work may call Sophia P. Paul, Esq. at (412) 350-4541 or direct written inquiries to her attention at Suite 300, Allegheny Building; 429 Forbes Avenue; Pittsburgh, PA 15219.



Status of Recommendations 1996		
Recommendation	Subject	Status
38	Allocation and distribution of support payments	Published 7-29-95; pending in committee
39	Final orders in domestic relations matters constitute judgments	Published 8-19-95; pending in committee
40	Expedited paternity procedures	Published 12-9-95; pending with Court
41	Discovery	Published 4-20-96; pending with Court
42	Protection from abuse procedures	Published 5-24-96; withdrawn
43	Omnibus divorce rules	Published 6-29-96; pending with Court
44	Venue in support actions	Published 8-3-96; withdrawn

Table 3.8.1