

**CHAPTER 1920. ACTIONS OF DIVORCE OR FOR
ANNULMENT OF MARRIAGE**

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- 1920.91. Suspension of Acts of Assembly.
1920.92. Effective Date. Pending Actions.

Source

The provisions of these Rules 1920.1—1920.92 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967, unless otherwise noted.

Rule 1920.1. Definitions. Conformity to Civil Action.

- (a) As used in this chapter,
“action” means an action of divorce or an action for annulment of marriage which may include any other claim which may under the Divorce Code be joined with the action of divorce or for annulment;
“custody” includes partial custody and visitation;
“divorce” means divorce from the bonds of matrimony;
“marital property rights” means those rights created solely by Section 3501 of the Divorce Code; and
“nonmarital property rights” means all property rights other than marital property rights.
- (b) Except as otherwise provided in this chapter, the procedure in the action shall be in accordance with the rules relating to a civil action.

Official Note: For other claims which may be joined, see Section 3104 of the Divorce Code, 23 Pa.C. S. § 3104.

Source

The provisions of this Rule 1920.1 amended December 16, 1983, effective July 1, 1984, 13 Pa.B. 3999; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943. Immediately preceding text appears at serial page (159452).

Rule 1920.2. Venue.

- (a) The action, except a claim for custody, may be brought only in the county
- (1) in which the plaintiff or the defendant resides, or
 - (2) upon which the parties have agreed
 - (i) in a writing which shall be attached to the complaint, or
 - (ii) by participating in the proceeding.

Official Note: Rule 1920.2 governs the venue of related claims, except a claim for custody, when joined with an action of divorce or for annulment. Venue in an action for custody is governed by Rule 1915.2.

See Rule 1006(d) for the transfer of an action for the convenience of parties and witnesses.

Under subdivision (a)(2), the agreement of the parties is an independent basis for venue and is not a waiver of improper venue.

- (b) The record shall establish compliance with the venue requirement of subdivision (a) prior to the entry of the decree.

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(c) Notwithstanding any agreement of the parties, if neither the plaintiff nor the defendant has resided in the county at any time during the pendency of the action, the court, upon its own motion and for its own convenience, may transfer the action to the appropriate court of any other county where the action originally could have been brought.

Source

The provisions of this Rule 1920.2 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended February 7, 1989, effective July 1, 1989, 19 Pa.B. 764. Immediately preceding text appears at serial page (99926).

Rule 1920.3. Commencement of Action.

An action shall be commenced by filing a complaint with the prothonotary.

Rule 1920.4. Service.

(a) Service of original process and proof of service in an action pursuant to this chapter shall be in accordance with Rule 1930.4.

(b) Service of the complaint in the manner provided by Rule 1930.4 shall constitute service of process with respect to any claim which may under the Divorce Code be joined with an action of divorce or for annulment.

(c) In an action under Section 3301(d) of the Divorce Code, if no appearance has been entered and plaintiff avers that defendant cannot be located after diligent search, the court may waive service of the affidavit.

(d) The defendant may accept service of the complaint as provided by Rule 1930.4. Acceptance of service shall not be deemed collusive.

Source

The provisions of this Rule 1920.4 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended through June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended October 2, 1995, effective January 1, 1996, 25 Pa.B. 4518. Immediately preceding text appears at serial page (200375).

Rule 1920.5. Warrant of Attorney.

No attorney shall be required to file of record a warrant of attorney from a party in the action.

Source

The provisions of this Rule 1920.5 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677.

Rule 1920.6. Multiple Actions. Priority. Stay.

(a) If, within ninety days of service of the complaint, a second action is brought in another county and one of the two counties is the county in which the last family domicile was located and in which one of the parties continues to reside, the court of the county of the last family domicile shall determine, based

upon the purposes of the Divorce Code, which of the two actions shall be stayed and which shall proceed. If neither action was brought in the county of the last family domicile and in which one of the parties continues to reside, the court in which the first action was brought shall make the determination.

(b) If a second action is brought in another county more than ninety days after service of the complaint in the first action, the second action shall be stayed until the conclusion of the first action.

Source

The provisions of this Rule 1920.6 adopted February 7, 1989, effective July 1, 1989, 19 Pa.B. 764.

Rule 1920.11. Pleadings Allowed.

The pleadings in an action shall be limited to those authorized by Rule 1017, a bill of particulars, a petition authorized by the Divorce Code and an answer thereto.

Official Note: For limitations as to judgment by default or on the pleadings, see Rule 1920.41.

Rule 1920.12. Complaint.

(a) Except as provided by subdivision (b), the plaintiff shall set forth in the complaint as to the cause of action of divorce or for annulment

(1) the names of the plaintiff and defendant and, if either party is a minor or incompetent, a statement to that effect and the name and address of such party's guardian, if any;

(2) the residence of the plaintiff;

(3) the last known residence and present whereabouts of the defendant, or that the plaintiff has no knowledge thereof, and in that case the names and addresses of near relatives and other persons who would be likely to know the present residence and whereabouts of the defendant;

(4) an averment that the plaintiff, defendant or both have resided in the Commonwealth for at least six months immediately previous to the commencement of the action;

(5) the date and place of marriage;

(6) the ground on which the action is based, stated substantially in the language of the Divorce Code;

(7) whether there has been any prior action of divorce or for annulment of marriage between the parties in this or any other jurisdiction and if so the caption, court, term and number thereof, the date commenced, the grounds therefor and the present status if pending or the final disposition thereof;

(8) in an action under Section 3301(a)(6), 3301(c) or 3301(d) of the Divorce Code, an averment that the plaintiff has been advised of the availability of counseling and that the plaintiff may have the right to request that the court require the parties to participate in counseling; and

- (9) a prayer for relief.
- (b) The complaint in an action based upon Section 3301(c) or (d) of the Divorce Code shall be substantially in the form prescribed by Rule 1920.72(a).
- (c) Every complaint shall begin with a notice substantially in the form prescribed by Rule 1920.71.

Source

The provisions of this Rule 1920.12 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943. Immediately preceding text appears at serial pages (134360) and (168423).

Rule 1920.13. Pleading More Than One Cause of Action. Alternative Pleading.

- (a) The plaintiff may state in the complaint one or more grounds for divorce and may join in the alternative a cause of action for annulment.
- (b) The plaintiff may
- (1) join in the complaint in separate counts any other claims which may under the Divorce Code be joined with an action of divorce or for annulment or, if they have not been so joined, the plaintiff may as of course amend the complaint to include such other claims or may file to the same term and number a separate supplemental complaint or complaints limited to such other claims; or
 - (2) file to the same term and number a subsequent petition raising such other claims.
- (c) The court may order alimony pendente lite, reasonable counsel fees, costs and expenses pending final disposition of any claim.

Rule 1920.14. Answer. Denial. Affidavit under Section 3301(d) of the Divorce Code.

- (a) The averments in the complaint as to the divorce or annulment, all other claims which may be joined under the Divorce Code and any petition for special relief under these rules shall be deemed denied unless admitted by an answer. Notwithstanding the foregoing, the court may require a response to a petition for special relief.
- (b) The averments of the affidavit under Section 3301(d) of the Divorce Code shall be deemed admitted unless denied by counteraffidavit.

Official Note: See Rule 1920.72(d) for the form of counteraffidavit.

Explanatory Comment—1994

Subdivision (b) requires that the averments of the plaintiff's affidavit under Section 3301(d) of the Divorce Code be denied by counteraffidavit. If the defendant fails to file a counteraffidavit, all allegations are deemed admitted.

Explanatory Comment—2007

Subdivision (a) has been amended to clarify that the averments in a petition for special relief in a divorce or annulment action are deemed to be denied unless admitted by an answer.

Source

The provisions of this Rule 1920.14 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5324; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended April 11, 2007, effective immediately, 37 Pa.B. 1959. Immediately preceding text appears at serial page (229631).

Rule 1920.15. Counterclaim. Subsequent Petition.

(a) The defendant may set forth in an answer under the heading “Counterclaim” a cause of action of divorce or for annulment and, whether the defendant does so or not, may set forth any other matter which under the Divorce Code may be joined with an action of divorce.

(b) The defendant may file to the same term and number a subsequent petition raising any claims which under the Divorce Code may be joined with an action of divorce or for annulment. The averments shall be deemed denied unless admitted by an answer.

Official Note: See Rule 1920.31, which requires the joinder of certain related claims under penalty of waiver. A claim for alimony must be raised before the entry of a final decree of divorce or annulment.

Source

The provisions of this Rule 1920.15 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677. Immediately preceding text appears at serial pages (52325) to (52326).

Rule 1920.16. Severance of Actions and Claims.

The court, in furtherance of convenience or to avoid prejudice, may on its own motion or on motion of any party order a separate trial of any cause of action or claim or of any number of causes of action or claims.

Rule 1920.21. Bill of Particulars in Divorce or Annulment. Non Pros.

(a) The prothonotary on praecipe filed within such time as not to delay the trial shall enter a rule as of course upon the party seeking a divorce under Section 3301(a) or (b) of the Divorce Code or an annulment to file a bill of particulars as to such cause of action.

(b) If a bill of particulars is not filed within twenty days after service of the rule or within such further time as the court may allow, the prothonotary upon praecipe shall enter a judgment of non pros against the defaulting party with respect to the cause of action for divorce under Section 3301(a) or (b) of the Divorce Code, or the cause of action for annulment.

(c) No answer to a bill of particulars is required.

Source

The provisions of this Rule 1920.21 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended April 8, 1992, effective July 1, 1992, 22 Pa.B. 2221. Immediately preceding text appears at serial pages (134362) and (159453).

Rule 1920.22. Discovery [Rescinded].

Official Note: The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

Source

The provisions of this Rule 1920.22 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended July 20, 1994, effective September 1, 1994, 24 Pa.B. 3804; rescinded May 5, 1997, effective July 1, 1997, 27 Pa.B. 2532. Immediately preceding text appears at serial page (229633).

Rule 1920.31. Joinder of Related Claims. Child and Spousal Support. Alimony. Alimony Pendente Lite. Counsel Fees. Expenses.

(a)(1) Within thirty days after the service of the pleading or petition containing a claim for alimony or counsel fees, costs and expenses, each party shall file a true copy of the most recent federal income tax return, pay stubs for the preceding six months, a completed Income Statement in the form required at Rule 1910.27(c)(1) and a completed Expense Statement in the form required by Rule 1910.27(c)(2)(B). If a claim for child support, spousal support or alimony pendente lite is raised in a divorce complaint, no expense form is needed in a support action that can be decided pursuant to the support guidelines unless a party claims unusual needs or unusual fixed expenses or seeks deviation pursuant to Rule 1910.16-5 or apportionment of expenses pursuant to Rule 1910.16-6.

(2) If a party fails to file the documents as required by subdivision (a)(1), the court on motion may make an appropriate order under Rule 4019 governing sanctions.

(3) In those counties in which the prothonotary's office does not automatically forward a divorce complaint containing claims for support or alimony pendente lite to the domestic relations section or other appropriate office, if a claim for support or alimony pendente lite is filed as a count in a divorce rather than as a separate action, the award shall be retroactive to the date the moving party delivers a copy of the complaint to the domestic relations section or other appropriate office with a demand for hearing.

(b)(1) Orders of child support, spousal support, alimony or alimony pendente lite may be enforced as provided by the rules governing actions for support and divorce, and in the Divorce Code.

Official Note: See, inter alia, Section 3323(b) of the Divorce Code relating to enforcement of the rights of any party under a decree, Section 3505(a) relating to injunction against disposition of property pending suit and Section 3703 relating to collection of arrearages.

(2) When so ordered by the court, all payments of child or spousal support, alimony or alimony pendente lite shall be made to the domestic relations section of the court which issued the order.

(c) The failure to claim spousal support, alimony, alimony pendente lite or counsel fees and expenses prior to the entry of a final decree of divorce or annulment shall be deemed a waiver thereof unless the court expressly provides otherwise in its decree. The failure to claim child support shall not bar a separate and subsequent action therefor.

(d) Upon entry of a decree in divorce, any existing order for spousal support shall be deemed an order for alimony pendente lite if any economic claims remain pending.

Source

The provisions of this Rule 1920.31 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263; amended April 21, 1995, effective July 1, 1995, 25 Pa.B. 1837; amended August 17, 1995, effective immediately, 25 Pa.B. 3584; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7113; amended October 30, 2007, effective immediately, 37 Pa.B. 5976. Immediately preceding text appears at serial pages (324711) to (324712).

Rule 1920.32. Joinder of Related Claims. Custody. Hearing by Court.

(a) Claims for custody of children shall be heard by the court. The practice and procedure with respect to these claims shall follow the practice and procedure governing custody.

(b) The failure to claim custody of minor children prior to the entry of a final decree shall not bar subsequent claims for custody.

Rule 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.

(a) Within ninety days after service of a pleading or petition containing a claim for determination and distribution of property under Section 3502 of the Divorce Code, each party shall file an inventory specifically describing all property owned or possessed at the time the action was commenced. The inventory shall set forth as of the date of the filing of the complaint

(1) a specific description of all marital property in which either or both have a legal or equitable interest individually or with any other person and the name of such other person; and

(2) a specific description of all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property and the basis for such exclusion.

Official Note: Subdivision (c) of this rule provides sanctions for failure to file an inventory as required by this subdivision. An inventory filed within the ninety day period may be incomplete where the party filing it does not know of all of the property involved in the claim for equitable distribution. Consequently, the rule does not contemplate that a party be precluded from presenting testimony or offering evidence as to property omitted from the inventory. The omission may be supplied by the pre-trial statement required by subdivision (b).

(b) Within the time required by order of court or written directive of the master or, if none, at least sixty days before the scheduled hearing on the claim for the determination and distribution of property, each party shall file and serve upon the other party a pre-trial statement. The pre-trial statement shall include the following matters, together with any additional information required by special order of the court:

(1) a list of assets, which may be in chart form, specifying

(i) the marital assets, their value, the date of the valuation, whether any portion of the value is non-marital, and any liens or encumbrances thereon; and

(ii) the non-marital assets, their value, the date of the valuation, and any liens or encumbrances thereon;

(2) the name and address of each expert whom the party intends to call at trial as a witness. A report of each expert witness listed shall be attached to the pre-trial statement. The report shall describe the witness's qualifications and experience and state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;

(3) the name, address and a short summary of the testimony of each person, other than the party, whom the party intends to call at trial as a witness;

(4) a list of all of the exhibits which the party expects to offer in evidence, each containing an identifying mark. Any exhibits that do not exceed three pages shall be attached to the pre-trial statement, and any exhibits which exceed three pages shall be described;

(5) the party's gross income from all sources, each payroll deduction, and the party's net income, including the party's most recent state and federal income tax returns and pay stubs;

(6) if the party intends to offer any testimony as to his or her expenses, an Expense Statement in the form required by Rule 1910.27(c)(2)(B);

(7) the value of a pension or retirement benefits, the marital portion thereof, and the facts and documentation upon which the party relies to support the valuation;

(8) if there is a claim for counsel fees, the amount of fees to be charged, the basis for the charge, and a detailed itemization of the services rendered;

(9) where there is a dispute, the description and value of any items of tangible personal property, the method of evaluating each item, and the evidence, including documentation, to be offered in support of the valuation;

(10) a list of marital debts including the amount of each debt as of the date of separation, the date on which the debt was initially incurred, the initial amount of the debt and its purpose, the amounts and dates of payments made since the date of separation, and the evidence that will be offered in support of the claim;

(11) a proposed resolution of the economic issues.

(c) If a party fails to file either an inventory as required by subdivision (a) or a pre-trial statement as required by subdivision (b), the court may make an appropriate order under Rule 4019(c) governing sanctions.

(d)(1) A party who fails to comply with a requirement of subdivision (b) of this rule shall, except upon good cause shown, be barred from offering any testimony or introducing any evidence in support of or in opposition to claims for the matters not covered therein.

(2) A party shall, except upon good cause shown, be barred from offering any testimony or introducing any evidence that is inconsistent with or which goes beyond the fair scope of the information set forth in the pre-trial statement.

(e) An order distributing property under Section 3502 of the Divorce Code may be enforced as provided by the rules governing actions for support and divorce, and in the Divorce Code.

Explanatory Comment—1994

23 Pa.C.S. § 3105(a) states that an agreement is enforceable by any means available pursuant to the Divorce Code for enforcement on an order, as though the agreement were an order of court, except as otherwise provided in the agreement. Thus, although Rule 1920.33 refers only to enforcement of orders, it also applies to enforcement of agreements.

Source

The provisions of this Rule 1920.33 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7113. Immediately preceding text appears at serial pages (267776) and (229635) to (229636).

Rule 1920.34. Joinder of Parties.

At any stage of an action, the court may order the joinder of any additional person who could have joined or been joined in the action and may stay the proceedings in whole or in part until such person has been joined. The action may proceed although such person has not been made a party if jurisdiction over that person cannot be obtained and that person is not an indispensable party to the action.

Official Note: The joinder of persons other than husband and wife may be essential in claims for child custody where neither has custody or custody is claimed by others, or where persons other than the parties have an interest in property which is the subject matter of a distribution.

The intervention in an action by a person not a party is governed by Rule 2326 et seq.

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Source

The provisions of this Rule 1920.34 amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943. Immediately preceding text appears at serial page (159457).

Rule 1920.41. No Default Judgment.

No judgment may be entered by default or on the pleadings.

Rule 1920.42. Affidavit and Decree under § 3301(c) or § 3301(d)(1) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in § 3301(c) and § 3301(d)(1)(i) Divorces. Counteraffidavit.

(a) If a complaint has been filed requesting a divorce on the ground of irretrievable breakdown and

(1) both parties have filed an affidavit under § 3301(c) of the Divorce Code substantially in the form prescribed by Rule 1920.72(b), or

(2) either party has filed a § 3301(d) affidavit under § 3301(d) of the Divorce Code substantially in the form prescribed by Rule 1920.72(d) the averments of which the other party has admitted or failed to deny,

the prothonotary on praecipe in the form prescribed by Rule 1920.73(b) shall transmit the record to the court, which shall review the record and enter an appropriate decree. No master shall be appointed.

(b) The affidavit required by § 3301(c) of the Divorce Code must have been executed

(1) ninety days or more after both filing and service of the complaint and

(2) within thirty days of the date the affidavit was filed.

(c) An affidavit of consent may be withdrawn only with leave of court.

(d)(1) Except as provided in (e), no decree shall be entered by the court under § 3301(c) or § 3301(d)(1)(i) of the Divorce Code unless a notice of intention to request entry of divorce decree, substantially in the form prescribed by Rule 1920.73(a), was mailed or delivered to the attorney of record of the party against whom the decree is to be entered or, if there is no attorney of record, to the party, at least twenty days prior to the date of the filing of the praecipe to transmit the record. The praecipe which shall state the date and manner of service of the notice, a copy of which shall be attached.

(2) If the party against whom the decree is to be entered has no attorney of record, the notice required by subdivision (d)(1) shall be accompanied by a form counter-affidavit substantially in the form prescribed by Rule 1920.72(e).

(e) Notice of intention to request entry of divorce decree shall not be required prior to entry of a divorce decree

(1) where the parties have executed and filed with the prothonotary a waiver of notice substantially in the form set forth in Rule 1920.72(c); or

(2) under § 3301(d) where the court finds that no appearance has been entered on defendant's behalf and that defendant cannot be located after diligent search.

Official Note: This counter-affidavit will be filed only if the party against whom the decree is to be entered has not previously denied the allegations of the other party's affidavit or has not previously claimed economic relief by counterclaim or petition.

Source

The provisions of this Rule 1920.42 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5324; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended September 11, 1995, effective January 1, 1996, 25 Pa.B. 4099; amended April 10, 1997, effective July 1, 1997, 27 Pa.B. 2042; amended March 2, 2000, effective immediately, 30 Pa.B. 1646. Immediately preceding text appears at serial pages (229637) to (229638).

Rule 1920.43. Special Relief.

(a) At any time after the filing of the complaint, on petition setting forth facts entitling the party to relief, the court may, upon such terms and conditions as it deems just, including the filing of security:

- (1) issue preliminary or special injunctions necessary to prevent the removal, disposition, alienation or encumbering of real or personal property in accordance with Rule 1531(a), (c), (d) and (e); or
- (2) order the seizure or attachment of real or personal property; or
- (3) grant other appropriate relief.

Official Note: See Section 3505 of the Divorce Code relating to injunction against disposition of property pending suit.

(b) Where property ordered attached is in the possession of a garnishee, the practice and procedure shall conform as nearly as may be to Rules 3111 to 3113 and Rules 3142 to 3145 governing attachment execution. Judgment shall not be entered against a garnishee except by order of the court.

Source

The provisions of this Rule 1920.43 amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943. Immediately preceding text appears at serial pages (159458) to (159459).

Rule 1920.44. Party Leaving Jurisdiction. Security.

At any stage of the proceeding, upon affidavit that a party is about to leave the jurisdiction, the court may issue appropriate process directing that the party be brought before the court at such time as the court may direct. At that time, the court may direct that the party give security, with one or more sureties, to appear when directed by the court or to comply with any order of court.

Rule 1920.45. Counseling.

(a) When counseling is provided for in the Divorce Code, the parties shall be notified of the availability of counseling as prescribed by Rules 1920.12(a)(8) and 1920.71.

(b) The court shall maintain and make available to all parties in the prothonotary's office a list of qualified professionals who provide counseling services.

Official Note: Section 3103 of the Divorce Code defines the term "qualified professionals."

(c)(1) When the ground for divorce is under Section 3301(c) of the Divorce Code and counseling is requested by either party, the counseling must be completed within ninety days after filing the complaint.

Official Note: See Section 3302(b) of the Divorce Code providing for the ninety-day period.

(2) When the ground for divorce is under Section 3301(d) of the Divorce Code and the court orders counseling, it must be completed within one hundred twenty days unless the parties agree to a longer period.

Official Note: See Section 3301(d)(2) of the Divorce Code providing for a period "not less than 90 days nor more than 120 days..."

(d) If the action for divorce has been referred to a master and there is a request for counseling pursuant to the Divorce Code, the master, without leave of court, may require counseling and continue the hearing pending the counselor's report.

Official Note: See Section 3302 of the Divorce Code for the instances in which counseling may be requested or required.

Source

The provisions of this Rule 1920.45 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943. Immediately preceding text appears at serial pages (159459) to (159460).

Rule 1920.46. Affidavit of Non-Military Service.

If the defendant fails to appear in the action, the plaintiff shall file an affidavit regarding military service with the motion for appointment of a master, prior to a trial by the court, or with the plaintiff's affidavit required by Rule 1920.42(a)(2).

Official Note: The Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 521, requires that in cases in which the defendant does not make an appearance, the plaintiff must file an affidavit of nonmilitary service before the court may enter judgment. If the defendant is in the military service and an attorney has not entered an appearance on behalf of the defendant, no judgment may be entered until the court appoints an attorney to represent the defendant and protect his or her interest.

Explanatory Comment—2003

35 P.S. § 450.602 previously required a certificate of each divorce or annulment decreed in the commonwealth to be transmitted to the Vital Statistics Division of the Commonwealth of Pennsylvania Department of Health. The statute was amended October 30, 2001 (P. L. 826, No. 82), § 1, effective in 60 days, to require that the prothonotary submit a monthly statistical summary of divorces and annulments, rather than individual forms for each decree. Thus, subdivision (a) of Rule 1920.46, requiring the filing of the vital statistics form, is no longer necessary. Former subdivision (b) now comprise the entirety of the rule and the title has been amended to reflect that the rule applies only to the affidavit regarding military service.

Source

The provisions of this Rule 1920.46 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended July 30, 2003, effective immediately, 33 Pa.B. 4072; amended August 13, 2008, effective immediately, 38 Pa.B. 4736. Immediately preceding text appears at serial pages (297873) to (297874).

Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

(a)(1) The court may hear the testimony or, upon its own motion or the motion of either party, may appoint a master with respect to all or any of the matters specified in subdivision (a)(2)(i) to consider same and issue a report and recommendation. The order of appointment shall specify the matters which are referred to the master.

(2)(i) The court may appoint a master in an action of divorce under Section 3301(a), (b) and (d)(1)(ii) of the Divorce Code, an action for annulment, and the claims for alimony, alimony pendente lite, equitable distribution of marital property, child support, partial custody or visitation, or counsel fees, costs and expenses, or any aspect thereof.

(ii) No master may be appointed as to the claim for divorce in an action under Section 3301(c) or 3301(d)(1)(i) of the Divorce Code.

(iii) No master may be appointed in a claim for legal, physical or shared custody or paternity.

Official Note: Section 3321 of the Divorce Code, 23 Pa.C.S. § 3321, prohibits the appointment of a master as to the claims of custody and paternity.

(3) The motion for the appointment of a master and the order shall be substantially in the form prescribed by Rule 1920.74.

(4) A permanent or standing master employed by a judicial district shall not practice family law before a conference officer, hearing officer or permanent or standing master employed by the same judicial district.

Official Note: Hearing conference officers preside at office conferences under Support Rule 1910.11. Hearing officers preside at hearings under Support Rule 1910.12. The appointment of masters to hear actions in divorce or for annulment of marriage is authorized by Divorce Rule 1920.51.

(b) Written notice of the hearing shall be given to each attorney of record by the master. If a master has not been appointed, the prothonotary, clerk or other officer designated by the court shall give the notice.

(c) If no attorney has appeared of record for a party, notice of the hearing shall be given the party by the master, or if a master has not been appointed, by the prothonotary, clerk or other officer designated by the court, as follows:

- (1) to the plaintiff, by ordinary mail to the address on the complaint;
- (2) to the defendant,
 - (i) if service of the complaint was made other than pursuant to special order of court, by ordinary mail to the defendant's last known address; or
 - (ii) if service of the complaint was made pursuant to special order of court, (a) by sending a copy of the notice by ordinary mail to the persons, if any, named in the investigation affidavit, likely to know the present whereabouts of the defendant; and (b) by sending a copy by registered mail to the defendant's last known address.

Official Note: Under Definition Rule 76, registered mail includes certified mail.

- (d) Advertising of notice of the hearing shall not be required.
- (e) Proof of notice shall be filed of record.

Official Note: Consistent with Section 3301(e) of the Divorce Code as amended, these rules contemplate that if a divorce decree may be entered under the no fault provisions of Section 3301(c) or (d), a divorce decree will be entered on these grounds and no hearing shall be required on any other grounds.

Source

The provisions of this Rule 1920.51 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended September 29, 1989, effective October 15, 1989, 19 Pa.B. 4451; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; amended July 15, 1994, effective January 1, 1995, 24 Pa.B. 3803; amended September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097. Immediately preceding text appears at serial pages (190547) to (190548).

Rule 1920.52. Hearing by the Court. Decision. No Post-trial Relief. Decree.

- (a) In claims involving
 - (1) marital property,
 - (2) enforcement of marital agreements,
 - (3) alimony, or
 - (4) a contested action of divorce, or annulment,the order of the trial judge shall state the reasons therefor. No motion for post-trial relief may be filed to any order enumerated in this subdivision.
- (b) In claims involving
 - (1) child or spousal support,
 - (2) paternity when tried by a judge,
 - (3) custody, partial custody, or visitation,
 - (4) alimony pendente lite,
 - (5) counsel fees, costs and expenses, or

- (6) an uncontested action of divorce or annulment, or
- (7) protection from abuse,

the order of the trial judge may set forth only general findings. No motion for post-trial relief may be filed to any order enumerated in this subdivision.

Official Note: The procedure relating to Motions for Reconsideration is set forth in Rule 1930.2.

(c) The court need not determine all claims at one time but may enter a decree adjudicating a specific claim or claims.

(d) In all cases the court shall enter a decree separately adjudicating each claim raised.

Source

The provisions of this Rule 1920.52 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended July 22, 1983, effective July 1, 1983, 13 Pa.B. 2254; amended October 19, 1983, effective January 1, 1984, 13 Pa.B. 3629; amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended 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 (229641) to (229642).

Rule 1920.53. Hearing by Master. Report.

In an action for divorce or annulment which has been referred to a master, the master's report shall include findings of fact, conclusions of law and a recommended disposition of the case.

- (a) The findings of fact shall include
 - (1) the method and date of service of process.
 - (2) the manner and date of service of the notice of the master's hearing or the master's efforts to notify the defendant.
 - (3) the date and place of marriage.
 - (4) information relating to any prior marriage of either party and proof of dissolution of such prior marriage.
 - (5) the residences of the parties at the time of the marriage and subsequent thereto, the actual length of time the parties have resided in the Commonwealth, and whether the residence requirement of Section 3104(b) of the Divorce Code has been met.
 - (6) the age and occupation of each party.
 - (7) the name and age of each child of the parties, if any, and with whom each resides.
 - (8) the grounds upon which the action is based.
 - (9) defenses to the action, if any, and

- (10) whether the divorce should be granted on the basis of the complaint or the counterclaim, if filed.
- (b) The conclusions of law shall include a discussion of the law as it relates to the facts, as well as the legal conclusions reached by the master.
- (c) The report shall include the master's recommendation that the divorce or annulment be granted or denied. If divorce or annulment is recommended, the master shall attach a proposed decree.

Source

The provisions of this Rule 1920.53 amended September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097. Immediately preceding text appears at serial pages (188377) to (188378).

Rule 1920.54. Hearing by Master. Report. Related Claims.

(a) If claims for child support, alimony pendente lite, or counsel fees and expenses have been referred to a master pursuant to Rule 1920.51(a), the master's report shall contain separate sections captioned "Child Support," "Alimony Pendente Lite," or "Counsel Fees and Expenses" as appropriate. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order stating

- (1) the amount of support or alimony pendente lite;
- (2) by and for whom it shall be paid; and
- (3) the effective date of the order.

The Income and Expense Statements shall be attached to the report.

(b) If a claim for alimony has been referred to a master, the report shall contain a separate section captioned "Alimony." The report shall conform to the requirements of subdivision (a) and, in addition, shall set forth

- (1) the findings required by Section 3701(a) of the Divorce Code,
- (2) the relevant factors considered under Section 3701(b) of the Divorce Code,
- (3) the nature, amount, duration and manner of payment of alimony, if any, and
- (4) the reason or reasons for the recommended denial or award of alimony.

(c) If a claim for the determination and distribution of existing property rights and interests between the parties has been referred to a master, the report shall contain a separate section captioned "Division of Property." The section shall be divided into two parts,

- (1) one captioned "Marital Property," listing all property to be designated as such and including a proposed equitable distribution thereof with a discussion of the relevant factors considered under Section 3502(a) of the Divorce Code; and
- (2) one captioned "Nonmarital Property," listing all property to be designated as such.

Source

The provisions of this Rule 1920.54 amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7113. Immediately preceding text appears at serial pages (322439) to (322440).

Rule 1920.55. [Rescinded].

Source

The provisions of this Rule 1920.55 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended October 19, 1983, effective January 1, 1984, 13 Pa.B. 3629; amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; rescinded September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097. Immediately preceding text appears at serial pages (197011) to (197012).

Rule 1920.55-1. Alternative Hearing Procedures for Matters Referred to a Master.

(a) Matters referred to a master for hearing shall proceed as prescribed by Rule 1920.55-2 unless the court by local rule adopts the alternative procedure of Rule 1920.55-3.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all divorce proceedings which are referred to a master in that county are conducted in accordance with either Rule 1920.55-2 or Rule 1920.55-3. The certification shall be filed with the Domestic Relations Committee and shall be substantially in the following form:

I hereby certify that _____County conducts its divorce proceedings which are referred to a master in accordance with Rule_____ .

(PRESIDENT JUDGE)
(ADMINISTRATIVE JUDGE)

Source

The provisions of this Rule 1920.55-1 adopted September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097.

Rule 1920.55-2. Master’s Report. Notice. Exceptions. Final Decree.

- (a) After conclusion of the hearing, the master shall:
 - (1) file the record and the report within
 - (i) twenty days in uncontested actions or;
 - (ii) thirty days after the receipt of the transcript by the master in contested actions; and
 - (2) immediately serve upon counsel for each party, or, if unrepresented, upon the party, a copy of the report and recommendation and written notice of the right to file exceptions.
- (b) Within twenty days of the date of receipt or the date of mailing of the master’s report and recommendation, whichever occurs first, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of fact, to conclusions of law, or

to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final decree, leave is granted to file exceptions raising those matters.

(c) If exceptions are filed, any other party may file exceptions within twenty days of the date of service of the original exceptions. The court shall hear argument on the exceptions and enter a final decree.

(d) If no exceptions are filed, the court shall review the report and, if approved, shall enter a final decree.

(e) No Motion for Post-Trial Relief may be filed to the final decree.

Explanatory Comment—1995

The amendments created alternative procedures for appeal from the recommendation of a master in divorce. Rule 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in Rule 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of Rule 1920.55-3.

Explanatory Comment—2006

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the report and recommendation, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

Source

The provisions of this Rule 1920.55-2 adopted September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097; amended August 8, 2006, effective immediately, 36 Pa.B. 4709. Immediately preceding text appears at serial pages (229644) to (229645).

Rule 1920.55-3. Master's Report. Notice. Hearing De Novo. Final Decree.

(a) No record shall be made of the hearing in proceedings held pursuant to this rule.

(b) After the conclusion of hearing, the master shall:

(1) file the report within

(i) twenty days in uncontested actions or;

(ii) thirty days in contested actions; and

(2) immediately serve upon counsel for each party, or, if unrepresented, upon the party, a copy of the report and recommendation, and written notice of the right to demand a hearing de novo.

(c) Within twenty days of the date the master's report is mailed or received, whichever occurs first, any party may file a written demand for a hearing de novo. If a demand is filed, the court shall hold a hearing de novo and enter a final decree.

(d) If no demand for de novo hearing is filed within the twenty-day period, the court shall review the report and recommendation and, if approved, shall enter a final decree.

(e) No Motion for Post-Trial Relief may be filed to the final decree.

Explanatory Comment—1995

The amendments create alternative procedures for appeal from the recommendation of a master in divorce. Rule 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in Rule 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of Rule 1920.55-3.

Explanatory Comment—2006

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the report and recommendation, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

Source

The provisions of this Rule 1920.55-3 adopted September 11, 1995, effective January 1, 1996, 25 Pa.B. 4097; amended August 8, 2006, effective immediately, 36 Pa.B. 4709. Immediately preceding text appears at serial page (229645).

Rule 1920.56. Support. Alimony Pendente Lite. Allocation of Order.

(a) In an order awarding child support combined with spousal support, alimony pendente lite or both, the court may on its own motion or upon the motion of either party

(1) make an unallocated award in favor of the spouse and one or more children, or

(2) state the amount of support allocable to the spouse and the amount allocable to each child.

(b) An unallocated order in favor of the spouse and one or more children shall be a final order as to all claims covered in the order.

Source

The provisions of this Rule 1920.56 adopted September 29, 1989, effective October 1, 1989, 19 Pa.B. 4450.

Rule 1920.61. Testimony Outside the County.

On motion of a party and upon such terms as it may order, the court may authorize and direct the master to take testimony of witnesses within any other county of the Commonwealth or in any other state or territory subject to the jurisdiction of the United States, or in any foreign country.

Rule 1920.62. Proceedings by Indigent Parties.

The procedures set forth in Rule 240 are incorporated herein, and shall govern proceedings by indigent parties in divorce and annulment.

Source

The provisions of this Rule 1920.62 amended April 19, 1995, effective July 1, 1995, 25 Pa.B. 1767. Immediately preceding text appears at serial pages (188380) to (188381).

Rule 1920.71. Form of Notice.

The notice required by Rule 1920.12(c) shall be in the following form:

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the court. A judgment may also be entered against you for any other claim or relief requested in these papers by the plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at

(Room Number—Address)

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR AN ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

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)

Source

The provisions of this Rule 1920.71 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended March 18, 2004, effective June 16, 2004, 34 Pa.B. 1754. Immediately preceding text appears at serial pages (229646) and (265475).

Rule 1920.72. Form of Complaint. Affidavit under § 3301(c) or § 3301(d) of the Divorce Code. Counter-affidavit. Waiver of Notice of Intention to Request Decree under § 3301(c) and § 3301(d).

(a) The complaint in an action of divorce under § 3301(c) or § 3301(d) shall begin with the Notice to Defend and Claim Rights required by Rule 1920.71 and shall be substantially in the following form:

(Caption)
COMPLAINT UNDER SECTION 3301(c) OR 3301(d)
OF THE DIVORCE CODE

1. Plaintiff is _____, who currently resides at
(Name)

(Address)

(City)

(County)

_____, since _____ .
(State) (Date)
2. Defendant is _____, who currently resides at
(Name)

_____, _____, _____,
(Address) (City) (County)
_____, since _____ .
(State) (Date)

3. _____ has/have been a bona fide resident(s)
(Plaintiff and/or Defendant)
in the Commonwealth for at least six months immediately previous to the filing of this Complaint.

4. The plaintiff and defendant were married on _____ at
(Date)
_____, _____
(City) (State/Country)

5. There have been no prior actions of divorce or for annulment between the parties except
_____ .

- 6. The marriage is irretrievably broken.
- 7. Plaintiff has been advised that counseling is available and that plaintiff may have the right to request that the court require the parties to participate in counseling.
- 8. Plaintiff requests the court to enter a decree of divorce.

I verify that the statements made in this Complaint 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.

Plaintiff

Date: _____

Attorney for Plaintiff

(b) The affidavit of consent required by § 3301(c) of the Divorce Code and Rule 1920.42(a)(1) shall be substantially in the following form:

(Caption)
AFFIDAVIT OF CONSENT

1. A Complaint in divorce under § 3301(c) of the Divorce Code was filed on

(Date)

2. The marriage of plaintiff and defendant is irretrievably broken and ninety days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce after service of notice of intention to request entry of the decree.

DIVORCE OR ANNULMENT OF MARRIAGE

231 Rule 1920.72

I verify that the statements made in this affidavit 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: _____

(Plaintiff)/(Defendant)

(c) The waiver permitted by Rule 1920.42(e) shall be in substantially the following form:

(Caption)

Waiver of Notice of Intention to Request
Entry of a Divorce Decree under
§ 3301(c) and § 3301(d) of the Divorce Code

1. I consent to the entry of a final decree of divorce without notice.
2. I understand that I may lose rights concerning alimony, division of property, lawyer’s fees or expenses if I do not claim them before a divorce is granted.
3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the prothonotary.

I verify that the statements made in this affidavit 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: _____

(PLAINTIFF) (DEFENDANT)

(d) The affidavit required by § 3301(d) of the Divorce Code and Rule 1920.42(a)(2) shall be substantially in the following form:

(Caption)

NOTICE

If you wish to deny any of the statements set forth in this affidavit, you must file a counteraffidavit within twenty days after this affidavit has been served on you or the statements will be admitted.

AFFIDAVIT UNDER SECTION 3301(d) OF THE DIVORCE CODE

1. The parties to this action separated on _____ and have continued to live separate and apart for a period of at least two years.
2. The marriage is irretrievably broken.
3. I understand that I may lose rights concerning alimony, division of property, lawyer’s fees or expenses if I do not claim them before a divorce is granted.

I verify that the statements made in this affidavit 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: _____

Plaintiff/Defendant

(e)(1) The counteraffidavit prescribed by Rule 1920.42(c)(2) shall be substantially in the following form in a § 3301(c) divorce:

(Caption)

COUNTER-AFFIDAVIT UNDER § 3301(c) OF THE DIVORCE CODE

I wish to claim economic relief which may include alimony, division of property, lawyer’s fees or expenses or other important rights.

I understand that I must file my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

I verify that the statements made in this counter-affidavit 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: _____ (PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT

(2) The counter-affidavit prescribed by Rule 1920.42(d)(2) shall be substantially in the following form in a § 3301(d) divorce:

(Caption)

COUNTER-AFFIDAVIT UNDER § 3301(d) OF THE DIVORCE CODE

- 1. Check either (a) or (b):
(a) I do not oppose the entry of a divorce decree.
(b) I oppose the entry of a divorce decree because (Check (i), (ii) or both):
(i) The parties to this action have not lived separate and apart for a period of at least two years.
(ii) The marriage is not irretrievably broken.
(2) Check either (a) or (b):
(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer’s fees or expenses if I do not claim them before a divorce is granted.
(b) I wish to claim economic relief which may include alimony, division of property, lawyer’s fees or expenses or other important rights.

I understand that in addition to checking (b) above, I must also file all of my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

I verify that the statements made in this counteraffidavit 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: _____

(PLAINTIFF/DEFENDANT)

NOTICE: If you do not wish to oppose the entry of a divorce decree and you do not wish to make any claim for economic relief, you should not file this counteraffidavit.

Source

The provisions of this Rule 1920.72 adopted June 27, 1980, effective July 1, 1980, 10 Pa.B. 2967; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5324; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended September 11, 1995, effective January 1, 1996, 25 Pa.B. 4099; amended April 10, 1997, effective July 1, 1997, 27 Pa.B. 2042; amended March 2, 2000, effective immediately, 30 Pa.B. 1646. Immediately preceding text appears at serial pages (229647) to (229651).

Rule 1920.73. Notice of Intention to Request Entry of Divorce Decree. Praecepto to Transmit Record Forms.

(a)(1) The notice of the intention to request entry of divorce decree prescribed by Rule 1920.42(d) shall be substantially in the following form if there is an attorney of record:

(Caption)

NOTICE OF INTENTION TO REQUEST ENTRY
OF DIVORCE DECREE

TO: _____
(PLAINTIFF/DEFENDANT)

_____ (PLAINTIFF/DEFENDANT) intends to file with the court the attached Praecepto to Transmit Record on or after _____, 20 _____ requesting that a final decree in divorce be entered.

Attorney for (PLAINTIFF/DEFENDANT)

(2)(i) The notice of the intention to request entry of a § 3301(c) divorce decree prescribed by Rule 1920.42(d) shall be substantially in the following form if there is no attorney of record:

(Caption)

NOTICE OF INTENTION TO REQUEST ENTRY OF § 3301(c) DIVORCE DECREE

TO: _____ (PLAINTIFF/DEFENDANT)

You have signed a § 3301(c) affidavit consenting to the entry of a divorce decree. Therefore, on or after _____, 20____, the other party can request the court to enter a final decree in divorce.

Unless you have already filed with the court a written claim for economic relief, you must do so by the date in the paragraph above, or the court may grant the divorce and you will lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

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)

Official Note: The above lines are to be completed with the name, address and telephone number of the officer, organization, agency or person designated by the court in accordance with Rule 1018.1(c).

The date to be inserted in the first paragraph of the notice must be at least twenty days after the date on which the notice was mailed or delivered.

(ii) The notice of the intention to request entry of § 3301(d) divorce decree prescribed by Rule 1920.42(d) shall be substantially in the following form if there is no attorney of record:

(Caption)

NOTICE OF INTENTION TO REQUEST ENTRY OF § 3301(d) DIVORCE DECREE

TO: _____ (PLAINTIFF/DEFENDANT)

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the § 3301(d) affidavit. Therefore, on or after _____, 20____, the other party can request the court to enter a final decree in divorce.

If you do not file with the prothonotary of the court an answer with your signature notarized or verified or a counter-affidavit by the above date, the court can enter a final decree in divorce. A counter-affidavit which you may file with the prothonotary of the court is attached to this notice.

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date or the court may grant the divorce and you will lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

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)

NOTE: The above lines are to be completed with the name, address and telephone number of the officer, organization, agency or person designated by the court in accordance with Rule 1018.1(c).

The date to be inserted in the first paragraph of the notice must be at least twenty days after the date on which the notice was mailed or delivered.

(b) The praecipe to transmit the record prescribed by Rule 1920.42 shall be in substantially the following form:

(Caption)

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a divorce decree:

1. Ground for divorce: irretrievable breakdown under § (3301(c)) (3301(d)(1)) of the Divorce Code. (Strike out inapplicable section.)
2. Date and manner of service of the complaint: _____ .
3. Complete either paragraph (a) or (b).
 - (a) Date of execution of the affidavit of consent required by § 3301(c) of the Divorce Code: by plaintiff _____ ; by defendant _____ .
 - (b)(1) Date of execution of the affidavit required by § 3301(d) of the Divorce Code: _____ ;
 - (2) Date of filing and service of the plaintiff's affidavit upon the respondent _____ .
4. Related claims pending: _____

5. Complete either (a) or (b).

(a) Date and manner of service of the notice of intention to file praecipe to transmit record, a copy of which is attached: _____

(b) Date plaintiff's Waiver of Notice was filed with the prothonotary: _____
Date defendant's Waiver of Notice was filed with the prothonotary: _____

Attorney for (PLAINTIFF) (DEFENDANT)

Source

The provisions of this Rule 1920.73 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5324; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended April 10, 1997, effective July 1, 1997, 27 Pa.B. 2042; amended March 2, 2000, effective immediately, 30 Pa.B. 1646; amended October 11, 2002, effective immediately, 32 Pa.B. 5263; amended March 18, 2004, effective June 16, 2004, 34 Pa.B. 1754. Immediately preceding text appears at serial pages (265479) to (265480) and (293853) to (293854).

Rule 1920.74. Form of Motion for Appointment of Master. Order.

(a) The motion for appointment of a master shall be substantially in the following form:

(Caption)

MOTION FOR APPOINTMENT OF MASTER

_____ (Plaintiff) (Defendant), moves the court to appoint a master with respect to the following claims:

- () Divorce
- () Annulment
- () Alimony
- () Alimony Pendente Lite
- () Distribution of Property
- () Support
- () Counsel Fees
- () Costs and Expenses

and in support of the motion states:

- (1) Discovery is (is not) complete as to the claim(s) for which the appointment of a master is requested.
- (2) The non-moving party (has) (has not) appeared in the action (personally) (by his attorney, _____, Esquire).
- (3) The statutory ground(s) for divorce (is) (are) _____.
- (4) Delete the inapplicable paragraph(s):
 - (a) The action is not contested.
 - (b) An agreement has been reached with respect to the following claims: _____.
 - (c) The action is contested with respect to the following claims: _____.
- (5) The action (involves) (does not involve) complex issues of law or fact.
- (6) The hearing is expected to take _____(hours) (days).

DIVORCE OR ANNULMENT OF MARRIAGE

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(7) Additional information, if any, relevant to the motion:

Date: _____
Attorney for (Plaintiff) (Defendant)

(b) The order appointing a master shall be substantially in the following form:

(Caption)
ORDER APPOINTING MASTER

AND NOW, _____, 20____, _____, Esquire, is appointed master with respect to the following claims: _____.

BY THE COURT:

MOVING PARTY

NON-MOVING PARTY

Name: _____ Name: _____

Attorney's Name: _____ Attorney's Name: _____

Attorney's Address: _____ Attorney's Address: _____

Attorney's Telephone #: _____ Attorney's Telephone #: _____

Attorney's E-Mail: _____ Attorney's E-Mail _____

Party's Address and Telephone # if not represented by counsel: _____ Party's Address and Telephone # if not represented by counsel: _____

Official Note: It is within the discretion of the court to determine the point at which a master should be appointed in a case. The court may appoint a master to deal with discovery issues.

Source

The provisions of this Rule 1920.74 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended October 31, 2002, effective immediately, 32 Pa.B. 5632. Immediately preceding text appears at serial pages (265482) and (229655).

Rule 1920.75. Form of Inventory.

The inventory required by Rule 1920.33(a) shall be substantially in the following form:

(Caption)
INVENTORY
OF

(Plaintiff) (Defendant) files the following inventory of all property owned or possessed by either party at the time this action was commenced and all property transferred within the preceding three years.

(Plaintiff) (Defendant) verifies that the statements made in this inventory are true and correct. (Plaintiff) (Defendant) understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

(Plaintiff) (Defendant)

ASSETS OF THE PARTIES

(Plaintiff) (Defendant) marks on the list below those items applicable to the case at bar and itemizes the assets on the following pages.

- () 1. Real Property
- () 2. Motor vehicles
- () 3. Stocks, bonds, securities and options
- () 4. Certificates of deposit
- () 5. Checking accounts, cash
- () 6. Savings accounts, money market and savings certificates
- () 7. Contents of safe deposit boxes
- () 8. Trusts
- () 9. Life insurance policies (indicate face value, cash surrender value and current beneficiaries)
- () 10. Annuities
- () 11. Gifts
- () 12. Inheritances
- () 13. Patents, copyrights, inventions, royalties
- () 14. Personal property outside the home
- () 15. Business (list all owners, including percentage of ownership, and officer/director positions held by a party with company)
- () 16. Employment termination benefits—severance pay, worker's compensation claim/award

- () 17. Profit sharing plans
- () 18. Pension plans (indicate employee contribution and date plan vests)
- () 19. Retirement plans, Individual Retirement Accounts
- () 20. Disability payments
- () 21. Litigation claims (matured and unmatured)
- () 22. Military/V. A. benefits
- () 23. Education benefits
- () 24. Debts due, including loans, mortgages held
- () 25. Household furnishings and personalty (include as a total category and attach itemized list if distribution of such assets is in dispute)
- () 26. Other

MARITAL PROPERTY

(Plaintiff) (Defendant) lists all marital property in which either or both spouses have a legal or equitable interest individually or with any other person as of the date this action was commenced:

<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Owners</i>
------------------------	------------------------------------	--------------------------------

NON MARITAL PROPERTY

(Plaintiff) (Defendant) lists all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property:

<i>Item Number</i>	<i>Description of Property</i>	<i>Reason for Exclusion</i>
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PROPERTY TRANSFERRED

<i>Item Number</i>	<i>Description of Property</i>	<i>Date of Transfer</i>	<i>Consider- ation</i>	<i>Person to Whom Trans- ferred</i>
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LIABILITIES

<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Creditors</i>	<i>Names of All Debtors</i>
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Source

The provisions of this Rule 1920.75 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615. Immediately preceding text appears at serial pages (134381) to (134383).

Rule 1920.76. Form of Divorce Decree.

The decree of divorce shall be substantially in the following form:

(Caption)
DECREE

AND NOW, _____, 19____, it is ordered and decreed that _____, plaintiff, and _____, defendant, are divorced from the bonds of matrimony.

The court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered.

Any existing spousal support order shall hereafter be deemed an order for alimony pendente lite if any economic claims remain pending.

BY THE COURT:

Official Note: The court may add any other provisions which it deems necessary.

Source

The provisions of this Rule 1920.76 adopted January 28, 1983, effective July 1, 1983, 13 Pa.B. 677; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5324; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263. Immediately preceding text appears at serial page (190550).

Rule 1920.91. Suspension of Acts of Assembly.

The following Acts of Assembly are suspended insofar as they apply to the practice and procedure in actions for divorce or annulment of marriage to the extent hereinafter set forth:

(1) Section 3104(e) of the Domestic Relations Code, 23 Pa.C.S. § 3104(e), absolutely;

Official Note: Suspended Section 3104(d) of the Divorce Code prescribes venue in actions of divorce or for annulment of marriage. Venue in such actions is prescribed by Rule of Civil Procedure 1920.2.

(2) Section 3505(b) of the Domestic Relations Code, 23 Pa.C.S. § 3505(b), absolutely;

Official Note: Suspended Section 3505(b) of the Divorce Code requires the submission to the court of an inventory and appraisal of property. Rule of Civil Procedure 1920.33(a) supplants this provision by requiring parties seeking the distribution of property to file an inventory while subdivision (b) of the rule requires the filing of a pre-trial statement.

(3) Section 3321 of the Domestic Relations Code, 23 Pa.C.S. § 3321, insofar as it prohibits the appointment of masters in partial custody or visitation matters.

Official Note: Suspended Section 3321 of the Divorce Code states that the court may appoint a master to hear testimony on all issues relating to a divorce except custody or paternity.

(4) And all other Acts or parts of Acts of Assembly inconsistent with these rules to the extent of such inconsistency.

Source

The provisions of this Rule 1920.91 amended February 7, 1989, effective July 1, 1989, 19 Pa.B. 764; amended May 17, 1991, effective July 1, 1991, 21 Pa.B. 2615; amended July 15, 1994, effective January 1, 1994, 24 Pa.B. 3803; amended May 5, 1997, effective July 1, 1997, 27 Pa.B. 2532. Immediately preceding text appears at serial pages (229657) to (229658).

Rule 1920.92. Effective Date. Pending Actions.

These rules shall become effective July 1, 1980. They shall not affect any suit or action pending on that date, but the case may be proceeded with and concluded under the rules in existence when such suit or action was instituted notwithstanding their rescission by this order, unless, upon application granted, the court orders that the action proceed under the Divorce Code and these rules.

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