

Appendix F-6: PA General Domestic Relations Rules

**CHAPTER 1930. RULES RELATING TO DOMESTIC
RELATIONS MATTERS GENERALLY**

Rule

- 1930.1. Form of Pleadings. Form of Caption.
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Rule 1930.1. Form of Pleadings. Form of Caption.

The form of the caption in all domestic relations matters shall be substantially as follows:

In the Court of Common Pleas of

_____)
County, Pennsylvania.

A. Litigant,)
Plaintiff)
No.)
vs.) _____
of 19)
_____)
B. Litigant,)
Defendant)

(Title of Pleading)

Official Note

As domestic relations matters are no longer quasi-criminal, the phrase “Commonwealth ex rel.” shall not be used in the caption of any domestic relations matter.

Source

The provisions of this Rule 1930.1 adopted December 2, 1994, effective March 1, 1995, 24 Pa.B. 6293.

Rule 1930.2. No Post-trial Practice. Motions for Reconsideration.

- (a) There shall be no motions for post-trial relief in any domestic relations matter.
- (b) A party aggrieved by the decision of the court may file a motion for reconsideration in accordance with Rule of Appellate Procedure 1701(b)(3). If the court does not grant the motion for reconsideration within the time permitted, the time for filing a notice of appeal will run as if the motion for reconsideration had never been filed.

Official Note

Rule of Appellate Procedure 903 states that, except as otherwise set forth by that rule, the Notice of Appeal shall be filed within thirty days after the entry of the order from which the appeal is taken.

- (c) The reconsidered decision, except as set forth in subdivision (e), shall be rendered within 120 days of the date the motion for reconsideration is granted. If it is not rendered within 120 days, the motion shall be deemed denied.
- (d) The time for filing a notice of appeal will begin to run anew from the date of entry of the reconsidered decision, or, if the court does not enter a reconsidered decision within 120 days, from the 121st day.
- (e) If the court grants the motion for reconsideration, and files same, within the 30 day appeal period, it may, at any time within the applicable 120 day period thereafter, issue an order directing that additional testimony be taken. If it does, the reconsidered decision need not be rendered within 120 days, and the time for filing a notice of appeal will run from the date the reconsidered decision is rendered.

Source

The provisions of this Rule 1930.2 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1941; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (256289) to (256290).

Rule 1930.3. Testimony by Electronic Means.

With the approval of the court upon good cause shown, a party or witness may be deposed or testify by telephone, audiovisual or other electronic means at a designated location in all domestic relations matters.

Source

The provisions of this Rule 1930.3 adopted December 8, 1994, effective July 1, 1995, 24 Pa.B. 6399; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (256290).

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

(a) *Persons Who May Serve.* Original process in all domestic relations matters may be served by the sheriff or a competent adult:

(1) by handing a copy to the defendant; or

(2) by handing a copy

(i) at the residence of the defendant to an adult member of the family with whom the defendant resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which the defendant resides; or

(iii) at any office or usual place of business of the defendant to the defendant's agent or to the person for the time being in charge thereof.

(3) or pursuant to special order of court.

Official Note

See Rule 76 for the definition of "competent adult."

(b) *Service in Protection From Abuse Matters.* In Protection from Abuse matters only, original process may also be served by an adult using any means set forth in subdivision (a) above. If personal service cannot be completed within forty-eight (48) hours after a Protection From Abuse petition is filed, the court may, by special order as set forth in subdivision (a)(3) above, authorize service by another means including, but not limited to, service by mail pursuant to subdivision (c) of this rule.

(c) *Service by Mail.* Except in Protection from Abuse matters unless authorized by special order of court pursuant to subdivision (b) above, original process may also be served by mailing the complaint and order to appear, if required, to the defendant's last known address by both regular and certified mail. Delivery of the certified mail must be restricted to addressee only, and a return receipt must be requested.

(1) If the certified mail is refused by defendant, but the regular mail is not returned within fifteen days, service may be deemed complete.

(2) If the mail is returned with notation by the postal authorities that it was unclaimed, service shall be made by another means pursuant to these rules.

(d) *Acceptance of Service.* In lieu of service pursuant to this rule, the defendant or the defendant's authorized agent may accept service of original process by filing with the prothonotary a separate document which shall be substantially in the following form:

(Caption)
ACCEPTANCE OF SERVICE

I accept service of the

. NAME OF DOCUMENT

I certify that I am authorized to accept service on behalf of the defendant.

DATE

DEFENDANT OR AUTHORIZED AGENT

MAILING ADDRESS

Official Note

If defendant accepts service personally, the second sentence should be deleted.

(e) *Time for Service Within the Commonwealth.* Original process shall be served within the Commonwealth within thirty days of the filing of the petition or complaint.

(f) *Service Outside of the Commonwealth.* Original process shall be served outside the Commonwealth within ninety days of the filing of the complaint:

(1) by any means authorized by this rule; or

(2) in the manner provided by the law of the jurisdiction in which defendant will be served; or

(3) in the manner provided by treaty; or

(4) as directed by the foreign authority in response to a letter rogatory or request.

In Protection from Abuse matters, the defendant must be personally served with original process outside of the Commonwealth. Such service may be made either in accordance with subdivisions (a) and (b) of this Rule governing personal service or as provided for by law in the jurisdiction where the defendant resides. If personal service cannot be completed within 48 hours after entry of the protection order, service outside of the Commonwealth may be made by any other means authorized by this rule.

Official Note:

Sections 5323 and 5329(2) of the Judicial Code, 42 Pa.C.S. § § 5323 and 5329(2), provide additional alternative procedures for service outside the Commonwealth. For Protection from Abuse matters, personal service outside of the Commonwealth must first be attempted before service can be made by certified and regular mail or by any of the other means prescribed in subsection (f) of this Rule for out-of-state service.

(g) *Reinstatement of Complaint.* If service is not made as required by subdivision (e) or (f) of this rule, the prothonotary upon praecipe accompanied by the original process, or praecipe indicating that the original complaint has been lost or destroyed accompanied by a substituted complaint, shall reinstate the complaint.

(1) A complaint may be reinstated at any time and any number of times. A new party defendant may be named in a reinstated complaint.

(2) A reinstated complaint shall be served as required by subdivision (e) or (f) of this rule.

(h) *Proof of Service.* Proof of service shall be made as follows:

(1) The person making service of original process shall make a return of service forthwith. If service has not been made within the time allowed, a return of no service shall be made upon the expiration of the period allowed for service.

(2) Proof of service shall set forth the date, time, place and manner of service, the identity of the person served and any other facts necessary for the court to determine whether proper service has been made.

(3) Proof of service by a person other than the sheriff shall be by affidavit. If a person other than the sheriff makes a return of no service, the affidavit shall set forth with particularity the efforts made to effect service.

(4) Proof of service by mail shall include a return receipt signed by the defendant or, if the defendant has refused to accept mail service, the returned letter with the notation that

the defendant refused to accept delivery, and an affidavit that the regular mail was not returned within fifteen days after mailing.

(5) Proof of service or of no service shall be filed with the prothonotary.

(6) An executed Acceptance of Service shall be filed in lieu of a Proof of Service where defendant accepts service of original process.

(i) *Appearance at Hearing or Conference.* Regardless of the method of service, a party who appears for the hearing or conference will be deemed to have been served.

Source

The provisions of this Rule 1930.4 adopted October 2, 1995, effective January 1, 1996, 25 Pa.B. 4518; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767; amended October 11, 2002, effective immediately, 32 Pa.B. 5263. Immediately preceding text appears at serial pages (281442) to (281444).

Rule 1930.5. Discovery in Domestic Relations Matters.

(a) There shall be no discovery in a simple support, custody or Protection from Abuse proceeding unless authorized by order of court.

(b) Discovery shall be available without leave of court in accordance with R.C.P. 4001 et seq. in alimony, equitable distribution, counsel fee and expense and complex support proceedings.

Source

The provisions of this Rule 1930.5 adopted May 5, 1997, effective July 1, 1997, 27 Pa.B. 2532; amended March 9, 1998, effective July 1, 1998, 28 Pa.B. 1391; amended June 5, 2001, effective immediately, 31 Pa.B. 3306. Immediately preceding text appears at serial page (267805).

Rule 1930.6. Paternity Actions.

(a) *Scope.* This rule shall govern the procedure by which a putative father may initiate a civil action to establish paternity and seek genetic testing. Such an action shall not be permitted if an order already has been entered as to the paternity, custody or support of the child, or if a support or custody action to which the putative father is a party is pending.

(b) *Venue*. An action may be brought only in the county in which the defendant or the child(ren) reside.

(c) *Commencement of Action*. An action shall be initiated by filing a verified complaint to establish paternity and for genetic testing substantially in the form set forth in subdivision (1) below. The complaint shall have as its first page the Notice of Hearing and Order set forth in subdivision (2) below.

(1) The complaint filed in a civil action to establish paternity shall be substantially in the following form:

(Caption)

COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING

Plaintiff,

, requests genetic testing to establish paternity pursuant to 23 Pa.C.S. § 4343 and in support of that request states that:

1. Plaintiff is an adult individual who resides at

.

2. Defendant is an adult individual who resides at

.

3. Defendant is the natural mother and Plaintiff believes that he may be the natural father of the following child(ren):

Child's Name Date of Birth

4. The above-named children reside at the following address with the following individuals:

Address	Person(s) Living with Child	Relationship to Child
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5. Defendant was/was not married at the time the child(ren) was/were conceived or born.

6. Defendant is/is not now married. If married, spouse's name:

7. There is/is not a custody, support or other action involving the paternity of the above-named child(ren) now pending in any jurisdiction. Identify any such actions by caption and docket number

8. There has/has not been a determination by any court as to the paternity of the child(ren) in any prior support, custody, divorce or any other action. If so, identify the action by caption and docket number

9. Plaintiff agrees to pay all costs associated with genetic testing directly to the testing facility in accordance with the procedures established by that facility.

Wherefore, Plaintiff requests that the court order Defendant to submit to genetic testing and to make the child(ren) available for genetic testing.

I verify that the statements made in this complaint 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.

Petitioner

(2) The Notice of Hearing and Order required by this rule shall be substantially in the following form:

(Caption)
NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled below. If you fail to do so, the case may proceed against you and a final order may be entered against you granting the relief requested by the plaintiff.

Plaintiff and Defendant are directed to appear on the

—
day of

—
, 20

—
at

—
.m. in courtroom

—
for a hearing on Plaintiff's request for genetic testing. If you fail to appear as ordered, the court may enter an order in your absence requiring you and your child(ren) to submit to genetic tests.

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)

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.

(d) *Service*. Service of original process and proof of service in a civil action to establish paternity shall be in accordance with Rule 1930.4.

(e) *Hearing and Order*. At the hearing, the judge will determine whether or not the plaintiff is legally entitled to genetic testing and, if so, will issue an order directing the defendant and the child(ren) to submit to genetic testing, the cost of which shall be borne by the plaintiff.

Source

The provisions of this Rule 1930.6 adopted 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. Immediately preceding text appears at serial pages (290227) to (290228) and (294889).

Rule 1931. Family Court Rules.

(a) *Actions Governed by These Rules:*

(1) *Divorce, Annulment, Dissolution of Marriage.*

(i) *Equitable Distribution.*

- (ii) Alimony/Alimony Pendente Lite.
- (iii) Counsel Fees, Costs and Expenses.

(2) *Child Custody.*

- (i) Legal Custody.
- (ii) Physical Custody.
- (iii) Partial Custody/Visitation.

(3) *Support.*

- (i) Child Support.
- (ii) Spousal Support.
- (iii) Modification and Enforcement.

(4) *Paternity.*

(5) *Protection From Abuse.*

(b) *Commencement of Action.*

(1) *Unified Family Court Docketing.* All actions under these Family Court Rules which involve identical parties shall be entered on the court's docket under the same primary case number. Additional letters or numbers may be added parenthetically to specify the type of action, judge assigned or other identifying information.

(2) *Custody Agreements.* If, at a support proceeding, it appears that resolution of custody issues will facilitate compliance with the child support order, the conference officer, hearing officer or master may provide the parties with a form custody complaint and form custody agreement, along with information as to where to file the completed documents, the filing fee and how to contact the lawyers referral service. The support conference officer, hearing officer or master shall not participate in custody negotiations, preparation of the forms or provide legal advice.

(c) *Consolidation of Family Court Matters.*

(1) *General Rule.* Two or more actions under these Family Court Rules involving the same parties and common questions of law and/or fact shall be consolidated for hearing or trial unless the court determines that it is inappropriate or impractical to do so.

(2) *Trial Continuity.* Trials before a judge or hearings before a master shall be scheduled to be heard on consecutive days or within a ten (10) day period. If not completed within the time allotted, the trial or hearing shall be concluded within ninety (90) days of the date of the commencement of the trial or hearing, unless a shorter time frame is required by statute or another procedural rule.

(3) *Prompt Decisions.*

(i) Except as provided in subdivision (ii) below, in any matter brought under these Family Court Rules, a decision by a conference officer, master or judge shall be entered, filed and served upon counsel for the parties, or any party not represented by counsel, not later than thirty (30) days after the conference, hearing or trial concludes, unless a shorter time frame is required by statute or another procedural rule.

(ii) The time for entering and filing a decision may be extended if, within thirty (30) days of the conclusion of the conference, hearing or trial, the court extends the date for such decision by order entered of record showing good cause for the extension. In no event shall an extension delay entry of the decision more than sixty (60) days after the conclusion of the conference, hearing or trial.

(d) *Continuing Education for Family Court Personnel.*

(1) *Program Development.* Courses of instruction that include, at a minimum, the following topics shall be developed or approved by the Administrative Office of Pennsylvania Courts (AOPC):

(i) The substantive law and procedural aspects of the areas of law governed by these Family Court Rules;

(ii) Domestic violence;

(iii) Child development;

(iv) Family dynamics;

(v) Addictions and treatments;

(vi) Asset valuation;

(vii) Community resources.

(2) *Initial Training.* Within one (1) year of assignment to cases governed by these Family Court Rules, each master, hearing officer, conciliator, mediator and other court

personnel designated by the president or administrative judge of each judicial district shall successfully complete the coursework developed or approved by the AOPC.

(3) *Continuing Education.* Each master, hearing officer, conciliator, mediator and other court personnel designated by the president or administrative judge who is assigned to cases governed by these Family Court Rules shall successfully complete six (6) hours of continuing education developed or approved by the AOPC each calendar year following the calendar year in which the initial training was completed.

(4) *Compliance.* The AOPC shall monitor compliance with the educational requirements of this rule.

Source

The provisions of this Rule 1931 adopted December 17, 2002, effective immediately in the First, Fifth, Twenty-third and Forty-fifth Judicial Districts, 33 Pa.B. 13.