

2007 Membership

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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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2007 Activities

The committee met four times in 2007 as follows:

February	Hershey
May	Harrisburg
September	Lancaster
October	Pittsburgh

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 2007 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, Pennsylvania Bar Institute programs, local bar association meetings, the Department of Public Welfare's Domestic Relations Directors' Conference and the Domestic Relations Association of Pennsylvania Conference.

2007 Recommendations

The following recommendations were promulgated by the Supreme Court or were pending with the Court or the committee in 2007. In general, internal numbers are assigned in the order in which each recommendation is submitted for publication. Beginning in 2007, recommendations are now renumbered when submitted to the Supreme Court.

Recommendation 4 of 2007 (Internal Recommendation 74). Amendments to Rules 1910.16-2(b) and 1910.16-4 relating to treatment, for purposes of calculating support, of **Social**

Security derivative benefits received by a child as a result of a parent's disability or retirement. Submitted 5-07.

Recommendation 81. Amendments to Rule 1910.1 to provide that the rules do not apply in actions seeking **support** for an indigent person under Chapter 46 of the Domestic Relations Code. The intent of the recommendation is to avoid any claim that support for an indigent relative should be calculated under the child support guidelines. Promulgated 1-22-07, effective immediately.

Recommendation 82. On May 2, 2006, the Supreme Court took the unusual step of promulgating Recommendation 79, proposed amendments to the rules governing **Protection from Abuse** actions, in the form in which they were published for comment, even though the comment period had not ended. It did so to assure that rules were in place to implement Act 66 of 2005 when it became effective on May 9, 2006. The committee continued to accept comments on Recommendation 79, and Recommendation 82 incorporated suggestions from those comments to improve the rules and assure consistency. Promulgated 2-6-07, effective 5-7-07.

Recommendation 2 of 2007 (Internal Recommendation 83). Amendments to the rule and form for the **appointment of an expert in custody matters** to clarify the responsibilities of the court, the parties and the expert. Promulgated 5-23-07, effective 8-1-07.

Recommendation 3 of 2007 (Internal Recommendation 85). Amendments to time periods for seeking *de novo* review or filing exceptions in **support contempt cases** to be consistent with the new time frames in Recommendation 73, adopted by the Supreme Court in 2006. It also addressed concerns about the effect of recent Superior Court opinions on support enforcement. Promulgated 6-11-07, effective immediately.

Recommendation 1 of 2007 (Internal Recommendation 86). Amendments to Rule 1920.14(a)

to clarify the procedure regarding petitions for **special relief in divorce cases**. Because the divorce rules incorporate the general civil rules by Rule 1920.1(b), averments in a petition may be deemed admitted pursuant to Pa.R.C.P. 206. Rule 1920.14(a), however, states that averments under the Divorce Code are deemed denied unless admitted by an answer. This amendment provides that averments in any petition for special relief will also be deemed denied unless admitted by an answer. Promulgated 4-11-07, effective immediately.

Recommendation 5 of 2007 (Internal Recommendation 88). Amendments to clarify the procedures following **record and non-record proceedings in custody cases**. Promulgated 10-30-07, effective immediately.

Recommendation 6 of 2007 (Internal Recommendation 89). Amendments to Rule 1910.11 and Rule 1920.31 to provide that in **support cases** that fall within the guidelines, even if the support claim is raised in a divorce complaint, no expense statement is necessary unless a party claims unusual needs or unusual fixed expenses that may warrant a deviation or seeks apportionment of expenses. Promulgated 10-30-07, effective immediately.

Recommendation 90. Proposed amendments to require **support orders to include orders for medical support**. Published for comment 9-07.

Recommendation 91. Support Guidelines Review. In August 2007 the committee began the mandatory quadrennial review of the **support guidelines** as required by state and federal law. The committee is reviewing updated economic data on child rearing costs and suggested amendments to the schedule of basic child support.

Recommendation 92. Amendments to the first page of the form petition, temporary order and final order in **protection from abuse cases** to conform to Project Passport, a multi-state program aimed at better enforcement of protection from abuse orders within the state and between other states. Published for comment 11-07.

Looking Ahead to 2008

The committee will continue its review of the support guidelines in 2008. It will also continue to monitor legislation, practice and procedure and make recommendations that may facilitate the practice of family law in the Commonwealth.

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