

ACTIONS FOR SUPPORT

L-1012-1 ENTRY OF APPEARANCE. WITHDRAWAL OF APPEARANCE. NOTICE

(a) All counsel shall file a Praecipe for Appearance with the Domestic Relations Section Docket Clerk which includes the attorney's name, business address, telephone number and Supreme Court identification number. This appearance must be typed or legibly handwritten. If counsel fails to enter his or her appearance as prescribed by this Rule, he or she shall not be entitled to receive copies of orders, notices or other record matters.

(b) Reserved.

(c) Reserved.

(d) Reserved.

(e) Reserved.

(f) Reserved.

L-1910.1 – L-1910.3 RESERVED

L-1910.4 COMMENCEMENT OF ACTION. FEES

(a) Reserved.

(b) Reserved.

(c) The Domestic Relations Section, in addition to any other fees imposed by these rules, shall impose and collect filing and service fees as prescribed by administrative order, *as amended*.

(d) Any fee imposed by this Rule shall not be collected from a party otherwise obligated by these rules to pay such a fee in the following circumstances:

- (1) Where the party has been granted leave by the Court to proceed *in forma pauperis*;
- (2) Where the Hearing Officer or the Court finds that the party is financially unable to pay;
- (3) Where the party is a recipient of cash assistance from any state=s Department of Public Welfare;
- (4) Where any action requiring a fee is taken by the IV-D Attorney; or

- (5) Where the Court otherwise directs.

L-1910.5 COMPLAINT. ORDER OF COURT. CONTINUANCES

(a) Reserved.

(b) Reserved.

(c) Reserved.

(d) Motions for continuances of proceedings before the Hearing Officer or Conference Officers will be presented by the moving party to the Family Court Judge to whom the case is assigned in Motions Court prior to the scheduled proceeding. The moving party will file the order granting or denying the continuance in the Domestic Relations Section. The moving party will file a copy of the Notice of Presentation of the Continuance Motion and the Continuance Motion in the Domestic Relations Section prior to presenting the motion for continuance to the Court.

(e) A \$25.00 fee will be charged for continuances. Except in the case of an emergency, when a party seeks and receives a continuance on the day of a scheduled conference or hearing the party will be charged a \$75.00 fee. A party who receives a continuance and who fails to file a copy of the Notice of Presentation and the Continuance Motion in the Domestic Relations Section prior to presenting the motion for continuance to the Court as required in paragraph d, shall be charged an additional \$50.00 fee. The fee will be paid by the moving party to the Domestic Relations Section when the signed Motion and Continuance Order are filed. The fee shall be paid in the form of a check or money order payable to the Washington County Domestic Relations Section.

(f) Motions for continuances shall be set forth in writing containing the following information:

1. A clear, concise and certain reason for the motion.
2. A statement that opposing counsel or the opposing party, if unrepresented, has no objection to the request for continuance, if applicable.
3. A statement of the number of prior continuances, if any.
4. If another court appearance is the reason for the request, a copy of the notice or Order of the conflicting hearing shall be attached.

(g) The Notice of Presentation of the Continuance Motion shall include the date of service of the motion upon the opposing counsel or the opposing party, if unrepresented, and the date of service of the motion upon the Domestic Relations Section. *(Revised 6/15/09)*

L – 1910.6 – L-1910.10 RESERVED

L-1910.10- 1 HEARING PROCEDURE

(a) The alternative hearing procedure of Pa.R.C.P. 1910.12 is adopted in all actions for support through the Domestic Relations Section.

(b) If the parties are unable to reach an agreement during the support conference, the procedures of Pa.R.C.P. 1910.12(b)(1) shall be followed and an interim order of support entered pending hearing before the Hearing Officer.

(c) Subject to the provisions of Rule L-1910.4(b), a party wishing to confirm and preserve a scheduled *de novo* hearing before the Hearing Officer shall pay costs in the amount of \$50.00 to the Domestic Relations Section within twenty (20) days of the mailing of the interim order. Failure to pay such costs shall result in any scheduled hearing being administratively cancelled and the interim order being made final.

(d) *[Rescinded due to 2006 amendments to the Pennsylvania Rules of Civil Procedure.]*

L-1910.10-2 ALIMONY PENDENTE LITE

(a) If the parties to a support action have filed a Complaint in Divorce in which a claim is raised for alimony pendente lite, the Hearing Officer may hear the alimony pendente lite claim at the request of either party, provided however, that both a Master in divorce has been appointed and the Master's fee has been paid to the Prothonotary. Counsel requesting the hearing of an alimony pendente lite claim by the Hearing Officer shall provide documentary evidence of this appointment and payment of the fee to the Hearing Officer.

(b) If the Hearing Officer proceeds under this Rule and hears a claim for alimony pendente lite, the party moving for hearing of this claim by the Hearing Officer shall file with the Domestic Relations Section Docket Clerk a copy of the Complaint in Divorce raising the issue of alimony pendente lite within three (3) days of the hearing before the Hearing Officer. If the Complaint in Divorce is not filed within this time, the Recommendation of the Hearing Officer shall not be issued until a copy of the Complaint is properly filed.

L- 1910.11 RESERVED

L-1910.12 OFFICE CONFERENCE. HEARING. RECORD. EXCEPTIONS. ORDER.

(a) – (e) Reserved.

(f) All exceptions must be in writing and shall be filed with the Domestic Relations Section Docket Clerk. Any party filing exceptions shall provide an original and two (2) copies when filing. Further, the party filing exceptions shall provide to the Docket Clerk a receipt

indicating that the \$50.00 deposit required by subsection (j) of this rule has been paid (subject to the provisions of Rule L-1910.4(b)) unless an attorney filing the exceptions on behalf of the party certifies in writing that no transcript is required.

(g) Reserved.

(h) Reserved.

(i) The party filing exceptions shall serve opposing counsel or the opposing party, if unrepresented, with copies of the exceptions by the end of the next business day following the filing of the exceptions.

(j) Any party filing exceptions shall order from the court reporter the transcript of testimony unless the attorney for the party filing exceptions certifies in writing that the transcript is not required. Any party ordering the transcript shall pay a deposit of \$50.00 to the Domestic Relations Section for the court reporter before the transcript is prepared. The deposit shall be applied against the total cost of the transcript. The Family Court Judge to whom the case is assigned will not be provided with a copy of the transcript unless the same has been ordered and paid for in full by a party or counsel.

(k) Briefs in support and in opposition to the exceptions shall be filed with the Domestic Relations Section Docket Clerk not later than the dates directed in the order of court setting the argument date on the exceptions. Each party filing a brief shall serve a copy of the brief on the opposing party and counsel not later than the end of the next business day following the filing of the brief with the Domestic Relations Section Docket Clerk. Every brief filed with the Domestic Relations Section Docket Clerk shall contain an original and one (1) copy.

(l) If the party filing exceptions fails to file a brief in support of those exceptions by the designated filing date, the responding party shall not be required to file a brief in opposition to those exceptions, but may file a brief if desired. However, if the responding party has filed exceptions in response to the other party's exceptions filing, the responding party shall file a brief in support of those cross or counter exceptions by the date directed in the argument notice.

L-1910.13 – L-1910.17 RESERVED

L-1910.17-1 ADMINISTRATIVE SERVICE FEE

Except as provided herein, every order of support shall require the payment of a \$25.00 annual administrative service fee to the Domestic Relations Section. This fee shall be charged to the defendant in a support action processed through the Domestic Relations Section. This fee shall be charged on any case in which the defendant is under an order of support of at least \$50.00 per month, in either a single or multiple support action. This fee shall be paid by the defendant only once yearly regardless of the number of cases involved. Only those defendants who have an active support order as of April 15 of that year shall be charged this fee. Payment shall be due within 45 days of the date of the mailing of the fee notice and shall be paid directly to the Domestic Relations Section and not to the Pennsylvania Support Collections and Disbursement Unit (SCDU). This fee shall be in addition to the amount of support which the defendant is ordered to pay.

L-1910.17-2 CONSENT SUPPORT ORDERS

(a) All consent support orders should be prepared on current forms provided by the Domestic Relations Section in conformance with the Pennsylvania Child Support Enforcement System (PACSES).

(b) The order must be clear and concise and shall adhere to both procedural and substantive statutory and case law requirements.

(c) If a support action has not yet been initiated for the case for which the consent support order is being filed, the consent support order shall include along with filing the current intake information sheet and a properly completed Complaint for support and shall also include the appropriate filing fee.

L-1910.17-3 MARRIAGE SETTLEMENT AGREEMENTS

In existing support cases where a marriage settlement agreement is signed following the entry of the support order which modifies the terms of the current support obligation, counsel for either party shall file the marriage settlement agreement and a copy of the divorce decree with the Domestic Relations Section. Upon filing of this marriage settlement agreement, a new order of support in conformance with the marriage settlement agreement and divorce decree shall be drafted by the Domestic Relations Section and forwarded to the Court for entry. If the marriage settlement agreement does not resolve the issue of medical coverage, including medical expense reimbursement, for the involved dependents, the Domestic Relations Section will schedule a Conference with the parties to address medical coverage.

L-1910.17-4 STIPULATIONS BEFORE THE DIVORCE MASTER

In existing support cases where the parties enter into a stipulation before the Divorce Master following the entry of the support order which modifies the terms of the current support obligation, counsel for either party shall file the stipulation and a copy of the divorce decree with the Domestic Relations Section. Upon filing of this stipulation, a new order of support in conformance with that stipulation and divorce decree shall be drafted by the Domestic Relations Section and forwarded to the Court for entry. If the stipulation does not resolve the issue of medical coverage, including medical expense reimbursement, for the involved dependents, the Domestic Relations Section will schedule a Conference with the parties to address medical coverage.

L-1910.18 RESERVED

L-1910.19 SUPPORT. MODIFICATION. TERMINATION. GUIDELINES AS SUBSTANTIAL CHANGE IN CIRCUMSTANCES.

(a) – (f) Reserved.

(g) A filing fee as set forth in Rule L-1910.4 shall be charged for all petitions to modify an order of support. This fee shall be assessed against the party filing the petition to modify, except as

provided in Rule L-1910.4(b). The petitioner shall file an original and three (3) copies of the petition with the Domestic Relations Section Docket Clerk.

(h) The Domestic Relations Section shall not accept for filing a petition which seeks any of the following without leave of court:

- (1) To decrease an order of \$50.00 or less;
- (2) To modify an order that is on appeal to the court pursuant to a recommended order; or,
- (3) To modify an order which has been entered within the past six (6) months.

(i) The Domestic Relations Section shall provide notice of the refusal to the party seeking the modification.

(j) A party who's petition has been refused must personally present to the Family Court Judge to whom the case is assigned a motion to permit the filing of the modification, on forms provided by the Domestic Relations Section. Notice of presentment of the motion must be given to the opposing party in accordance with L-200.5(e).

(k) If leave of court is granted to file the petition for modification, the date of the first attempted filing shall be used as the filing date.

L-1910.20 – L-1910.50 RESERVED