

First Judicial District of Pennsylvania
Court of Common Pleas of Philadelphia County

Family Division



LOCAL RULES

Effective September 1, 2016

Original

**PHILADELPHIA COUNTY COURT OF COMMON PLEAS
FAMILY DIVISION LOCAL RULES**

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Forms: Available at www.courts.phila.gov/forms

PROTECTION FROM ABUSE

Rule 1901.1 Scope.

The rules of this chapter shall govern all civil actions or proceedings brought in the Court of Common Pleas for Philadelphia County under the Protection from Abuse Act. 23 Pa.C.S. §6101 *et seq.*, and shall be cited as “Phila.DR.R.”

Rule 1901.2 Scheduling. Continuances.

Cases shall be scheduled consistent with Pa.R.C.P. 1901.2. Upon application of any party or by agreement of the parties, the Court may grant a continuance for good cause shown. Upon the granting of a continuance, the temporary order shall remain in effect unless otherwise ordered.

Rule 1901.3 Emergency Orders. Master for Emergency Relief

(a) A party may seek emergency relief pursuant to 23 Pa.C.S. §6110 by filing a petition with the Emergency Hearing Master presiding at the Justice Juanita Kidd Stout Center for Criminal Justice, 1301 Filbert Street, Philadelphia, PA whenever the Court of Common Pleas is unavailable.

(b) For the purposes of this Rule, the Court of Common Pleas is unavailable from the close of business at the end of each day to the resumption of business the next morning or from the end of the business week to the beginning of the next business week.

(c) Emergency Protection from Abuse Unit staff shall assist the plaintiff in filling out the necessary forms.

(d) The Emergency Hearing Master on duty shall review the petition for emergency relief and, when appropriate, grant an emergency order.

(e) The Emergency Hearing Master shall advise the plaintiff that the emergency order will automatically be certified to the Family Division of the Court of Common Pleas for a hearing before the assigned Court of Common Pleas Judge.

(f) When an emergency order is certified, the case shall be scheduled for hearing before the assigned Court of Common Pleas Judge within ten business days from the date on which the petition was filed.

(g) All certified emergency orders shall continue in effect until review by the assigned Court of Common Pleas Judge on the next business day.

(h) At the beginning of the next business day, all certified emergency orders and accompanying petitions shall be delivered to the Domestic Violence Unit, Family Division, which shall arrange for docketing and delivery to the assigned Court of Common Pleas Judge for prompt review. After review, the Judge shall enter temporary orders where necessary to protect the plaintiff and/or minor children until the scheduled hearing.

(i) The Philadelphia Police Department shall assist the plaintiff or any other competent adult in serving the petition and emergency order on the defendant. The notice to defend which shall

accompany the petition for an emergency order shall advise the parties of how they may learn whether a temporary order has been issued and if so how they may obtain a copy of that order.

Rule 1901.9 Presence of Domestic Violence Counselor/Advocate in Proceedings.

(a) Upon request of a plaintiff, the Court shall allow a domestic violence counselor/advocate who has accompanied the plaintiff to Court to be present in the courtroom throughout the proceedings.

(b) Where a plaintiff is unrepresented by counsel, the domestic violence counselor/advocate may provide assistance to the plaintiff in his or her presentation of the facts relevant to the action.

(c) A domestic violence counselor/advocate is an individual who is engaged in a domestic violence program, who provides services to victims of domestic violence, who has undergone 40 hours of training and who is under the control of a direct services supervisor of a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence.

Rule 1901.10 Evidence. Medical Records, Affidavits of Repair, Statements of Lost Earnings.

The Court shall receive into evidence without further proof copies of bills, hospital and physician reports, and all other records of licensed health care providers which are offered to substantiate claims of personal injury stemming from domestic abuse. The Court shall also receive into evidence without further proof copies of bills, records, reports, affidavits of repair, estimates of value, statements of lost earnings and similar documentation offered to substantiate any other reasonable losses suffered as a result of the abuse. Upon a proper showing, the Court may continue the hearing to allow any other party to subpoena the person whose testimony is waived by this rule to appear at a later hearing at which time any adverse party may cross-examine him/her as to the document as if he/she were a witness for the party offering the document.

Rule 1901.11 Order by Consent. Consent Agreement.

(a) The parties may agree to the entry of a final order by consent.

(b) The consent agreement shall contain only those terms directly related to Protection From Abuse Act issues which are properly before the Court of Common Pleas.

(c) A consent agreement shall be signed by both parties. If the parties are represented, counsel shall witness their signatures.

(d) The signed consent agreement may be submitted to the Court at the hearing.

Rule 1901.12 Order by Default. Bench Warrant.

If a defendant who was properly served fails to appear in Court at the time of the hearing, the Court, in its discretion, may issue a bench warrant for the arrest of the defendant, or it may enter a final order by default, granting the plaintiff such relief as is proper under the Act.

Rule 1905.1 Bilingual Forms.

Bilingual forms shall be made available to litigants with limited English proficiency in the Spanish language, and in other languages, as the need arises.

ACTIONS FOR DIVORCE AND ANNULMENT OF MARRIAGE

Rule 1920.1 Scope

The rules of this chapter shall govern all civil actions or proceedings brought in the Court of Common Pleas for Philadelphia County under the Divorce Code 23 Pa.C.S. §3101 *et seq.*, and shall be cited as “Phila.DR.R.”

Rule 1920.4 Service

(a) Upon good cause shown, the Court may enter a special order directing service by ordinary mail directed to defendant's last known residence or other address.

(b) The requirements of good cause shall be satisfied upon the filing of an affidavit by plaintiff setting forth the extent of unsuccessful efforts to make service if the address is known, or the nature and extent of a good faith investigation made to ascertain the present residence and whereabouts of a defendant whose whereabouts are unknown.

(1) Such affidavit shall set forth the following information:

(i) the time and place at which the parties last resided together as spouses;

(ii) the last time the parties were in contact with each other, and the defendant's address and telephone number at that time;

(iii) the name and address of the last employer of the defendant either during the time the parties resided together or at a later time, if known to the plaintiff;

(iv) the names and addresses and relationship to defendant of those relatives known to be close to the defendant;

(v) proof that inquiry has been made of applicable voter registration records in an effort to ascertain the address of the defendant;

(vi) any other information which could furnish a fruitful basis for one truly bent on learning the present whereabouts of the defendant;

(vii) such affidavit should detail the particular efforts made to ascertain the defendant's present address and to effect service.

(2) A petition seeking such relief shall be filed with the Court requesting entry of a special order for service. The proposed order accompanying such Petition shall set forth the specific address at which counsel or unrepresented party will serve process on the defendant by regular mail. No hearing shall be held on such Petition unless the Court directs otherwise.

(c) When service of the Complaint in Divorce is made by registered mail, or by Acceptance of Service pursuant to Pa.R.C.P. 402(b), service shall not be deemed complete unless (1) the signature on the return receipt or on the Acceptance of Service form is identified to be that of the defendant

by affidavit or verification of the plaintiff or other person familiar with said signature, or (2) where service is accepted by an unauthorized agent of the defendant, an affidavit or verification as to the identity of the agent and his or her relationship to the defendant.

Rule 1920.42 Documents required to be filed in Divorce Actions under Section 3301(c) and Section 3301(d) of the Divorce Code.

(a) Unless previously filed of record, the following documents shall be filed along with the Praecipe to Transmit Record after all economic claims of record have been resolved or withdrawn:

- (1) if the action is brought under Section 3301(c), the Affidavits required under Pa.R.C.P. 1920.42(a)(1);
- (2) if the action is brought under Section 3301(d), the Affidavit required under Pa. R.C.P. 1920.42(a)(2);
- (3) an Affidavit of Service as to the Complaint;
- (4) in the case of actions brought under Section 3301(d), an Affidavit of Service as to the Affidavit required under Pa.R.C.P. 1920.42(a)(2);
- (5) a proposed Final Decree in Divorce;
- (6) if the proposed Final Decree in Divorce purports to incorporate a written agreement between the parties, a true and correct copy of the fully executed agreement;
- (7) a stamped pre-addressed envelope addressed to the counsel of each represented party or, if unrepresented, to each unrepresented party;
- (8) if the Defendant has failed to appear or has not filed an Affidavit of Consent in the action, an Affidavit of Non-Military Service;
- (9) a copy of the Notice of Intent to File Praecipe that was earlier sent to the opposing party or to his or her counsel of record; and
- (10) current docket entries.

(b) The aforesaid procedure is only applicable in all cases under Section 3301 (c) and Section 3301(d) where all issues between the parties have been resolved. The party filing the Praecipe may withdraw a claim by so noting on the Praecipe to Transmit Record. Any outstanding claims by the opposing party may only be withdrawn by a separate Praecipe signed by that party or his attorney of record. If any claims are not specifically withdrawn or resolved by attached written agreement, the case must be referred to a Master for disposition (unless bifurcated by Order of Court).

(c) If a Praecipe to Transmit is defective, the Clerk of the Family Court may require that a corrected Praecipe be filed, preceded by notification to the opposing party. No additional filing fee need be paid when the corrected Praecipe is filed.

(d) In a case proceeding under Section 3301(c), if any objection is filed to the Praecipe to Transmit Record, the following procedure shall be followed:

(1) The Clerk of the Family Court shall place any case wherein an objection has been filed on the next available list for the Family Court Motions Judge. All parties or their counsel shall be given at least ten (10) days notice prior to the listing date for the Court to determine whether the objection should be sustained or dismissed.

(2) If the Family Court Motions Judge determines that an objection should be sustained, an Order shall be entered which shall provide one of the following:

(i) require the filing of additional pleadings;

(ii) refer the case to the Permanent Master in Divorce, subject to the requirements set forth in Rule 1920.51;

(iii) enter a Decree in Divorce with jurisdiction reserved over certain claims;

(iv) grant such other relief as the Court deems necessary.

(3) If the Family Court Motion Judge determines that an objection should be dismissed, that Judge shall enter a Final Decree in Divorce.

(e) In any case where a Section 3301(d) Counter-affidavit is filed, the matter will be promptly listed before the Permanent Master in Divorce for purposes of a hearing on all non-economic issues raised therein. The written notice of said hearing shall clearly state that failure of the non-moving party to appear at the scheduled time will result in the dismissal of all objections and claims raised in the Counter-affidavit and the entry of a Final Decree in Divorce without additional notice to that party.

(1) If the non-moving party fails to appear for the scheduled listing of the case, the Master shall there upon file a summary Report or Proposed Order recommending dismissal of the Counter-affidavit. If no exceptions are filed to the Report or Proposed Order within twenty days, then the Report or Proposed Order shall forthwith be presented to a Judge for approval and entry of an Order dismissing the Counter-affidavit. A Final Decree pursuant to Section 3301(d) or Order approving grounds for Divorce may then be entered following judicial review of the file.

(2) If both parties appear for the listing of the case, the Permanent Master in Divorce shall then conduct a conference to ascertain what issues are actually in dispute. Following conclusion of the conference, the Master may immediately proceed with a record hearing to dispose of any contest as to grounds, or he may defer the matter to another listing, for which notice shall be given while the parties are in attendance.

(i) After the completion of testimony relating to Grounds under Section 3301(d), the Permanent Master shall expeditiously prepare and file a Report which contains his or her findings as to whether the prerequisites under that Section have been met. Copies of said Report shall be served on counsel and any unrepresented parties.

(ii) Within twenty (20) days after the date of the Report by the Permanent Master, any party may file written exceptions thereto. Any such exceptions shall thereafter be listed for argument before a Judge of the Family Court who shall dispose of the same on the basis of the record compiled before the Permanent Master. In the absence of exceptions within said twenty (20) day period, the Report shall be transmitted to a Judge for approval and entry of an Order consistent with the Master's recommendation as to Grounds for a Section 3301(d) Divorce. If no economic issues remain outstanding in the case, a Final Decree pursuant to Section 3301(d) may then be entered following judicial review of the file.

(iii) If economic issues are raised in a case for the first time through a Counter-affidavit, the Permanent Master shall submit a proposed Order to the Court whereby a deadline is set for the defendant to perfect his/her claims for economic relief through the filing of a Counterclaim or petition pursuant to Pa.R.C.P. 1920.15. If the defendant subsequently fails to comply with such Order, the Clerk of the Family Court, upon praecipe of the plaintiff, shall submit the file to a Judge for entry of a Final Decree.

(iv) If economic issues were raised in a case prior to the filing of a Counter-affidavit, or if the defendant perfects his/her claims for economic relief under the preceding paragraph, it shall be the responsibility of the parties to dispose of such issues through the filing of a Certification for Hearing pursuant to Pa.R.C.P. 1920.51.

Rule 1920.51 Proceedings before Master in Divorce

(a) As used in this section, "Master" means a Permanent Master in Divorce who has been authorized by the Court to hear:

(1) matters relating to grounds for Divorce under Sections 3301(a), 3301(b), and 3301(d)(1)(ii), and for Annulment under Sections 3303, 3304 and 3305 of the Divorce Code;

(2) economic issues, including claims for equitable distribution of property, alimony, counsel fees, costs and expenses.

(b) Procedure for Divorce under Sections 3301(a) and 3301(b), and for Annulment:

(1) When a party wishes to proceed under fault grounds for Divorce or an Annulment, said party shall file a "Motion for Divorce Hearing on Fault Grounds or for Annulment" accompanied by a certification of service and a proposed Order of assignment setting forth the issues to be referred by the Court to the Master.

(2) Within ten (10) days following service of a Motion for Divorce Hearing on Fault Grounds or for Annulment, a party may file an Answer thereto for purposes of objecting to the proposed assignment of the case to a Master. It shall not constitute grounds for objection that discovery on economic issues has not been completed.

(3) The Motion for Divorce Hearing on Fault Grounds or for Annulment may be filed by either party as soon as twenty (20) days have elapsed following service of the complaint.

(4) Thirty (30) days advance notice of the hearing shall be given to the attorneys of record and any unrepresented parties. All parties shall be prepared to proceed at that time on the case,

(5) Unless otherwise ordered by the Court, an official Court interpreter of the Court of Common Pleas shall be utilized where a party or witness is unable to communicate in the English language.

(6) In uncontested proceedings, the moving party shall be prepared to present the following to the Master on the day of the hearing:

- (i) an Affidavit setting forth jurisdictional facts;
- (ii) a separate narrative Affidavit setting forth the specific facts relied upon as the basis for the fault allegations in the case, or where an Annulment is requested, the facts establishing grounds for such relief under Sections 3304 or 3305;
- (iii) in cases where no appearance of record has been entered for the defendant, an Affidavit of Non-Military Service as required by the Soldiers' and Sailors' Civil Relief Act; and
- (iv) in actions for Indignities under Section 3301(a)(6), a Certification of Counseling Notice.

(7) In contested cases, all testimony before the Master shall be recorded. Upon request of a party or on the Master's own motion, the attendance of witnesses before the Master may be secured through the issuance of a subpoena from the Clerk of Family Court.

(8) Copies of the Master's Report in Fault Grounds or Annulment cases shall be mailed to counsel of record and to any unrepresented parties. Such copies shall be accompanied by a proposed Decree and notice informing the parties that either side may file exceptions to the Report within twenty (20) days of the date said Report is filed.

(c) Procedure on Economic Issues.

(1) No hearing shall be scheduled before the Permanent Master to dispose of economic issues in a case unless one of the following has occurred:

- (i) a Master's Report has been filed recommending a divorce under Section 3301(a), 3301(b) or 3301(d)(1)(ii) in a case where economic issues have been raised by a pleading. If no exceptions have been filed to said Report, or after exceptions thereto have been dismissed, the Court shall enter an Order in the following form:

ORDER APPROVING GROUNDS FOR DIVORCE

AND NOW, this ___ day of _____, 20___, pursuant to the Report of the Master in Divorce, it is hereby Ordered that a Decree in Divorce shall hereafter be entered following resolution by the Permanent Master of all claims of record relating to equitable distribution of marital property, alimony, counsel fees, costs and expenses, and related claims under Divorce Code of 1980, as amended;

- (ii) A Praecipe to Transmit Record has been filed pursuant to Section 3301(c) or Section 3301(d)(i) in a case where economic claims have been raised of record. Said Praecipe to Transmit Record and the Notice of Intent that shall precede it shall be accompanied by all other documents required by Rule 1920.42. After any objection to said Praecipe has been dismissed, the Court shall enter an Order in the following form:

ORDER APPROVING GROUNDS FOR DIVORCE

AND NOW, this ___ day of _____, 20___, upon receipt of the record setting forth a cause of action under Section 3301(c) or Section 3301(d), a Decree in Divorce shall hereafter be entered following resolution by the Master of all claims of record relating to equitable distribution of marital property, alimony, counsel fees, costs and expenses, and related claims under Divorce Code of 1980, as amended;

(iii) A bifurcated Decree In Divorce has been entered by the Court.

(2) A Master's hearing may only be scheduled on economic issues after one of the parties or their attorney of record has certified that:

(i) an Order Approving Grounds for Divorce or a Bifurcated Decree has been entered;

(ii) all discovery has been completed; and

(iii) there are no motions or petitions outstanding in the case.

(3) All such Certifications for Hearing before the Master in Divorce shall be filed in the Office of the Clerk of the Family Court following payment of the required fee; provided, however, that no additional fee shall be required where fault grounds have been established pursuant to a hearing before the Permanent Master. At the time of filing the Certification, the attorney for the moving party shall also file with the Clerk of Family Court a verification that a copy of said Certification was served on the opposing attorney of record, or on the opposing party, if unrepresented.

(4) Within ten (10) days following the date of filing a Certification for Hearing before the Permanent Master, opposing counsel or the unrepresented party may file objections to the same in the Office of the Clerk of the Family Court. Any such objections shall state with particularity the basis for denying the representations in the Certification. All objections to Certifications for Hearing before the Permanent Master will be promptly listed for hearing before the Family Court Motions Judge.

(5) If no objections are filed to the Certification for Hearing pursuant to subsection (4) hereof, the case shall be scheduled for a hearing before a Permanent Master. Thirty (30) days advance notice of any such hearing shall be given to counsel and any unrepresented party, unless otherwise ordered by the Court.

(6) At least ten (10) days prior to the scheduled hearing before the Permanent Master, each party shall file a mandatory pre-trial memorandum in accordance with Pa.R.C.P. 1920.33(b). The pre-trial memorandum shall be filed with the Clerk of Family Court and a copy of the same shall be mailed or personally served on the same day to opposing counsel or any unrepresented party.

(7) The Master shall take non-record testimony from the parties only, unless, at the sole discretion of the Master, additional non-record testimony is required. The parties may offer into evidence, without formal proof, documentary evidence in the nature of appraisals, pension

evaluations, statements from financial institutions, official or certified records of any governmental or judicial body, and other reports, bills and records relating to real estate, personal property, counsel fees and costs, provided that true and correct copies of all such evidence is provided to all parties or counsel of record at least ten (10) days prior to the hearing.

(8) Within thirty (30) days after conclusion of the final hearing on economic issues, the Permanent Master shall file with the Court a report containing findings of fact and conclusions of law along with a recommendation and proposed Decree and/or Order disposing of all issues of record. Copies of said findings and order shall be mailed to the counsel of record, or unrepresented parties, together with a notice explaining the procedure for requesting a trial *de novo* by the Court.

(9) Within twenty (20) days after the mailing date of the Master's Report and proposed Decree, either party may file with the Clerk of Family Court a Praecipe for a trial *de novo* before a Judge. Time stamped copies of any such Praecipe shall forthwith be served on the opposing counsel of record or unrepresented party, and on the Master who heard the matter. The case thereafter shall be listed before a Judge for a full evidentiary hearing.

(10) In the event there is no demand for a trial filed within twenty (20) days following mailing of the Report and proposed Decree, such Report and proposed Decree shall be submitted to the Court for approval and entry of a Decree.

(11) Any willful violation of this Rule including a failure to comply with filing requirements, failing to provide the required pre-trial memorandum, not providing all parties or counsel copies of documentary evidence to be introduced at the hearing before the Master, or not attending a hearing, shall be grounds for contempt of Court and imposition of sanctions. The Master is empowered to recommend that anyone not complying with this Rule be cited for contempt of Court

RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930

The rules of this chapter shall govern all civil actions or proceedings brought in the Court of Common Pleas for Philadelphia County in Divorce, Support, Custody, and Protection From Abuse under the Domestic Relations Code, and shall be cited as “Phila.DR.R.”

(a) The following shall be filed with the office of the Clerk of Family Court:

- (1) the entry of appearance by an attorney on behalf of a party, which shall be substantially in the following form:

See Form on Page 11

- (2) the entry of an appearance by a self-represented party pursuant to Pa.R.C.P.1930.8; which shall be substantially in the following form:

See Form on Page 12

- (3) the original and four copies of all complaints, petitions, motions, mandatory filings, and all other pleadings and documents in the nature of pleadings.

(b) All local forms shall be posted on the First Judicial District’s website:

<http://courts.phila.gov/forms>.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FAMILY DIVISION**

: DOCKET NO. _____
:
vs. :
:
: PACSES No. _____
:

ATTORNEY'S ENTRY / WITHDRAWAL OF APPEARANCE

PLEASE ENTER/WITHDRAW OF RECORD MY APPEARANCE FOR:

CLIENT'S NAME

ATTORNEY'S NAME

ATTORNEY'S ADDRESS

CITY STATE ZIP CODE

ATTORNEY'S TELEPHONE NUMBER

ATTORNEY'S EMAIL ADDRESS

ATTORNEY'S ID NO. SIGNATURE OF ATTORNEY

DATE

ADMINISTRATIVE REGULATION 97-1

RE: Disclosure of Family Court Records

Family Court records, including, but not limited to Domestic Relations' matters, Juvenile records, Protection from Abuse records, Adoption records, and Divorce records, are impounded and are not subject to inspection except by a party to the action or counsel or record for the party whose records are to be inspected.

These records may not be disclosed, unless otherwise provided by statute, or removed or inspected except by order of Administrative Judge of Family Court.

In the event these records are required as evidence in a civil, criminal, administrative or disciplinary proceeding, a verified petition setting forth specific reasons why the record is needed must be filed with the Administrative Judge of Family Court Division or his judicial designee.

An appropriate Order must accompany the petition.

DATE: 3/21/97

**PAUL P. PANEPINTO
ADMINISTRATIVE JUDGE
FAMILY COURT DIVISION**

FAMILY COURT OF PHILADELPHIA
ADMINISTRATIVE REGULATION 97-2
PROMULGATION OF CUSTODY PROCEDURES

AND NOW, this 2nd day of June, 1997, in order to facilitate the processing of custody cases and to establish procedures for pending and future custody cases, and to encourage the use of mediation for resolution of custody disputes where appropriate, it is hereby ORDERED and DECREED as follows:

1. Administrative Regulation 96-2 establishing mandatory mediation orientation for petitions to modify custody is hereby rescinded.
2. Administrative Regulation 93-1 establishing custody mediation procedures and forms is hereby reinstated pending promulgation of revised custody mediation procedures.
3. All pending petitions seeking custody, partial custody, and all/or visitation, or petitions seeking modification of prior custody orders, which were filed prior to March 1, 1997, shall be listed before a Domestic Relations Judge for disposition.
4. All custody petitions filed on or after March 1, 1997, shall be processed as follows:

(A) All initial petitions seeking partial custody and/or visitation, and all petitions seeking partial custody and/or visitation as a modification of a prior custody order, shall be listed before a Custody Hearing Officer for a record hearing consistent with PA.R.C.P 1915.4-1 and 1915.4-2. In appropriate cases the Custody Hearing Officer may refer the parties to the Family Court's Custody Mediation Program prior to the record hearing consistent with Administrative Regulation 93-1.

(B) All initial petitions seeking sole custody or primary physical custody, or petitions seeking to modify an existing custody order for sole custody or primary physical custody, shall be listed before a Custody Hearing Officer for a conference for the purpose of attempting to effectuate a settlement. If no agreement is reached at the conference, the parties shall be given a date certain for a record hearing before a Domestic Relations Judge and/or may be referred to the Court's Custody Mediation Program consistent with Administrative Regulation 93-1.

(C) The Custody Hearing Officer shall determine whether there are compelling circumstances necessitating an Interim Order at which time he/she shall prepare a recommended interim order and refer the case to the Motion Judge for consideration of the proposed interim Order.

(D) This Administrative Regulation is adopted pending modification of the Philadelphia County Local Rules governing Child Custody matters.

DATE: 6/2/97

PAUL P. PANEPINTO
ADMINISTRATIVE JUDGE,
FAMILY COURT JUDGE

ALLAN L. TERESHKO
SUPERVISING JUDGE
DOMESTIC RELATIONS BRANCH

FAMILY COURT DIVISION
ADMINISTRATIVE REGULATION #99-10

FEE SCHEDULE/PROCEDURE FOR DOMESTIC RELATIONS DIVISION
Family Support Lien/Judgment Certifications

Effective thirty (30) days from publication in the *Pennsylvania Bulletin*, WHEREAS: (1) the Pennsylvania Legislature has amended 23 Pa.C.S.§4352(d) and promulgated 23 Pa.C.S.§4352(d.1), providing that certain support obligations shall constitute a judgment by operation of law against the support obligor, and lien by operation of law against all real and personal property owned by the obligor within the judicial district in which the arrears are recorded; AND (2) WHEREAS existing Family Division records relating to support obligations contain confidential information which cannot be provided to third parties, it is necessary for the Family Division to implement procedures to verify to third parties the existence and amount of support obligations; AND (3) WHEREAS 23 Pa.C.S.A.§4352(d.1)(6)(ii) provides for a maximum fee of \$20.00 to be charged by the Family Division to provide written lien certifications,

IT IS HEREBY ORDERED that the following administrative procedure is adopted in Philadelphia County to provide written certification of the balance of family support obligations:

(1) It is strongly recommended that the request for certification of support arrears be sent no later than fifteen (15) calendar days before the anticipated settlement date. Any person or entity seeking notice of the amount of support arrears owed by a named individual shall complete the information required in Parts A and B of the attached “Request for Support Arrears Balance” form (“Form”) and forward the Form to:

Clerk of Family Court
Room B-16
34 S. 11th Street
Philadelphia, Pa. 19107

(2) The envelope containing the Form shall be clearly marked: “Request for Support Arrears Balance (Lien/Judgment Certification),” and accompanied by a \$20.00 business check,

cashier's check, certified check, or money order, made payable to "Prothonotary," and a stamped, self-addressed envelope. The name and social security number of the individual for whom the information is requested shall be clearly indicated on the \$20.00 payment.

(3) The funds generated by this charge shall be forwarded to the Prothonotary of the First Judicial District of Pennsylvania, according to existing procedures for other fees collected by the Clerk of Family Court. The funds generated by this Administrative Regulation shall be set aside by the Prothonotary and remitted monthly to the Domestic Relations Division Accounting Unit, which shall maintain, account for, and distribute the funds in accordance with federal regulations governing funds collected under Title IV-D of the Social Security Act.

(4) A separate Form accompanied by a separate payment shall be used for each individual for whom information is requested.

(5) The Family Division shall complete Part C of the Form and return it to the requesting party in the stamped, self-addressed envelope within five (5) business days of its receipt by the Family Division, or the date of settlement, whichever is later. If the named individual has eligible support arrears on record in Philadelphia County, the Family Division shall enter the date and amount of arrears certification on the docket records of the affected support cases.

(6) A properly completed and certified Form containing the raised Seal of the Family Court Division of the Court of Common Pleas of Philadelphia shall constitute either a certification by the Family Division of the "Total Payoff Amount" for the lien/judgment as of the settlement date provided, or that there are no eligible support arrears of record in Philadelphia County for the named individual.

(7) The certification of support arrears by the Family Division is only valid as to the combination of name and social security number provided by the requestor. The certification to be prepared by the Family Division will be based strictly on the information as provided by the

requestor. If the information provided on the Form by the requestor for the named individual is incorrect, notwithstanding that a certification of support owed is processed by the Family Division based upon the incorrect information provided by the requestor, if that individual has eligible support arrears of record in Philadelphia County under a name and/or social security number that is different from that which was provided by the requestor, then the lien and judgment by operation of law shall remain in full force and effect as to the individual, and as to the individual's property.

(8) If there are no eligible support arrears of record with the Family Division, the Family Division will so indicate by checking the appropriate box in Part C of the Form.

(9) If the named individual for whom information is requested must personally appear at Family Court to resolve outstanding issues relating to a support case before the certification will be issued, the Family Division will so indicate by checking the appropriate box in Part C of the Form. Because of the confidential nature of the information contained in Family Court records, the Family Division will not convey to third parties the substance or nature of the outstanding issues that must be resolved before the support arrears will be certified.

(10) The "Total Payoff Amount" provided by the Family Court Division shall consist of the aggregate balance of all support arrears of record with the Family Court Division as of the "date prepared" that are eligible to be collected via enforcement of a lien or judgment. The balance provided may not reflect additional arrears that might be owed by the support obligor, but which are not collectible via enforcement of a lien or judgment at the time the certification is issued.

(11) Any funds withheld from the proceeds of a sale of real or personal property for the purpose of satisfying a judgment or lien arising from support arrears must be sent to the Pennsylvania State Collections and Disbursement Unit ("PA SCDU") within fifteen (15) days of

withholding. To satisfy the support arrears and remove the judgment or lien, the “Total Payoff Amount” must be received in the form of a business check, cashier’s check, certified check, or money order made payable to “PA SCDU,” that clearly identifies the support obligor and the obligor’s social security number, the obligor’s PACSES member number, the case ID number(s) to which the payment is to be applied, and the amounts to be applied to each case.

(12) The payment shall be accompanied by a copy of the “Request for Support Arrears Balance (Lien/Judgment Certification)” form that was completed and certified by the Family Division, and upon which the payment is based, and mailed to: PA SCDU, P.O. Box 69110, Harrisburg, Pa. 17106-9110.

(13) The balance certified shall be effective only for the time periods prescribed by applicable law.

(14) Upon receipt and posting of the funds the account will be credited, and the Domestic Relations Division will, upon request, issue an Order of Court stating that the eligible support arrears of record with the Family Division of the Philadelphia Court of Common Pleas, as of the date of settlement or transfer, have been paid in full, subordinated, or otherwise settled. If, under applicable law, the funds submitted exceed the amount that is collectible by that remedy, the excess payment shall be refunded directly to the support obligor.

(15) The support information provided by the Philadelphia Family Court Division shall under no circumstances constitute a confirmation of the support obligor’s social security number.

Date:

DECEMBER 20, 1999

**Paul P. Panepinto
Administrative Judge
Family Court Division**

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY • FAMILY DIVISION

Part A. Request for Support Arrears Balance (Lien/Judgment Certification)

(this request MUST be accompanied by \$20 payment for the processing fee as required by Philadelphia Family Court Administrative Regulation 99-10)

Pursuant to the provisions of 23 Pa.C.S.A. §4352(d) and (d.1), and Philadelphia Family Court Administrative Regulation 99-10, the undersigned hereby requests that the Family Court Division of the Philadelphia Court of Common Pleas provide the following information regarding the amount of support owed by the specified individual who is the Buyer or Seller of a property within Philadelphia County.

Requested by _____	Title _____	Request date _____ / ____ / ____
Company name _____	Address _____	EIN _____ Telephone number _____ (____) _____

Part B. Information on Buyer or Seller of property (MUST BE PROVIDED):

Last Name _____	First _____	Initial _____	Social Security Number _____ - ____ - ____
Alias, if any: Last Name _____	First _____	Initial _____	Date of Birth _____ / ____ / ____ Settlement date _____ / ____ / ____

Part C. Support Balance Information (to be provided by Family Court)

Philadelphia Family Court has no record of an outstanding support balance for the above named individual.

Before the lien/judgment certification can be provided the above named Buyer/Seller must appear at Family Court's Customer Service Center in the lobby of the Family Court Building, 34 S. 11th Street, to resolve outstanding issues regarding the support case(s).

The above named individual has an outstanding support balance(s) for the following case(s) and amount(s):

PACSES Member Number: _____

TOTAL PAYOFF AMOUNT CERTIFIED FOR ALL FAMILY SUPPORT LIENS/JUDGMENTS*: \$ _____

(1) _____	\$ _____	(2) _____	\$ _____
Case ID Number	Arrears Balance(a/o date prepared)	Case ID Number	Arrears Balance(a/o date prepared)
(3) _____	\$ _____	(4) _____	\$ _____
Case ID Number	Arrears Balance(a/o date prepared)	Case ID Number	Arrears Balance(a/o date prepared)
(5) _____	\$ _____	(6) _____	\$ _____
Case ID Number	Arrears Balance(a/o date prepared)	Case ID Number	Arrears Balance(a/o date prepared)

Number of additional sheets attached: None _____

Certification

Pursuant to the provisions of 23 Pa.C.S.A. §4352(d) and (d.1), and Philadelphia Family Court Administrative Regulation 99-10, I certify that the above information and the information in any attachment hereto is an accurate and complete accounting for all eligible support arrears on record with the Philadelphia Family Court as being owed by the above-referenced Buyer or Seller as of the date prepared, and that I am authorized by Philadelphia Family Court to certify this information.

Certified by _____	Title _____	Tel. No. _____	Date prepared _____ / ____ / ____ [COURT SEAL]
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***IMPORTANT NOTE:** The payoff amount does not reflect account adjustments or credit that might have been given for support payments posted after the "date prepared." In order for Family Court to clear the support lien/judgment as of a specific certification date it must receive payment in full for the "Total Payoff Amount." Payment must be submitted to Family Court within fifteen (15) days of withholding. The total payoff amount certified is only valid for the time period provided by law (i.e. for sixty (60) days from the date prepared indicated above), and except as otherwise provided by law, any support arrears arising after the date prepared shall constitute a lien and judgment by operation of law against the support obligor and the obligor's property.

FAMILY COURT DIVISION
ADMINISTRATIVE REGULATION #99-11

FEE SCHEDULE/PROCEDURE FOR DOMESTIC RELATIONS DIVISION
Family Support Lien/Judgment Search for Purpose of Legal Name Change

Effective thirty (30) days after publication in the *Pennsylvania Bulletin*, a \$20.00 fee is established by the Domestic Relations Division of the Philadelphia Family Court, for providing written certification of the existence or non-existence of family support judgments for an individual, for use as supporting documentation of the individual's Petition to Change Name.

In order to facilitate the search, the person or entity requesting the certification must submit sufficient information to identify the individual for whom the search is to be conducted, including that individual's name, social security number, date of birth, and address. A certified check, cashier's check, money order, or attorney's check in the amount of \$20.00, made payable to "Prothonotary," must accompany the written request for the certification, and be sent to:

Clerk of Family Court
34 S. 11th Street
Room B-16
Philadelphia, Pa. 19107

The funds generated by this charge shall be forwarded to the Prothonotary of the First Judicial District of Pennsylvania, according to existing procedures for other fees collected by the Clerk of Family Court. The funds generated by this Administrative Regulation shall be set aside by the Prothonotary and remitted monthly to the Domestic Relations Division Accounting Unit, which shall maintain, account for, and distribute the funds in accordance with federal regulations governing funds collected under Title IV-D of the Social Security Act.

Date:

DECEMBER 20, 1999

Paul P. Panepinto
Administrative Judge
Family Court Division

**FAMILY COURT DIVISION
ADMINISTRATIVE REGULATION #00-02**

**PROCEDURE FOR OBTAINING *IN FORMA PAUPERIS* STATUS
IN CUSTODY AND SUPPORT ACTIONS**

EFFECTIVE IMMEDIATELY, in order to be excused from paying required filing fees for actions in custody or support, it is necessary that the person seeking such relief file a "Petition to Proceed In Forma Pauperis."

- (1) Said Petition will be approved without judicial review if the petitioner can establish that he or she is a current recipient of cash or medical Public Assistance benefits by producing appropriate documentation of said benefits as provided to him or her by the Pennsylvania Department of Public Welfare or its agent.
- (2) If the individual seeking In Forma Pauperis status is not currently receiving cash or medical Public Assistance benefits, the Petition must be supported by a Poverty Affidavit.
- (3) The Petition to Proceed In Forma Pauperis and Poverty Affidavit shall be in the forms set forth hereafter, or as may be modified from time to time. The Clerk of Family Court shall make the current forms available to the public at no cost.
- (4) If the Petitioner is not currently receiving cash or medical Public Assistance benefits, the information set forth in the Poverty Affidavit will be reviewed by a Judge of the Family Court who will determine eligibility for In Forma Pauperis status by adhering to the National Eligibility Level that has been established for individuals seeking free legal representation from affiliates of the Legal Services Corporation.
- (5) The specific income standards are set forth by 45 C.F.R.1611, and depend on family size, and certain other circumstances.
- (6) Future changes to eligibility requirements as set forth in 45 C.F.R.1611 are effective immediately upon the effective date of the change.
- (7) The relevant income levels shall be posted in the Office of the Clerk of Family Court, which shall also make 45 C.F.R.1611 available for public inspection.
- (8) This Administrative Regulation specifically supersedes Family Court Administrative Regulation 93-3.

Date:

May 4, 2000

/s/ Paul P. Panepinto

**Paul P. Panepinto
Administrative Judge
Family Court Division**

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FAMILY COURT DIVISION

	:	Custody	Partial Custody
	:	Visitation	Support
	:		
_____	:	Case ID No.	_____
vs.	:		
	:	Docket No.	_____
	:		
_____	:		
Plaintiff	:		
	:		
Defendant	:		

PETITION TO PROCEED *IN FORMA PAUPERIS*

TO THE HONORABLE, THE JUDGES OF SAID COURT:

- (1) I am the PLAINTIFF DEFENDANT (check one) in the above matter and because of my financial condition I am unable to pay the required filing fee of \$_____.
- (2) I am unable to obtain funds from anyone, including my family and friends, to pay this fee.
- (3) Check one:
 - I am currently a recipient of the following type(s) of Public Assistance Benefits from the Pennsylvania Department of Public Welfare:
 - cash benefits; and/or
 - medical benefits
 - (check one or both, and be prepared to present to the filing clerk supporting documentation that you are *currently* receiving the benefit(s))
 - I am not currently receiving cash or medical Public Assistance benefits, but I am attaching a completed Poverty Affidavit that verifies my financial condition, and why I cannot afford to pay the aforementioned filing fee.

I verify that the statements made in this Petition, and attached Poverty Affidavit (if applicable), are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.§4904, relating to unsworn falsification to authorities.

Date: _____
Name of Petitioner

Address

ORDER

AND NOW, this _____ day of _____, _____, upon consideration of the foregoing Petition, and attached Poverty Affidavit (if applicable), it is hereby ORDERED that the petitioner be excused from payment of the filing fee in this matter.

BY THE COURT:
_____ J.

**FAMILY COURT DIVISION
ADMINISTRATIVE REGULATION #02-02**

CONTINUANCE POLICY - DOMESTIC RELATIONS DIVISION

EFFECTIVE IMMEDIATELY, the Domestic Relations Division institutes the following policy relating to continuance requests:

- (1) Continuances shall be granted only for good cause shown, and agreements to continue the matter by the parties or counsel are not sufficient to stay the provisions of this Administrative Regulation.
- (2) A continuance request by an attorney for a case will only be considered if the attorney has already filed a formal entry of appearance in the case.
- (3) Except as otherwise provided by this Administrative Regulation, all requests for continuance must be submitted in writing and within ten (10) calendar days from the date that the notices for the proceeding were served. If the scheduled event is a courtroom proceeding the request must be submitted to the presiding judge; if the scheduled event is not a courtroom proceeding, the request must be submitted to the supervisor of the presiding quasi-judicial officer. The addresses and fax numbers for all judges and operational units within the Domestic Relations Division are available on its internet website at: <http://courts.phila.gov/cpfd.html>.
- (4) If a continuance request is based on an emergency and/or other unanticipated situation, the request must be submitted in writing to the presiding judge or the supervisor of the presiding quasi-judicial officer within twenty-four (24) hours from the time that the party or attorney becomes aware of, or should have become aware of the situation, and at least twenty-four (24) hours prior to the proceeding, if possible. **Failure** of a party to retain counsel in a timely fashion shall not constitute an emergency and/or unanticipated situation.
- (5) All continuance requests must specify the reason therefor and include documentation, to the extent possible, and all opposing parties and/or counsel must be copied with said request.
- (6) In order for the court or supervisor to accurately and easily identify the specific event for which the continuance is being requested, the request must include the caption of the case, the names of the parties and presiding officer, the matter pending, the date, time and place of the scheduled event, the position of the opposing parties or counsel with regard to the continuance request, and a copy of the scheduling notice if a time conflict is alleged.
- (7) Unless the party or attorney requesting the continuance receives approval of the continuance by the court or appropriate supervisor, the event shall proceed as scheduled. If either party fails to appear for the scheduled event, and a continuance request has not been approved, the underlying petition, complaint, motion, or other pleading may be disposed by the court or presiding officer under applicable law.

- (8) Filing advance notices of unavailability with the Clerk of Family Court will only prevent an attorney from being scheduled on unavailable dates in custody, divorce, and protection from abuse cases in which the attorney has entered an appearance. The Pennsylvania Child Support Enforcement System (PACSES) on which support cases are administered does not have the ability to prevent scheduling an attorney for a support proceeding, notwithstanding that the attorney has previously filed a notice of unavailability with the Clerk of Family Court. Therefore, any attorney of record in a support case who receives a notice for a proceeding on a date that the attorney had previously filed as unavailable, must submit a request for continuance in accordance with this Administrative Regulation within ten (10) calendar days from the date that the notice for the proceeding was served, and include a copy of the letter of unavailability that had been filed with the Clerk of Family Court.
- (9) This Administrative Regulation specifically supercedes Family Court Administrative Regulation #00-04, which is hereby RESCINDED.

Date:

Honorable Myrna P. Field
Administrative Judge
Family Court Division