

1999 Membership:

Honorable Max Baer, *Chair***
David S. Rasner, Esq., *Chair*+
Gary G. Gentile, Esq., *Vice Chair*+
Mark M. Dalton
Howard M. Goldsmith, Esq.
John C. Howett, Jr., Esq.
Honorable Kathleen R. Mulligan++
Honorable Paul P. Panepinto
Leslie Silverman Tabas, Esq.
Honorable Jeannine Turgeon
Eric Turner, Esq.*
Joanne Ross Wilder, Esq.

* Appointed 7-7-99; died 12-31-99

** Term expired 9-29-99

+ Effective 9-30-99

++ Appointed 11-5-99

Staff:

Sophia P. Paul, Esq., *Counsel*#
Patricia A. Miles, Esq., *Counsel*##
Sharon L. Ciminera, *Secretary*▲

Resigned 8-13-99

Effective 8-16-99

▲ Effective 9-1-99

Legal Authorization:

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

Domestic

Relations

Procedural

Rules

Committee

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History/Background

Began 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. This it does by recommending new rules or amendments to the existing 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. It is the goal of the committee to promote statewide uniformity of practice, to streamline procedure and to encourage the expeditious disposition of family law matters.

The Domestic Relations Procedural Rules Committee currently has as members three judges, six attorneys and one district court administrator. Members are appointed by the Supreme Court to three-year terms, and each member may serve two terms.

1999 Membership and Staff

In the summer of 1999, the committee relocated its office from Pittsburgh to the Administrative Office of Pennsylvania Courts in Mechanicsburg where most of the other rules committees' offices are located. As a result of the relocation, Sophia P. Paul, Esq., resigned as counsel and was replaced by Patricia A. Miles, Esq. Sharon L. Ciminera joined the staff at the new AOPC location.

In September 1999 the Honorable Max Baer stepped down as chair of the committee. David S. Rasner, Esq., of Philadelphia was appointed as new chair. The Honorable Kathleen R. Mulligan, now administrative judge of the family division of the Allegheny County Court of Common Pleas, joined the committee in November.

Sadly, the committee and the legal profession lost a highly regarded and respected member in 1999. Eric Turner, Esq., passed away on December 31 after a long illness.

1999 Activities

The committee met three times in 1999: in February and September in Philadelphia and in Harrisburg in May. Invited guests to the meetings included representatives of the Department of Public Welfare and the Domestic Relations Association of Pennsylvania, judges and family law practitioners.

Beginning in 1989, all states were required to establish uniform statewide guidelines for child support. Pursuant to state and federal law, the Commonwealth must review the support guidelines every four years. Included in that review is research into available economic data relating to household expenditures, in particular the costs of raising a child. The four-year review of the guidelines was assigned to the Domestic Relations Procedural Rules Committee.

The most recent review began in 1997. In 1999, a sweeping revision of the support guidelines was completed. After the committee's original recommendation was published in 1998, numerous comments were received and considered by the committee. The revised version of the recommendation was subsequently adopted by the Supreme Court, to become effective April 1, 1999. Thereafter, the committee has continued to review and refine the new guidelines.

The committee also continued its work in the area of support enforcement. On December 16, 1997, Governor Ridge signed into law Act 1997-58. That statute provided the authority for expedited enforcement of child support orders and new procedures relating to the establishment of paternity. The committee submitted a recommendation to the Supreme Court which included procedural rules for implementation of the numerous mechanisms now

available to enforce support obligations and collect arrearages.

Court-related mediation programs in divorce and custody cases were authorized by the legislature in 1996 through an amendment to the Divorce Code at 23 Pa.C.S., §§3901 through 3904. The statute assigned to the Supreme Court the responsibility for promulgating rules implementing the mediation legislation. New rules for voluntary mediation in custody cases were recommended by the committee and, in October 1999, were promulgated by the Supreme Court. The goal of the mediation rules is to ensure the quality of the programs, including the requirement of certain qualifications for mediators.

Throughout 1999, 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, in particular the new support guidelines. Staff also attended meetings of the Pennsylvania Bar Association Family Law Section and the Domestic Relations Association of Pennsylvania. The committee strives to maintain open channels of communication with those who work with or are affected by the rules it proposes, including judges, lawyers, court administrators, domestic relations section personnel, the Department of Public Welfare and the public.

1999 Recommendations

The following recommendations were pending either with the Court or the committee in 1999. In general, numbers are assigned in the order in which each is submitted for publication. A chart listing the statuses of the recommendations is set forth in Table 3.8.1 on page 84.

Recommendation 46: Amends Pa.R.C.P. 1910.2 relating to **venue in support actions**. Approved by the Court; effective 1-1-99.

Recommendation 47: New rules at Pa.R.C.P. 1940.1 through 1940.8 governing court-related **voluntary mediation programs**. Promulgated 10-28-99; effective immediately.

Recommendation 48: Amends Pa.R.C.P. 1910.16-1 through 1910.16-5 and adds new Rules 1910.16-6 and 1910.16-7 relating to the **support guidelines**. Approved by the Court; effective 4-1-99.

Recommendation 49: Omnibus technical **amendments to the support guidelines**. Pending before the Court at the end of 1999.

Recommendation 50: Rules implementing Act 1997-58 relating to **paternity and enforcement of support orders**. Pending before the Court at the end of 1999.


Plans for 2000

The committee will continue its ongoing review of the support guidelines, as required by 23 Pa.C.S., §4322 and as may be necessary and appropriate. Its major focus in the next year, however, will be the issue of family court reform.

In 1997 the Honorable Sandra Schultz Newman, justice of the Pennsylvania Supreme Court and liaison to the Domestic Relations Procedural Rules Committee, and the Honorable Kate Ford Elliott, Superior Court judge, co-chaired a conference on family court reform co-sponsored by the Pennsylvania Bar Association's Commission on Women in the Profession and the Family Law Section. A task force emerged from that conference to study problems and innovations in family court procedures in the Commonwealth and to make specific recommendations for reform. The task force issued its preliminary report and recommendation in the summer of 1999.

The committee will build upon the work of the task force and begin drafting rules to effectuate the goals of family court reform which

include eliminating fragmentation in the system, implementing case management and making family courts more accessible and user-friendly.

Domestic Relations Procedural Rules Committee;
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Contact Person

Questions about the committee and its work may be directed to Patricia A. Miles, Esq.;

Status of Recommendations 1999		
Recommendation	Subject	Status
46	Venue in support actions	Approved by the Court; effective 1-1-99
47	Voluntary mediation in custody cases	Promulgated 10-28-99; effective immediately
48	Revised support guidelines	Approved by the Court; effective 4-1-99
49	Omnibus technical amendments to support guidelines	Pending with the Court
50	Rules implementing Act 1997-58 relating to paternity and enforcement of support orders	Pending with the Court

Table 3.9.1