

# The Legal Intelligencer

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PHILADELPHIA, MONDAY, JANUARY 5, 2026

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## LEGAL LISTINGS COURT NOTICES



First Judicial District of Pennsylvania  
Court of Common Pleas of Philadelphia  
Trial Division-Criminal  
Judicial Assignments, effective January 20, 2026

HON. DANIEL ANDERS, ADMINISTRATIVE JUDGE

HON. ROSE MARIE DEFINO-NASTASI, SUPERVISING JUDGE

Salena M. Jones, Esq.  
Deputy Court Administrator

HOMICIDE / NFS PROGRAM TEAM LEADER Hon. J. Scott O'Keefe <sup>2</sup>
HOMICIDE/NFS CALENDAR ROOM Hon. J. Scott O'Keefe <sup>2</sup> CR 907*
Hon. Deborah Cianfrani CR 507
Hon. Charles Ehrlich CR 607
Hon. Giovanni Campbell CR 707
Hon. Diana Anhalt CR 807
Hon. Anthony Kyriakakis CR 1007
Hon. Roxanne Covington CR 1102

FELONY MAJOR PROGRAM TEAM LEADERS Hon. Charles Ehrlich <sup>2</sup> / Hon Zachary Shaffer <sup>2</sup>	
MAJOR CALENDAR ROOM Hon. Zachary Shaffer <sup>2</sup> CR 905*	
SECTION LEADER - A Hon. Chesley Lightsey CR 602**	SECTION LEADER - B Hon. Natasha Taylor-Smith CR 1002**
Hon. Nicholas Kamau CR 502	Hon. Elvin Ross CR 801
Hon. James Eisenhower CR 701	Hon. Deborah Watson-Stokes CR 808
Hon. Samantha Williams CR 702	Hon. Tracy Brandeis-Roman CR 908
Hon. Crystal Bryant-Powell CR 802	Hon. Shanese Johnson CR 1101
Hon. Jessica Brown CR 901	Hon. Daine Grey CR 1108

LIST/WAIVER PROGRAM TEAM LEADER Hon. Monica Gibbs <sup>2</sup>
LIST/WAIVER CALENDAR ROOM Hon. Monica Gibbs <sup>2</sup> CR 1005*
Hon. Charles Hayden CR 601
Hon. Jennifer Santiago CR 604 <sup>3</sup> (F)
Hon. John Sabatina CR 704 <sup>3</sup> (F)
Hon. Larry Farnese CR 904

LEGEND  
\*Calendar Room  
\*\* Section Leader  
1 Senior Judge  
2 Team Leader  
3 List/Waiver FVSA Trials  
Days (M,T,W,TH, F)

Revised 12/19/25

SPECIALITY PROGRAMS TEAM LEADER Hon. Donna Woelpper <sup>2</sup>
FAMILY VIOLENCE CALENDAR ROOM Hon. Donna Woelpper <sup>2</sup> CR 902* (T,W)
Mental Health Court Hon. Donna Woelpper CR 902 (Th)
Rapid Disposition Court Hon. Anthony Stefanski CR 705*
NSJ – VOP Hon. Frank Palumbo CR 505
NSJ – PCRA Hon. Jennifer Schultz CR 1001
NSJ-Post Sentence Review & Probation Review Conference Hon. Lillian Ransom <sup>1</sup> CR 504 (W)
Motion Court Hon. Leon King CR 805
Miscellaneous Motions Hon. Stephanie Sawyer CR 804

Common Pleas Court Trial Division-Criminal Calendar  
Rooms / Mental Health Court Effective 1/20/2026

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
907 Hon. J. Scott O'Keefe HOMICIDE & NFS	NFS Pretrial Conference NFS Decertifications	Interest of Justice	Major Decertifications	Homicide Pretrial Conference Homicide Decertifications	Homicide Pretrial Conference
905 Hon. Zachary Shaffer MAJOR	Non-Jury Trials	Major Pretrial Conference	Major Pretrial Conference	Major Pretrial Conference	Major Pretrial Conference
1005 Hon. Monica Gibbs LIST/ WAIVER	Waiver Trials & IP	List/ Waiver Pretrial Conference	List/ Waiver Pretrial Conference	List/ Waiver Pretrial Conference	List/ Waiver Pretrial Conference
902 Hon. Donna Woelpper FAMILY VIOLENCE & MENTAL HEALTH COURT	Non-Jury Trials	Family Violence Pretrial Conference Major & Waiver PD	Family Violence Pretrial Conference Major & Waiver Private	Mental Health Court	Non-Jury Trials
705 Hon. Anthony Stefanski RAPID DISPOSITION	Non-Jury Trials Private	Rapid Disposition Crt. Pretrial Conference Major & Waiver	Rapid Disposition Crt. Pretrial Conference Major & Waiver	Rapid Disposition Crt. Pretrial Conference Major & Waiver	Non-Jury Trials PD & Private

The following changes in CALENDAR ROOMS will become effective January 20, 2026:

1. Family Violence and Sexual Assault (FVSA) pretrial conferences will no longer be listed in courtroom 905. FVSA pretrial conferences will be listed in courtroom 902 on Tuesday and Wednesday of each week. Defender Association pretrial conferences will be held on Tuesdays and private/ court appointed counsel pretrial conferences will be held on Wednesdays. FVSA waiver trials will be listed on Mondays and Fridays in courtroom 902 and will also be spun to Major's Program or Felony Waiver List Room Program courtrooms. FVSA jury trials will be spun to Major's Program courtrooms.
2. For all matters where the lead charge is a violation of the Uniform Firearms Act (UFA) with no civilian witnesses, pretrial conferences will no longer be listed in 905 or 1005. Pretrial conferences will be listed in the Rapid Disposition Court Program, in courtroom 705, on Tuesday, Wednesday and Thursday of each week. Motions and waiver trials will be heard on Mondays and Fridays and may also be spun to Felony Waiver List Rooms. Jury trials for these matters will be spun to Major's Program courtrooms.

Court Notices continues on 10

IN S I D E	
Common Pleas Court:	5 Rules Returnable
4 Civil Listings	Supreme Court
6 Criminal Listings	4 Argument List
6 Family Court	9 U.S. Bankruptcy Court
5 Mass Tort Asbestos	8 U.S. Court of Appeals
8 Municipal Court	9 U.S. District Court
9 Orphans' Court	75 Public Notices
75 Public Notices	2 Trial List

Revised 12/19/25

**DISTRICT COURT****NOTICE**

1. Counsel shall promptly notify the deputy clerk to each judge before whom he/she has a case listed upon becoming attached for trial in another court. To be accorded recognition, a busy slip, using the designated form, MUST be filed in Room 2609 before 1 p.m. on the day after counsel becomes attached.

2. Cases in the trial pools do not necessarily appear in the order in which they will be called. Counsel should therefore be ready to begin trial upon receiving telephone call notice, subject to the following:

- (a) Counsel whose cases are in the pools will be given 48 hours' notice, if feasible, but not less than 24 hours notice to ready for trial with witnesses.
- (b) It is counsel's responsibility to check with each judge's deputy clerk on the status and movement of criminal and civil cases in that judge's pool.
- (c) Counsel will not be required to commence trial less than 24 hours after completing trial of another case.

W. BEETLESTONE  
Chief Judge

BEETLESTONE, CH. J.  
Courtroom 10A  
Courtroom Deputy: Mike Beck  
Phone: (267) 299-7459

MONDAY, JANUARY 5, 2026  
Change of Plea Hearing  
02:30 P.M.  
25-cr-0227 USA v. GONZALEZ

TUESDAY, JANUARY 6, 2026  
Conference  
11:30 A.M.  
25-cv-6611 Foley v. STATE FARM FIRE AND C

WEDNESDAY, JANUARY 7, 2026  
Pretrial Conference/Hearing  
02:00 P.M.  
25-cv-5688 Molfetto v. Transworld Systems

Sentencing  
10:00 A.M.  
23-cr-0396 USA v. SMITH

THURSDAY, JANUARY 8, 2026  
Conference  
02:00 P.M.  
19-cv-3291 VOSPER et al v. MONSANTO COMPANIA  
03:00 P.M.  
25-cv-6189 T. v. NORTH PENN SCHOOL DISTRI

SANCHEZ, J.  
COURTROOM 14B  
Courtroom Deputy: Nancy DeLisle  
Phone: (267) 299-7789

TUESDAY,  
JANUARY 6, 2026  
Final Pretrial Conference  
10:30 A.M.  
25-cv-0381 KING, JR. v. LEXISNEXIS RISK S

WEDNESDAY, JANUARY 7, 2026  
Sentencing  
01:30 P.M.  
22-cr-0250 USA v. HARTAGE

09:30 A.M.  
25-cr-0079 USA v. GORHAM  
Writ Hearing  
03:00 P.M.  
25-cv-7334 Francois v. NOEM et al

THURSDAY,  
JANUARY 8, 2026  
Final Pretrial Conference  
11:00 A.M.  
16-cv-6516 PROMPTU SYSTEMS CORPORATION v.

**MONDAY, JANUARY 12, 2026****Jury Trial**

09:00 A.M.  
22-cr-0291 USA v. SOLTANI

**P.S. DIAMOND, J.**  
Courtroom 14A  
Courtroom Deputy: Lenora K. Wittje  
Phone: (267) 299-7789

**TUESDAY, JANUARY 6, 2026****Competency Hearing**

01:30 P.M.  
24-cr-0324 USA v. RICHARDS

**WEDNESDAY, JANUARY 7, 2026****Sentencing**

11:00 A.M.  
23-cr-0255 USA v. LIBRAN CALCANO

**QUINONES ALEJANDRO, J.**

Courtroom 8B  
Secretary/Civil Deputy, Nicole Phillipi  
(267) 299-7461  
Criminal Deputy Clerk, Nicole Phillipi  
(267) 299-7461

**WEDNESDAY, JANUARY 7, 2026****Change of Plea Hearing**

11:30 A.M.  
25-cr-0162 USA v. ALLICE

**Miscellaneous Hearing**

10:00 A.M.  
24-cv-0962 ANDREA JACKSON v. VINTAGE CIGA

**Revocation Superv Rls-FinalHrg**

02:30 P.M.  
13-cr-0383 USA v. TUBBS

**SCHMEHL, J.**

Courtroom The Gateway  
Building Reading, PA  
Courtroom Deputy: Brian Dixon  
Phone: (610) 320-5099  
Reading, PA 19601  
3rd flr, Rm. 3041 when in Phila.

**WEDNESDAY, JANUARY 7, 2026****Status Conference/Hearing**

11:00 A.M.  
25-cr-0341 USA v. SAGGINARIO

**THURSDAY, JANUARY 8, 2026****Pretrial Conference/Hearing**

02:00 P.M.  
24-cv-4252 THE EXTERIOR COMPANY, LLC v. M

**FRIDAY, JANUARY 9, 2026****Arbitration Hearing**

09:30 A.M.  
23-cv-4894 CHOWNS FABRICATION & RIGGING I

**Revocation Superv Rls-FinalHrg**

11:00 A.M.  
18-cr-0320 USA v. MARCANO

**Sentencing**

10:00 A.M.  
24-cr-0319 USA v. ORTEGA-CONTRERAS

**MONDAY, JANUARY 12, 2026****Jury Selection**

09:30 A.M.  
23-cr-0016 USA v. SAVANI

**23-cr-0016 USA v. SAVANI****23-cr-0016 USA v. SAVANI****23-cr-0016 USA v. PHILIP****23-cr-0016 USA v. DHYLLON****23-cr-0016 USA v. RADOMIAK**

USA v. JULIAN

23-cr-0016 USA v. PARASANA

USA v. GOYANI

23-cr-0016 USA v. PATEL

**G.A. MCHUGH, J.**  
Civil Deputy: Patricia Clark  
Phone: (267) 299-7301  
Criminal Deputy: Patricia Clark  
Phone: (267) 299-7301

**FRIDAY, JANUARY 9, 2026****Sentencing**

10:00 A.M.  
25-cr-0416 USA v. URRUTIA-NOYOLA

**MONDAY, JANUARY 12, 2026****Settlement Conference**

10:00 A.M.  
21-cv-4801 Barron v. VisionQuest National

**KEARNEY, J.**  
Courtroom 6B  
Deputy Clerk: Ulrike Hevener  
Phone: (267) 299-7688

**WEDNESDAY, JANUARY 7, 2026****Change of Plea Hearing**

11:30 A.M.  
25-cr-0059 USA v. TRUSTY, JR.

**Motion Hearing**

09:30 A.M.  
24-cr-0203 USA v. HILL

**THURSDAY, JANUARY 8, 2026****Pretrial Conference/Hearing**

12:15 P.M.  
25-cv-5539 COYNE v. NATIONAL GUARD BUREAU

**Scheduling Conference**

03:30 P.M.  
25-cv-6195 LYNCH et al v. HAVERFORD TOWNS

**MONDAY, JANUARY 12, 2026****Pretrial Conference/Hearing**

10:00 A.M.  
25-cv-6182 FERGUSON v. SUNRISE

**PAPPERT, J.**

Courtroom 11A  
Courtroom Deputy: Katie Rolon  
Phone: (267) 299-7531

**J.F. LEESON, JR., J.**

Courtroom Edward Cahn  
Federal Bldg Allentown, PA  
Courtroom Deputy: Diane Abeles  
Phone: (610) 391-7020  
Chambers of the Honorable Joseph F. Leeson, Jr.  
United States District Court  
Eastern District of PA.

Edward N. Cahn U.S. Courthouse, Suite 3401  
504 W. Hamilton St.  
Allentown, PA 18101  
4th Flr, Rm. 4000 when in Phila.

**C.F. KENNEY, J.**

Criminal Deputy: Shelli MacElderry  
Phone: (267) 299-7541  
Civil Deputy: Shelli MacElderry  
Phone: (267) 299-7541  
Chambers of the Honorable Chad F. Kenney..  
United States District Court  
Eastern District of PA.

**TUESDAY, JANUARY 6, 2026****Pretrial Conference/Hearing**

11:00 A.M.  
25-cv-4231 ADAMS v. THE GLEN AT SHAWMONT

**Sentencing**

09:30 A.M.  
24-cr-0208 USA v. FERNANDEZ NUNEZ

**WEDNESDAY, JANUARY 7, 2026****Pretrial Conference/Hearing**

09:00 A.M.  
25-cv-6243 DCH CONTRACTORS LLC v. ACUITY,

25-cv-0866 ALLIED WORLD SURPLUS LINES INS

**FRIDAY, JANUARY 9, 2026****Pretrial Conference/Hearing**

09:00 A.M.  
25-cv-5870 VENDITTI v. NAPHICARE US, INC.

09:30 A.M.  
25-cv-5400 STANLEY v. JKJ NUTH LLC et al

**J.D. WOLSON, J.**

Civil Deputy: Jeannine Abed  
Phone: (267) 299-7321  
Criminal Deputy: Laura Buentzel  
Phone: (267) 299-7239

**WEDNESDAY, JANUARY 7, 2026****Sentencing**

02:00 P.M.  
25-cr-0387 USA v. MCCREA

**FRIDAY, JANUARY 9, 2026****Change of Plea Hearing**

10:00 A.M.  
25-cr-0248 USA v. DUNSTON

**MONDAY, JANUARY 12, 2026****Evidentiary Hearing**

09:30 A.M.  
25-cr-0231 USA v. SACKO

**Motion Hearing**

09:30 A.M.  
25-cr-0231 USA v. SACKO

**J.M. YOUNG, J.**

Courtroom 15B  
Courtroom Deputy: Dreda Brannan  
Phone: (267) 299-7361

**TUESDAY, JANUARY 6, 2026****Motion Hearing**

10:00 A.M.  
24-cv-4741 FRITZ BIANCULLI, LLC v. MCCABE

12:30 P.M.  
24-cv-5586 BENNETT v. SCHOOL DISTRICT OF

**K. S. MARSTON, J.**

Courtroom 16B  
Courtroom Deputy: Mark Rafferty  
Phone: (267) 299-7379

**TUESDAY, JANUARY 6, 2026****Show Cause Hearing**

02:00 P.M.  
25-cv-2986 GOLDBERG v. ZIP TO ZIP MOVING

**THURSDAY, JANUARY 8, 2026****Pretrial Conference/Hearing**

02:00 P.M.  
25-cv-4746 SHEET METAL WORKERS LOCAL UNIO

**MONDAY, JANUARY 12, 2026****Motion Hearing**

02:00 P.M.  
25-cr-0310 USA v. SPRINGS

**Sentencing**

**THURSDAY, JANUARY 8, 2026**  
Change of Plea Hearing  
10:30 A.M.  
25-cr-0213 USA v. ROSARIO

Pretrial Conference/Hearing  
02:00 P.M.  
25-cv-5266 WOLFE v. KINSLEY CONSTRUCTION,

**FRIDAY, JANUARY 9, 2026**  
Arbitration Hearing  
09:30 A.M.  
25-cv-5006 BAILEY v. WALMART INC. et al

**PEREZ, J.**  
**COURTROOM 10B**  
Courtroom Deputy: Mia Harvey  
267-299-7589

**WEDNESDAY, JANUARY 7, 2026**  
Final Pretrial Conference  
10:00 A.M.  
24-cv-2324 Austin et al v. UNITED STATES

24-cv-3568 WEBB v. USAA INSURANCE COMPANY  
1:00 P.M.  
24-cv-6597 Stasny et al v. OPENLY INSURAN

**FRIDAY, JANUARY 9, 2026**  
Motion Hearing  
09:30 A.M.  
24-cv-6202 SOUDERTON AREA FOR ALL et al v

**MONDAY, JANUARY 12, 2026**  
Sentencing  
10:00 A.M.  
24-cr-0362 USA v. BELL

**HODGE, J.**  
**Courtroom 15A**  
Courtroom Deputy: Leesa Ciamaichelo 267-299-7559

**TUESDAY, JANUARY 6, 2026**  
Sentencing  
02:00 P.M.  
23-cr-0466 USA v. MERANDA

**WEDNESDAY, JANUARY 7, 2026**  
Sentencing  
02:00 P.M.  
25-cr-0169 USA v. BILOTTI

**THURSDAY, JANUARY 8, 2026**  
Jury Trial  
09:30 A.M.  
24-cr-0377 USA v. RIPPERT

**MONDAY, JANUARY 12, 2026**  
Sentencing  
10:00 A.M.  
24-cr-0133 USA v. WILLIAMS

**MURPHY, J.**  
**Courtroom 3B**  
Courtroom Deputy: Kerry Christy 267-299-7510

**MONDAY, JANUARY 5, 2026**  
Settlement Conference  
10:00 A.M.  
22-cv-0955 IN RE: VANGUARD CHESTER FUNDS

**THURSDAY, JANUARY 8, 2026**  
Status Conference/Hearing  
02:00 P.M.  
24-cr-0003 USA v. MOUSSA

**MONDAY, JANUARY 12, 2026**  
Change of Plea Hearing  
02:30 P.M.  
24-cr-0003 USA v. MOUSSA

Motion Hearing  
01:00 P.M.  
25-cv-4522 BOOZER et al v. BELL TEXTRON,

**SCOTT, J.**  
**Courtroom 13B**  
Courtroom Deputy: Susan Flaherty  
Phone: 267-299-7598

**WEDNESDAY, JANUARY 7, 2026**  
Motion Hearing  
09:30 A.M.  
25-cr-0329 USA v. COULBOURNE

Sentencing  
01:30 P.M.  
24-cr-0305 USA v. TAYLOR

**THURSDAY, JANUARY 8, 2026**  
Arbitration Hearing  
09:30 A.M.  
25-cv-2514 Ramos et al v. STATE FARM FIRE

Sentencing  
09:30 A.M.  
24-cr-0447 USA v. GLASGOW

11:30 A.M.  
25-cr-0264 USA v. DAWKINS

**COSTELLO, J.**  
**Courtroom 6A**  
Courtroom Deputy: Michael Coyle  
Phone: (267) 299-7720

**MONDAY, JANUARY 12, 2026**  
Jury Trial  
10:00 A.M.  
25-cr-0130 USA v. KUPPUSAMY

**HENRY, J.**  
Courtroom The Holmes Bldg  
Easton, PA  
Courtroom Deputy: Tanya Allender  
Phone: (610) 333-1833

**TUESDAY, JANUARY 6, 2026**  
Motion Hearing  
11:00 A.M.  
25-cr-0460 USA v. SANTOS

**WEDNESDAY, JANUARY 7, 2026**  
Telephone Conference  
11:30 A.M.  
24-cv-6294 Madonna v. BOSCOV'S, INC.

**WEILHEIMER, J.**  
**Courtroom TBD**  
Courtroom Deputy: Sheila McCurry  
Phone: (267) 299-7769

**MONDAY, JANUARY 5, 2026**  
Pretrial Conference/Hearing  
11:00 A.M.  
25-cr-0183 USA v. WILLIAMS

25-cr-0183 USA v. NICHOLS

**TUESDAY, JANUARY 6, 2026**  
Sentencing  
10:00 A.M.  
23-cr-0209 USA v. BYRD

**WEDNESDAY, JANUARY 7, 2026**  
Sentencing  
11:00 A.M.  
23-cr-0522 USA v. LAWSON

**THURSDAY, JANUARY 8, 2026**  
Jury Trial  
09:30 A.M.  
25-cr-0183 USA v. WILLIAMS

25-cr-0183 USA v. NICHOLS

**H. BARTLE, III, S.J.**  
**Courtroom 16A**  
Courtroom Deputy: Nicole Spicer  
Phone: (267) 299-7389

**TUESDAY, JANUARY 6, 2026**  
Motion Hearing  
02:00 P.M.  
25-cv-0530 SHEPARD-SMITH v. PMC PROPERTY

**THURSDAY, JANUARY 8, 2026**  
Motion Hearing  
02:00 P.M.  
25-cv-4515 ANDREWS v. NEW VITAE, INC.

**MONDAY, JANUARY 12, 2026**  
Revocation Superv Rls-FinalHrg  
10:00 A.M.  
22-cr-0093 USA v. LACOSTA-FRANCO

**J. R. PADOVA, S.J.**  
**Courtroom 17B**  
Courtroom Deputy: Malissa Wolenski  
Phone: (215) 597-1178

**MONDAY, JANUARY 5, 2026**  
Sentencing  
11:00 A.M.  
24-cr-0005 USA v. TANKWAI

**WEDNESDAY, JANUARY 7, 2026**  
Revocation Superv Rls-FinalHrg  
02:30 P.M.  
13-cr-0256 USA v. SATCHEL

Sentencing  
11:30 A.M.  
25-cr-0102 USA v. BUTLER

**THURSDAY, JANUARY 8, 2026**  
Sentencing  
02:30 P.M.  
25-cr-0382 USA v. MERCEDES

**MONDAY, JANUARY 12, 2026**  
Revocation Superv Rls-FinalHrg  
02:00 P.M.  
05-cr-0232 USA v. WHITE

**A. B. BRODY, S.J.**  
**Courtroom 7B**  
Scheduling/Deputy Clerk: Joseph Walton  
Phone: 215-597-7431

ESR-Courtroom Deputy: Jim Scheidt  
Phone: 267-299-7439

**TUESDAY, JANUARY 6, 2026**  
Change of Plea Hearing  
10:30 A.M.  
24-cr-0255 USA v. SIMPSON

**WEDNESDAY, JANUARY 7, 2026**  
Change of Plea Hearing  
10:30 A.M.  
24-cr-0445 USA v. HILL

**MONDAY, JANUARY 12, 2026**  
Jury Selection  
10:00 A.M.  
23-cv-0006 JONES v. EASTERN AIR HOLDINGS,

**Trial Date**  
10:00 A.M.  
23-cv-0006 JONES v. EASTERN AIR HOLDINGS,

**R. SURREICK, S.J.**  
8A  
Courtroom Deputy: Tasha Reynolds  
Phone: (267) 299-7631

**MONDAY, JANUARY 5, 2026**  
Status Conference/Hearing  
01:00 P.M.  
21-cr-0040 USA v. PHILLIPS

**THURSDAY, JANUARY 8, 2026**  
Sentencing  
02:30 P.M.  
24-cr-0361 USA v. BRODECKI

**Status Conference/Hearing**  
01:00 P.M.  
23-cr-0154 USA v. JACKSON-FLETCHER

**FRIDAY, JANUARY 9, 2026**  
Sentencing  
01:00 P.M.  
24-cr-0438 USA v. FLETCHER

**C. M. RUFFE, S.J.**  
Scheduling/Deputy Clerk: Erica Pratt  
Phone: (267) 299-7499

**M. BAYLSON, S.J.**  
**Courtroom 3A**  
Courtroom Deputy: Lori DeSanti  
Phone: (267) 299-7291

**MONDAY, JANUARY 5, 2026**  
Jury Selection  
09:30 A.M.  
23-cv-4077 COULSTON v. CITY OF PHILADELPH

**Trial Date**  
09:30 A.M.  
23-cv-4077 COULSTON v. CITY OF PHILADELPH

**WEDNESDAY, JANUARY 7, 2026**  
Change of Plea Hearing  
04:00 P.M.  
24-cr-0209 USA v. CHAMBERS

**THURSDAY, JANUARY 8, 2026**  
Motion Hearing  
04:00 P.M.  
23-cv-3111 LIN v. LEES HOUSE RESTAURANT I

**MONDAY, JANUARY 12, 2026**  
Jury Trial  
09:30 A.M.  
24-cr-0209 USA v. CHAMBERS

**T. J. SAVAGE, S.J.**  
**Courtroom 9A**  
Courtroom Deputy: Alex Eggert  
Phone: 267-299-7489

**TUESDAY, JANUARY 6, 2026**  
Sentencing  
01:00 P.M.  
25-cr-0291 USA v. VAUGHN

**MONDAY, JANUARY 12, 2026**  
Settlement Conference  
10:00 A.M.  
25-cv-3618 MUNFORD v. CH OPERATING, LLC e

**CARLOS, M.J.**  
**Courtroom Edward Cahn**  
Federal Bldg Allentown, PA  
Courtroom Deputy: Carlene Nice  
Phone: (610) 434-3823

**WEDNESDAY, JANUARY 7, 2026**  
Initial Appearance/Revocation  
01:30 P.M.  
19-cr-0241 USA v. THOMAS

**STRAW, M.J.**  
**Courtroom 3G**  
Courtroom Deputy: Donna Croce  
Phone: (267) 299-7661

**WEDNESDAY, JANUARY 7, 2026**  
Settlement Conference  
10:00 A.M.  
24-cv-5421 DARBY v. 120 NORTHAMPTON, LLC

**FRIDAY, JANUARY 9, 2026**  
Settlement Conference  
10:00 A.M.  
25-cv-0170 TRACY v. MEDTRONIC USA INC. et

**ARTEAGA, M.J.**  
**Courtroom 3H**  
Courtroom Deputy: Danielle Hauger  
Phone: (267) 299-7421

## THURSDAY, JANUARY 8, 2026

## Arbitration Hearing

09:30 A.M.

25-cv-3908 LEE et al v. GRANGE INSURANCE

CINQUANTO, M.J.  
Courtroom 3D  
Courtroom Deputy: Jeff Lucini  
Phone: 267-299-7751GOLDNER CINQUANTO,  
M.J.  
Courtroom 3D  
Courtroom Deputy: Jeff Lucini  
Phone: 267-299-7751MONDAY, JANUARY 12, 2026  
Settlement Conference

10:30 A.M.

24-cv-5126 PURDY v. CIPPICO INC. et al

## STATE APPELLATE COURT

## SUPREME COURT

## ARGUMENT LIST

Philadelphia Supreme Court, Courtroom 456  
JANUARY 5, 2026

## FULL COURT

## ARGUMENT

2996 EDA 2024; E. Allen Reeves v. Old York  
34 EDA 2025; Com. v. Seiden, S.  
2185 EDA 2024; Singer, J. v. Concord Village  
2485 EDA 2024; Singer, J. v. Belmont Village  
3271 EDA 2024; Singer, J. v. Clinton County  
Conservancy  
3270 EDA 2024; Singer, J. v. Juniper Partners  
2484 EDA 2024; Singer, J. v. Fitler Commons  
1139 EDA 2025; Pennymac Loan Services LLC  
v. Minette, M.  
3189 EDA 2024; Com. v. Meadows, B.  
3190 EDA 2024; Com. v. Meadows, B.  
1064 EDA 2025; Burke, M. v. Burke, D.  
719 EDA 2025; Com. v. Johnson, M.  
3139 EDA 2024; Com. v. Flythe, A.  
366 EDA 2025; Com. v. Abdul-Malik, A.  
1080 EDA 2025; Com. v. Cole, B.  
1017 EDA 2025; Com. v. Gonzalez, M.  
2414 EDA 2024; Com. v. Vergara-Dominguez,  
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507 EDA 2025; Com. v. Jackson, M.  
491 EDA 2025; Com. v. Martin, J.  
373 EDA 2025; Com. v. Kraeber, J.  
934 EDA 2025; Com. v. Lam, A.  
3269 EDA 2024; Binswanger Management v.  
Sigel, M.  
516 EDA 2025; Regional Produce Coop. v.  
DelBorrello Financial  
3345 EDA 2024; Com. v. Ulysse, A.

## STATE APPELLATE COURT

## SUPREME COURT

## ARGUMENT LIST

Philadelphia Supreme Court, Courtroom 456  
JANUARY 6, 2026

## FULL COURT

## ARGUMENT

548 EDA 2025; Doe, J. v. Ambler Extended  
Care Center  
863 EDA 2025; Com. v. Antonetti, L.  
1133 EDA 2025; Com. v. Maison, J.  
1666 EDA 2025; Taylor, K. v. Braverman, K.  
1294 EDA 2025; Boyle, L. v. D N D Market  
1006 EDA 2025; Lloyd, S. v. Stanek, S.  
722 EDA 2025; Com. v. Thomas, S.  
840 EDA 2025; Adams, A. v. Hovnanian  
Enterprises  
839 EDA 2025; Smyth, J. v. Hovnanian  
Enterprises  
838 EDA 2025; Jauch, D. v. Hovnanian  
Enterprises  
841 EDA 2025; Trepanowski, J. v. Hovnanian  
Enterprises  
232 EDA 2025; Singer, J. v. Singer, D.  
1140 EDA 2025; Mark, D. v. Brown, M.  
1176 EDA 2025; Valdez, A. v. Temple University  
Health System  
428 EDA 2025; Com. v. Ray, F.  
429 EDA 2025; Com. v. Ray, F.  
420 EDA 2025; Carmen Ent. v. Murpenter, LLC  
2798 EDA 2024; Com. v. Coleman, L.  
4 EDA 2025; Holland, S. v. WM Operating  
3380 EDA 2024; Holland, S. v. WM Operating  
2811 EDA 2024; Gill, P. v. Exxon Mobil Corp.  
2338 EDA 2025; In the Int. of A.C., Appeal  
of A.C.  
375 EDA 2025; Com. v. Deshong, A.  
371 EDA 2025; Com. v. Loewen, G.  
2217 EDA 2025; Wentz, M. v. Wentz, D.  
408 EDA 2025; Com. v. Sutton, T.

COMMON PLEAS COURT  
CASE MANAGEMENT  
CONFERENCE LISTCASE MANAGEMENT  
PROGRAM  
ROOM 613  
CITY HALL

Any questions regarding the Case

Management Program should be  
directed to CivilCaseManagement@  
courts.phila.gov

## MON., JANUARY 5, 2026

## 8 A.M.

0012501-2950D. P. Rosner; J. M. Pinto  
Crews v.Yu et al.  
G. S. Nesbitt; T. R. Chawluk0022502-1901L. A. Katz  
Lento Law Group Pc et al. v.Feuerborn0032504-1460J. M. Profy  
Hays v.Thorson et al.E. Granek; G. C. Zumbano; J. D. Becker  
0042506-0129Shrader et al. v.Watson et al.  
C. Neiger; E. Baker; J. P. Shusted0052508-0667J. Bi; B. C. Frommer; J. B.  
Dilsheimer

Vargas v.Amazon Logistics Inc. et al.

0062509-0109D. J. Sherry; J. A. Colliver;  
N. J. WinklerDusack et al. v.Bridgestone Americas Tire  
OperationB. Y. Jin; G. P. Dietrich; M. L. Simpson; N.  
J. Hubner; S. T. Black; S. A. Andreacchi

9 A.M.

0012410-0629L. J. Arnold

Matthews et al. v.Ortiz et al.  
B. M. Searls; M. G. Laver; R. Manao0022501-3407A. Baron  
Rose v.Boutefnouchet et al.C. S. Vahey; E. C. Love; M. K. Stricker  
0032503-3043S. I. LeonAltea v.Barks et al.  
C. L. Kochel; M. I. Francesco

0042507-2324M. L. Greenfield

Anderson et al. v.Adson

A. M. Thammavong  
9:30 A.M.0012507-2179M. T. Van Der Veen; S.  
R. Bryson

Wright v.Mendez et al.

0022508-0250M. S. Karpo  
Chin v.All Occupants/Tenants of 1017  
Cherry Stree0032508-3239K. M. Bradway  
Carrasquillo et al. v.Martin et al.C. N. Harrington  
0042508-3432F. Milillo  
Farrell v.Woodhollow Condominium  
Association et al.C. E. Connor; C. B. Stokes; C. Horn; M.  
C. Maselli0052509-1310J. A. Zenstein  
Johnson v.Continental Mutual Insurance  
Company

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0012503-3484D. C. Devine; M. T. Van  
Der Veen

Miller v.Santiago Pagan et al.

K. Derbsey  
0022505-0814D. K. Jenkins  
Chestnut v.Chestnut et al.A. J. Webb; B. Betzler; C. B. Greenhall; D.  
S. Bauer; J. L. Bowman; K. McKithen; M.  
J. Weed; T. H. Lipscomb0032505-2772A. Vanwagner  
Washington v.Lyft Inc. et al.J. R. Andrzejewski; J. H. Quinn; J. R.  
Sereda0042506-1990B. P. Lehman  
Ameen et al. v.Tradition Transportation  
Company LlcJ. R. Fowler; O. J. Issertell  
0052506-3029C. N. Leeds  
Tolomeo v.Progressive Insurance CompanyK. Jean-Baptiste; K. M. Clark; O. R.  
Brooks0062507-0256J. A. Zenstein  
Walton et al. v.Allstate Vehicle And Property  
InsurC. R. Stevens; R. A. Steiger  
0072507-0429E. Dyer  
Price v.Townsville et al.M. R. Aguilo-Seara  
0082507-1236  
Bacon v.Johnson et al.0092507-1278J. D. Laynas  
Fluellen v.Goubaa et al.M. Long; R. A. Steiger  
0102508-2070T. F. Crawford  
Santana v.Home Depot U.S.A. Inc. et al.J. M. OConnor  
0112508-3578  
Millan v.All Occupants0122509-1358D. Peretz  
Wissinger v.City of Philadelphia et al.et al.  
J. Giatras  
10 A.M.0012311-3119C. B. McClain; S.  
Keosian-FroujianPaquette v.Lewis  
B. J. Atkins; J. S. Namerow; K. P. Obrien;  
M. C. Thurmond0022501-2944B. J. Atkins; K. P. Obrien  
Payne v.Pennsylvania State PoliceN. M. Lyons  
0032502-2812J. S. Namerow  
Lewis v.Pennsylvania State PoliceN. M. Lyons  
0042505-3808M. R. Magid  
Alfenas v.Germantown Cab Company et al.J. A. Dougherty; L. M. Powell  
0052509-0349A. R. Perry  
Meritis Group Llc v.Cadre Development Inc.J. D. Clark  
0062509-0465L. P. Haller  
Tvc Funding IV Inc. v.Bolden et al.0072509-1488M. J. Dougherty  
Ally Bank v.Guzman et al.0082509-1494A. Vanwagner  
Rieser v.Aldi Inc. et al.J. G. Shorr; K. Devole; L. E. Vicencio; M.  
J. Follett0092509-1504K. Gaynier  
Nugin v.Green et al.B. Betzler; M. Long; M. Rong; R. P.  
Lopez0102510-0010Z. Perlick  
1822 S. Dover Street, Llc v.Kelly et al.

10:30 A.M.

0012407-3239D. L. Braverman; H.  
Fonteix

Parke Bank v.Unknown Occupants

0022503-3377E. Benedon; J. S. Zafran  
Joseph v.City of Philadelphia Risk  
Management DivK. D. Lawfer; P. W. Baker  
0032408-0788C. M. Burrueto  
Elmore v.City of PhiladelphiaN. M. Cordero  
0042505-1199C. M. Burrueto  
Elmore v.Commonwealth of Pennsylvania -  
DepartmenR. P. Lopez  
0052506-2751S. Rustvold  
City of Philadelphia v.Eb Realty  
Management Corp.0062507-2960  
Ahmad v.Michael et al.0072507-3471B. J. Baer; D. J. Langsam;  
R. G. DevineReady et al. v.Graystone Partners Limited  
Partnersh0082508-1451M. B. Weisberg  
Hartford Fire Insurance Company As  
Subrogee of Bra v.Graystone Partners  
Limited Partnersh0092510-0164G. S. Shields  
Christman v.Combs et al.A. M. Nelson; M. T. Bowser; S. A.  
Scheuerle

11 A.M.

0012505-0579A. M. Green  
Dietrich v.Underwood et al.R. P. Lopez; S. J. Moore  
0022507-0642M. A. Weinberg  
Anderson v.G&E Reit II Care Pavilion Ryan  
Llc et al.B. D. Greenfield; K. R. Jalali  
0032508-3183J. Greenberg  
American Credit Acceptance Llc v.Ramos0042508-3445M. Breslin  
Cosme v.City of Philadelphia et al.et al.  
M. P. Dumack; N. M. Lyons0052509-0082J. E. Fine  
Mathias v.Commonwealth of Pennsylvania  
DepartmentD. M. Doyle; J. M. Endler; B. G. Kubisiak;  
P. W. Baker  
0062509-0123H. B. Gosnear  
Baldwin v.Angela Court Senior Housing,  
Llc et al.J. G. Devlin  
0072509-0431J. W. Felzer  
American Express National Bank v.Darbaz0082509-1513M. Manara; R. N. Braker  
Hamilton v.The Pep Boys - Manny, Moe &  
Jack, LlcA. R. Bunker; C. S. Toomey; J. M.  
Eitzweiler; J. M. Demarco; K. E. Lizzano  
0092509-1516L. B. Himmelstein; T. J.  
Alles  
Rojas v.Healthcare Transportation Services  
Llc Et

11:30 A.M.

0012509-1522A. M. Kroupa  
Early v.Raiser Llc C/O Ct Corp. System et  
al.A. L. Boardman; M. K. Stricker; M. R.  
Aguilo-Seara  
0022509-1781J. E. Fine  
Kennedy v.Lebrun et al.R. J. Kim  
0032509-1984J. S. Zafran; J. W. Hough  
Nachum v.Auroras Encore Llc et al.K. Devole; M. G. Goldman  
0042510-0177G. Gossott  
Idemudian v.Unknown0052510-0180L. D. Rosenfeld  
Barringer v.Lenscrafters et al.S. H. Eichler  
0062510-0188J. E. Murphy; J. R. Lessin  
McLaughlin v.WalpT. Thompson  
0072510-019

0032507-1406	Huggins v.Phila Airport International et al.
	J. Yzzi; M. E. Turner
0042508-0564	M. D. Laderman
	Edelstein v.Tiwari
0052510-0456	A. Vanwagner
	Allen v.Interested Entity Exterior Maintenance Re
	T. J. Kepner
0062510-0464	M. A. Weinberg
	Patterson v.N Property Group et al.
0072510-0478	B. Sherman
	Jamison et al. v.Kumpf et al.
	A. M. Thammavong
0082510-0480	L. K. Hill; S. A. Quinn
	Flores v.Banas et al.
0092510-0481	C. A. Falcone
	Kamara v.Jka Logistics, Llc et al.
	J. G. Devlin; S. G. Leventhal; S. R. Fisher

## 11:30 A.M.

0012508-0670	E. Dyer
	Abdul-Rasheed v.Downey et al.

0022508-2925	A. T. Kravitz
	Lsf9 Master Participation Trust v.Rocher et al.

0032510-0536	M. J. McElvenny
	Johnson v.Acme Markets Inc. et al.

0042510-0557	M. E. Lemieux-Fillery; S. J. Gontkosky
	Howland v.City of Philadelphia et al. et al.

0052510-0562	M. Breslin
	Matthews v.Norkezicus et al.

0062510-0563	M. Breslin
	Rhoades v.Bullaro et al.

0072510-0568	J. A. Zenstein
	Patel v.Homesite Insurance Company of The Midwest

## 1:30 P.M.

0012510-0509	H. L. Doner
	Klutt et al. v.Chauvin et al.

0022510-0510	
	Perez Nunez v.Martes

0032510-0815	M. J. Dougherty
	Mercedes-Benz Financial Services Usa Llc v.Oliver

0042510-0816	J. A. Zenstein
	Sweeney et al. v.State Farm Fire And Casualty Compa

0052510-0818	M. J. Dougherty
	Ally Bank v.Hill et al.

## 2 P.M.

0012506-2057	F. Sacchetta
	Morris v.Farmer et al.

0022508-0190	J. Parrish
	Falice v.Neville

0032508-3225	A. H. Garner; B. Lynch; J. Day
	Marell v.Prudential Insurance Company of America

0042509-0103	J. Oslick; L. C. Miller
	Bartell v.Holmes

0052509-0672	
	Dixon v.Capital One Auto Finance

0062510-0426	L. B. Himmelstein; M. C. Wesoski
	Williams v.Dfh Regency Llc et al.

0072510-0440	S. D. Gitman
	Simmons v.Southeastern Pennsylvania Transportatio

0082510-0445	A. R. Duffy; M. A. Budner; O. Szumski; R. J. Mongeluzzi
	Paredes et al. v.Royal Prestige et al.

0092510-0446	C. J. Jones; S. J. Meintel
	Rahman v.Clemmons

0102510-0449	J. R. Desiderato
	S&D Mechanical, Llc v.Csc - 3701 Chestnut Llc et al.

0112510-0452	J. D. Nagle
	Montgomery et al. v.Sokhan

## 2:30 P.M.

0012508-2841	C. P. Suprenuk
	Houldin v.Zi 1139 N 3rd Llc et al.

## 3 P.M.

0012508-0764	M. D. Copoulos
	Woo v.Unknown Occupants

0022508-1499	M. Shnayder; T. A. Russeck
	Saxon v.Carson Valley Children's Aid

0032508-2437	S. J. Rosenthal
	Sabb v.National Railroad Passenger Corp. E. Richwine; Y. J. Brunetti

0042508-3256	B. M. Saul
	Johnson v.Gans et al.

0052510-0482	M. Breslin
	A. Carrafiello

Pastelnick v.City of Philadelphia et al. et al.	G. Vokos
	Quinn v.Bonner

## RULES RETURNABLE

THU., JANUARY 8, 2026

12:30 P.M.

0012508-1277	F. J. Curran; J. D. Whitney; R. F. Curran
	Hallager v.Springfield Operator Llc et al.

A. Montalbano; D. J. Belfie; N. Karyakatos; P. C. Troy; T. J. Burke; W. J.

**FAMILY COURT  
DIVISION**

JANUARY 5, 2026  
ADMINISTRATION AND MISCELLANEOUS  
1501 ARCH ST.  
OLSZEWSKI, A.J.

JUVENILE BRANCH  
FAMILY COURT BUILDING  
1501 ARCH ST.

Juvenile Justice Service Center  
YSM MASTER  
Courtroom-3G  
JCHO CANAPARY (M,W 9:30 A.M.)

JCHO CANAPARY (T 12:30 P.M.)

3E CASES HEARD IN 3G

Courtroom--4A

JCHO STOKES

Courtroom--4B

Courtroom Down

Courtroom--4C  
GREY, J.

Courtroom--4D  
MCCABE, J.

Courtroom--4E  
FERNANDES, J.

Courtroom--4G

IRVINE, J. (M,T Only)

Courtroom--5A

Courtroom Down

Courtroom--5B

MCLAUGHLIN, J. (W Only)

Courtroom--5C

Courtroom Down

Courtroom--5D

Courtroom Down

Courtroom--5E

MCLAUGHLIN, J. (T Only)

IRVINE, J. (W Only)

Courtroom--5F

FURLONG, J.

Courtroom--5G

JCHO CICCONE

Courtroom--6H

GORDON, J.

JCHO MCCULLOUGH (T Only 1 P.M.)

DOMESTIC RELATIONS/  
FAMILY COURT BUILDING  
1501 ARCH ST.

Courtroom--3A  
SANDHER, J. (M Only)

Courtroom--3B

WAHL, J. (T Only)

Courtroom--3C

Courtroom Down

Courtroom--3D

Courtroom Down

Courtroom--3E

SULMAN, J. (M Only)

SANDHER, J. (T,W Only)

Courtroom--3F

FANNING, J. (M Only)

FORD, J. (T Only)

WAHL, J. (W Only)

Courtroom--4F

WAHL, J. (M Only)

FANNING, J. (W Only)

Courtroom--4G

Courtroom Down

Courtroom--6A

LITWIN, J. (T,W Only)

**Courtroom--6B  
Courtroom Down  
Courtroom--6C  
FORD, J. (W Only)  
Courtroom--6E  
Courtroom Down  
Courtroom--6F  
SULMAN, J. (T,W Only)  
Courtroom--7B  
CHEN, J.**
**CRIMINAL TRIAL DIVISION**

MONDAY, JANUARY 5, 2026

Room 502-KYRIAKAKIS, J.

Keys, Leroy (Def. Assoc.)

Pearsons, Ardmir (Young, Jason R.)

Room 505-PALUMBO, J.

Andino, Luis (Def. Assoc.)

Brindidge, Jerome (Defender, Public)

Brintley, Terry (Def. Assoc.)

Chaney, Bill N. (Def. Assoc.)

Choice, Kenneth A. (Defender, Public)

Dow, Joshua

Duncan, Courtney J. (Def. Assoc.)

Ford, Dennis (Def. Assoc.)

Ghuman, Tanveer (McMonagle, Brian J.)

Hilton, Jamal R. (Def. Assoc.)

Howard, Allen (Def. Assoc.)

Lee, Sione (Def. Assoc.)

Locke, William (Def. Assoc.)

Moore, Clarence (Def. Assoc.)

Myers, Michael (Glanzberg, David Seth)

Perez, Sharlyn (Defender, Public)

Polk, Jalen (Def. Assoc.)

Ramos, Annette (Defender, Public)

Sampson, Donald (Narcisi, Laurence Anthony III)

Smith, Demetrius (Bozzelli, Lawrence J.)

Stevens, David (Defender, Public)

Sutton, Abdon (Def. Assoc.)

Sutton, Shawna (Def. Assoc.)

Taylor, Lawrence (Def. Assoc.)

Upshur, Kareem K. (Def. Assoc.)

Vaughn, Robert (McKenna, Emily Dust)

Ward-moore, Malik (Def. Assoc.)

Williams, Don (Def. Assoc.)

Room 602-LIGHTSEY, J.

Adams, Kyle (Tarpey, Timothy J.)

Arwell, Paul (Def. Assoc.)

Blaney, John (Def. Assoc.)

Carrasquillo, Jonathan (Def. Assoc.)

Cromwell, Allen (McCaul, John Francis)

Darden, Kevin (Savino, Louis Theodore Jr.)

Davis, Khalid (Raynor, Earl Dubois Jr.)

Gilbert, Donny R. (Gamburg, Robert Marc)

Gray, Renate (Def. Assoc.)

Lewis, William (ASSOCIATION, DEFENDER)

Marquez, Caesar (Szanto, Jules Norris)

Mesquita-santos, Samara (Fish, Illon Ross)

Parker, Jasheon (McCaul, John Francis)

Ransom, Jakeema D. (Steinberg, S. Philip)

Reyes, Thomas (Goldstein, Zak Taylor)

Smith, Ashley R. (Boyd, Matthew Christopher)

Stone, Delton (Sanita, Amato T.)

Sullivan, John (Def. Assoc.)

Sweeney, Steve (Szanto, Jules Norris)

Taylor, Mitch (Def. Assoc.)

Walters, Yhamir D. (Piccarreto, Marisa Anne)

White, Kyle (Szanto, Jules Norris)

Room 607-EHRLICH, J.

Mitchell, Nadir (Yacobian, George Setrag Jr.)

Room 701-EISENHOWER, J.

Algarin, Francisco (Waterman, Clayton Don)

Barksdale, Darrelle (Dolzman, Douglas Lee)

Betrand, Kevone (Gessner, Scott)

Brown, Bendu (Mann, Jessica Consuela)

Brown, Chanell (Def. Assoc.)

Cotton, Chantel (Def. Assoc.)

Cuevas, Jose (Solomon, Eric Robert)

Dabney, Lawrence (Coleman, Joseph L.)

Fisher, Andrew (Tarpey, Timothy J.)

Howard, Lester (Def. Assoc.)

Monroe, Nyem (Def. Assoc.)

Omar, Murtala (Savino, Louis Theodore Jr.)

Pasture, Tykeacha C. (Def. Assoc.)

Randolph, Deshawn (Nasuti, Carmen Charles III)

Steadley, Floyd (Duckett, Cowanis Lee Jr.)

Tart, Marquis (Def. Assoc.)

Room 702-HANGLEY, J.

Coleman, Kereem (Bozzelli, Lawrence J.)

Correa-lema, Pedro (Savino, Louis Theodore Jr.)

Culpepper, Jahmir (Def. Assoc.)

Frazier, Eric (Fioravanti, Michelle A.)

Humphrey, Nasir (Def. Assoc.)

Humphrey, Nasir L. (Def. Assoc.)

Laracuente, Derek A. (Johnson, Shaka Mzee)

Meklin, John E. (McDermott, Michael L.)

Mixson, Sean (Savino, Louis Theodore Jr.)

Muhammad, Lacosta A. (Diamondstein, Michael Jay)

Nixon, Siddiq (Narcisi, Laurence Anthony III)

Stergis, Delvin (Levin, Peter Alan)

Room 705-WILLIAMS, J.

Adams, Diane (Coleman, Joseph L.)

Ali, Azim (Def. Assoc.)

Anderson, Kahleif (Hagarty, Matthew Sherman)

Bailey, Kyle B. (Giuliani, Richard J.)

Bailey, Nasir R. (Parkinson, Michael Patrick)

Bell, Luke N. (Def. Assoc.)

Brown, Jahid (Def. Assoc.)

Carter, Amir (Szanto, Jules Norris)

Copes, Keran T. (Levin, Andrew Joseph)

Craig, Jaquon (Def. Assoc.)

Cummings, Samantha A. (Raynor, Earl Dubois Jr.)

Dancy, Tyler (Ward, Annemarie Elizabeth)

Diaz, Luis (Mandell, Lee)

Falcone, Joseph (Def. Assoc.)

Room 807-ANHALT, J.

Johnson, Andre (Def. Assoc.)

Perkins, Gary (Schultz, Joseph Todd)

Xhepaj, Aurelio (Gamburg, Robert Marc)

Room 808-KAMAU, J.

Alston, Anthony (Mann, Jessica Consuela)

Barham, Timothy T. (Savino, Scott Philip)

Beverly, Thayree (Def. Assoc.)

Bradstreet, Simon (Fish, Illon Ross)

Brown, Richard (Def. Assoc.)

Butts, Douglas (Def. Assoc.)

Garcia, Fab (Def. Assoc.)

Mckinnon, Nafis (Def. Assoc.)  
 Mcmichael, Marvin (Def. Assoc.)  
 Millan, Carmello (Alva, Jeremy-Evan)  
 Montgomery, Rashana (Def. Assoc.)  
 Morse-hill, Nasiriyah (Def. Assoc.)  
 Murray, Clarence (Def. Assoc.)  
 Nunez, Juan (Def. Assoc.)  
 Parilla, Rafael (Def. Assoc.)  
 Porto-ruiz, Julio (Kramer, Max Gerson)  
 Price, Jamal M. (Def. Assoc.)  
 Quails, Richard (Def. Assoc.)  
 Reeves, Latasha (Def. Assoc.)  
 Rhames, Muhamad (Def. Assoc.)  
 Riley, Chris (Def. Assoc.)  
 Roena, Joseph (Fiore, Todd R.)  
 Rodriguez, Michael (Def. Assoc.)  
 Samia, Albert (Def. Assoc.)  
 Schmidt, Richard (Def. Assoc.)  
 Scott, Amine (Def. Assoc.)  
 Sierra, Jeffrey (Def. Assoc.)  
 Smith, Latoya (Def. Assoc.)  
 Squares, Warren (McKenna, Emily Dust)  
 Stephensoniii, Harold (Def. Assoc.)  
 Strunk, Richard J. (Def. Assoc.)  
 Taylor-blackson, Tamir (Goldstein, Zak Taylor)  
 Travitz, David (Def. Assoc.)  
 Vasquez, Osvaldo (Nenner, David Scott)  
 Vega, Cruz, Julio E. (Def. Assoc.)  
 Walker, Antonine E. (Def. Assoc.)  
 Wilkens-harvey, Falieca (Hagarty, Matthew Sherman)  
 Williford, Chiamaka (Cameron, Angelo Leroy)  
 Willoughby, Vincent (Consaderie, Jonathan D.)  
 Wilson, Tyrice (Def. Assoc.)  
 Yancey-thomsen, Edward Y. (Def. Assoc.)  
 Young, Brine (Def. Assoc.)  
 Zandani, Muhammad H. (Def. Assoc.)  
**Room 1108-CIANFRANI, J.**  
 Brudes, Tina (Sigman, Scott Philip)  
 Patterson, David S. (Marsh, James T.)

**CRIMINAL TRIAL DIVISION****TUESDAY, JANUARY 6, 2026****Room 502-KYRIAKAKIS, J.**

Coleman, Derrick (Sigman, Scott Philip)  
**Room 505-PALUMBO, J.**  
 Armour, Eteria (Kenny, Thomas)  
 Ashton, Melan (Defender, Public)  
 Aviles, Jonathan (Def. Assoc.)  
 Bailey, Jameel (Def. Assoc.)  
 Bailey, Jamie T. (Def. Assoc.)  
 Burke, Corey (Sigman, Scott Philip)  
 Carter, Christopher (Def. Assoc.)  
 Carter, Christopher D. (Def. Assoc.)  
 Chester, Larry (Defender, Public)  
 Clanton, Lammar (Def. Assoc.)  
 Conwell, Furman A. (Defender, Public)  
 Cortez, Carlos (Defender, Public)  
 Cream, Anthony (Def. Assoc.)  
 Croston, Daequan S. (Def. Assoc.)  
 Cureton, George (Def. Assoc.)  
 Pringle, Phillip (Foltz, Charles Richard)  
 Rivera, Omar (Defender, Public)  
 Robinson, Nihafri (Def. Assoc.)  
 Sims, Raymond (Def. Assoc.)  
 Torres, Edwin (ASSOCIATION, DEFENDER)  
 Torres, Jose (Def. Assoc.)

**Room 602-LIGHTSEY, J.**

Barnes, Thomas (Mann, Jessica Consuela)  
 Billa, Kevin (Piccarreto, Marisa Anne)  
 Brown, Rickie (Def. Assoc.)  
 Cooper, Deon (Mann, Jessica Consuela)  
 Cromwell, Louis (Def. Assoc.)  
 Cuevas, Christian (Sigman, Scott Philip)  
 Davis, Erik C. (Yee, Adam Sequoyah)  
 Dieudonne, Ronald (McCaul, John Francis)  
 Marquez, Carlos (Def. Assoc.)  
 Mills, Voshon (Def. Assoc.)

**Room 702-HANGLEY, J.**

Bourne, Camille N. (Szanto, Jules Norris)  
 Brown, Aaron (Def. Assoc.)  
 Hernandez, Angel (Humble, Brian Francis)  
 Horeis, David S. (Earl, Douglas)  
 Jackson, Terrell (Foster, Edward Joseph)  
 Neveu, Craig (Def. Assoc.)  
 Ocasio, Angel (Sigman, Scott Philip)  
 Overman, Devin (Def. Assoc.)  
 Punkosdy, Gloria (Jerrehian, Matthew Louis)  
 Skinner, Dwayne (McCrae-Kane, Kendra)  
 Skinner, Joseph (Stern, Douglas Nathaniel)

Moore, Robert (Latta, Denita Cherell)  
 Pembleton, Roger D. (Def. Assoc.)  
 Rehman, Fasal (Datner, Robert Frederick)  
 Robinson, Devin K. (Amoriello, Gina A.)  
 Rodriguez, Angel N. (Godshall, Anthony Francis)  
 Small, Demetrius (Datner, Robert Frederick)  
 Smith, Marcus (Burrows, William Gordon)

**Room 607-EHRLICH, J.**

Gosson, Roger W. (Amoriello, Gina A.)  
 Reyes, Omar (Def. Assoc.)  
 Rivera, Alexander (Fuschino, Richard John Jr.)

**Room 701-EISENHOWER, J.**

Brown, Steven (Def. Assoc.)  
 Carter, Derrell (O'Riordan, Daniel John)  
 Clay, Seth (Def. Assoc.)  
 Diaz-ortiz, William (Turner, Alexandre Neuerburg)  
 Forte, Troy D. (Def. Assoc.)  
 Green, Jahyir (Tinari, Eugene P.)  
 Heinemann, Shane (Def. Assoc.)  
 Kellam, Robert J. (Latta, Denita Cherell)  
 Maddox, Devon (Coleman, Joseph L.)  
 Montero, Luis (Alva, Jeremy-Evan)  
 Newton, Robert M. (Def. Assoc.)  
 Robinson, Jahmir (Mann, Jessica Consuela)  
 Wilson, Taqwa (Colon, Christian)  
 Woods, Marcus (Marroletti, John A.)

**Room 702-HANGLEY, J.**

Arthur, Christopher (Abdul-Rahman, Qawi)  
 Bartlett, Nihjae (Def. Assoc.)  
 Carmichael, Jasir (Def. Assoc.)  
 Carter, Matthew W. (Def. Assoc.)  
 Cruz-correa, Pedro (Def. Assoc.)  
 Grandison, Kyree (Def. Assoc.)  
 Hanner, Rodney T. (McLaughlin, Brandi L.)  
 Harmon, Richard (Def. Assoc.)

Staten, Desiree (O'Connor, Lawrence J. Jr.)  
 Wilson, Davin B. (Def. Assoc.)

**Room 705-WILLIAMS, J.**

Brown, Christian (McGarrigle, Daniel Anthony)  
 Bryant, Brandon O. (Def. Assoc.)  
 Calvacante, Junior (Gessner, Scott)  
 Christian, Quamere (Latta, Denita Cherell)  
 Crawford, Anthony (Def. Assoc.)  
 Daniel, Ivan (Def. Assoc.)  
 Dennis, Marc (McCrae-Kane, Kendra)  
 Houck, Andrew (Sigman, Scott Philip)  
 Jenkins, George (Def. Assoc.)  
 Jones, Jashai (Def. Assoc.)  
 Lopez, Rafael (Def. Assoc.)  
 Mccrea, Stacy (Mann, Jessica Consuela)  
 Montalus, Jayden (Def. Assoc.)  
 Moore, Cidney (Def. Assoc.)  
 Morrison, Khalil (Desiderio, David Ernest)  
 Nunez, Xavier (Def. Assoc.)  
 Pascal, Nathanael (Piccarreto, Marisa Anne)  
 Rivera, Luis I. (Clemens, Thomas C.)  
 Saint-fort, Kimberly (Clemens, Thomas C.)  
 Savage, Charles (Def. Assoc.)  
 Singh, Richard (Def. Assoc.)  
 Smith, Anthony (Def. Assoc.)  
 Spencer, Sekia (Def. Assoc.)  
 Stephens, Samiror (Turner, Alexandre Neuerburg)  
 Todd, Rashad (Def. Assoc.)  
 Webb, Derrek T. (Piccarreto, Marisa Anne)

**Room 801-BRYANT-POWELL, J.**

Clark, Aaron (Def. Assoc.)  
 Colon, Jonathan (Def. Assoc.)  
 Griffin, Muhammad (Def. Assoc.)  
 Hassell, Christian (Def. Assoc.)  
 Hernandez, John (Def. Assoc.)  
 Hill, Jakai A. (Def. Assoc.)  
 Jenkins-johnson, Shamar (Johnson, Shaka Mzee)  
 Jones, Brandon (Savino, Louis Theodore Jr.)  
 Jordan, Abdulmujeed (McGarrigle, Daniel Anthony)  
 Lawrence, Leonard (Def. Assoc.)  
 Lewis, Harry R. (Wallace, Han Niko)  
 Meade, Sahir (Def. Assoc.)  
 Mills, Marcello E. (Def. Assoc.)  
 Moore, Kevin (McDermott, Michael I.)  
 Nicholas, Shakur (Def. Assoc.)  
 Perez, Harold (McDermott, Michael I.)  
 Renteria, Israel (Egan, Thomas C. III)  
 Sabastro, Johnluis (Boyd, Matthew Christopher)  
 Sanchez-torres, Jahn (Def. Assoc.)

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Spencer, Andre (Madden, John Charles)  
Stenson, Shadiee (McCrae, Kendra Ilene)  
Thorpe, Shareem (Def. Assoc.)  
Tirado, Jose (Savino, Louis Theodore Jr.)  
Tirado, Jose T. (Goldstein, Zak Taylor)  
Webster, Shauntae (Def. Assoc.)  
White, Kenneth (Goldstein, Zak Taylor)

**Room 805-ROSS, J.**

Ascencio, Christian  
Austin, Deryck (Def. Assoc.)  
Burton, Kevin (O'Donnell, Joseph H. Jr.)  
Carmichael, John  
Case, Keith (Def. Assoc.)  
Clark, Dorian  
Cooper, Shawn (Def. Assoc.)  
Cooper, Shawn L. (Def. Assoc.)  
Cromwell, Christian (McCauley, John Francis)  
Cromwell, Syed  
Cruz-minaya, Yasmin (Def. Assoc.)  
Fernandez, Fausto  
Fletcher, Anthony  
Henry, Khalif (Def. Assoc.)  
James, Shaun D. (Def. Assoc.)  
Javaheri, Alexander (Doherty, Patrick Thomas)  
Jones, Rafiq  
Kaminski, Larry (Def. Assoc.)  
Kaminski, Lawrence (Def. Assoc.)  
Lebron, Michael  
Meleski, Anthony  
Mendieta, Joniel (Altschuler, Jonathan R.)  
Miller, Hakim S. (Virelli, Francis Michael)  
Mills, Marvis (Def. Assoc.)  
Morales, Anthony (Kenny, Thomas)  
Muse, Omar (Def. Assoc.)  
Norton, Casha  
Nunez-cordero, Yoncarlo  
Parks, Devin (Page, Shawn Kendricks Sr.)  
Patton, Jeremiah  
Pinkett, Jamal (Def. Assoc.)  
Poulson, Jonathan  
Primis, Karem (Fish, Ilon Ross)  
Rodriguez, Alexi (Savino, Louis Theodore Jr.)  
Rodriguez, Alyssa (Pagano, Gregory Joseph)  
Spivey, Markeem  
Stewart, Christian  
Stutts, Donna (Def. Assoc.)  
Torres, Reynaldo (Def. Assoc.)  
Vargas, Jose  
Wright, Tracey

**Room 807-ANHALT, J.**

Vesga, Rodolfo L. (Def. Assoc.)  
**Room 808-KAMAU, J.**  
Coleman-redd, Isha (Latta, Denita Cherell)  
Hainey, Raheim (Sigman, Scott Philip)  
Hickman, Keith (Def. Assoc.)  
Hunter, David (Def. Assoc.)  
Lee, Isaiah A. (Shuttleworth, Brad Victor)  
Mann, Harold (Godshall, Anthony Francis)  
Nelson, Melvin (Def. Assoc.)  
Peterson, Jibir (Def. Assoc.)  
Spurio, Dane (Def. Assoc.)  
Taylor, Walter (Boyd, Matthew Christopher)  
Zapsolski, Ronald (Lang, Paul Gregory)

**Room 901-BROWN, J.**

Banda-vazquez, Sergio (Def. Assoc.)  
Chapman, Robert (Fioravanti, Michelle A.)  
Fowler, Robert (Def. Assoc.)  
Hicks, Eric (Def. Assoc.)  
Hunter, Anthony M. (Goldstein, Zak Taylor)  
Johnakin, Melvin (Van Der Veen, Michael T.)  
Ramirez, Ronald (Def. Assoc.)  
Scales, Ashmer (Mann, Jessica Consuela)  
Youssouf, Mohamed (Coleman, Joseph L.)

**Room 902-WOELPPER, J.**

Anderson, Arthur (Def. Assoc.)  
Andrews, Ramil (Boyd, Matthew Christopher)  
Brown, Quashawn (Def. Assoc.)  
Graham, Nahir (Piccarreto, Marisa Anne)  
Halley, Rashonda (Def. Assoc.)  
Ivan, Gonzalez (Mincarelli, Louis Anthony)  
Jenkins, Kyvondonte (Diamondstein, Michael Jay)  
Lewis, Sharne (Sigman, Scott Philip)  
Lowery, Rafiz (Def. Assoc.)  
Nolan, Patrick J. (Tinari, Eugene P.)  
Patterson, Marcus (Def. Assoc.)  
Rondon, Christopher (Kramer, Max Gerson)  
Simmons-taylor, Kyle (Def. Assoc.)  
Young, Nafees (Kramer, Max Gerson)

**Room 905-SHAFFER, J.**

Adams, Torre (Cameron, Angelo Leroy)  
Amore, Antonie (Page, Shawn Kendricks Sr.)  
Ballard, Shane (Def. Assoc.)  
Branch, Charles (Diamondstein, Michael Jay)  
Browne, Earl (Snyder, Marni Jo)  
Cavanaugh, Brandon J. (Alva, Jeremy-Evan)  
Coffie, Shammond (Fiore, Todd R.)  
Comisario, Miguel (Def. Assoc.)  
Dockery, Reheem (Def. Assoc.)  
Ferguson, Eric R. (Def. Assoc.)  
Figueroa-vargas, Evan (Savino, Louis T.J. Jr.)  
Garcia-berroa, Nayley (Fitzpatrick, Thomas Odell)  
Gary, Kione (Def. Assoc.)  
Giddings, Cathleen (Martino, Andre)  
Hamilton-johnson, Brittany J. (Def. Assoc.)  
Howard, Kaim (Def. Assoc.)  
Hunter, Joshua (Funt, James Adam)  
Javed, Hassan (Bozzelli, Lawrence J.)  
Jubilee, Robert (Def. Assoc.)  
Keith, Brian J. (Smoker, Philip Andrew)  
Labenz, Daniel J. (Def. Assoc.)  
Lee, Kairi (Tinari, Eugene P.)  
Leighhardt, Edna C. (Diamondstein, Michael Jay)  
Marks, Floyd A. (Hagarty, Matthew Sherman)  
Martinez, Jose (Def. Assoc.)  
McDonald, Jeffery (Lehman, David K.)  
Memillan, Marcel (Tinari, Eugene P.)  
Mercado, Christopher (Def. Assoc.)  
Mitchell, Sierra (Kenny, Thomas)  
Myers, Marquis M. (Def. Assoc.)  
Nagel, Scott (Amoriello, Gina A.)  
Omollo, Jaisy (Klayman, David Howard)  
Outlaw, Chester (Snyder, Marni Jo)  
Peterson, Jaquiar N. (Coleman, Joseph L.)  
Rice, Glen E. (Kenny, Thomas)  
Schenholman, Ian (Zeiger, Brian J.)  
Simmons, Naven (Def. Assoc.)  
Slemon, Immanuel (Fioravanti, Michelle A.)  
Smith, Nadirah (Def. Assoc.)  
Thomas, Gladys (Def. Assoc.)  
Timple, Quadeer C. (Def. Assoc.)

Walker, David T. (Stern, Douglas Nathaniel)  
Weaver, Raheem S. (Fish, Ilon Ross)  
White, Anthony M. (Stein, Gerald A.)  
White, Daniel (Def. Assoc.)  
Williamson, Nideyah (Mann, Jessica Consuela)  
Wilson, Monte (Def. Assoc.)  
Wood, Julius (Santos, Michael Thomas)  
Wright, Tionna (Gessner, Scott)

**Room 907-O'KEEFE, J.**

Alexander-bellman, Najae (Barchiesi, Robert Clayton II)  
Bell, Montana (O'Hanlon, Stephen Thomas)  
Bey, Nairobi (Mann, Jessica Consuela)  
Bonelli, Nashi A. (Jerrehian, Matthew Louis)  
Brown-scott, Karen (Def. Assoc.)  
Calhoun, Tymir (Def. Assoc.)  
Coleman, Kevin (Def. Assoc.)  
Collins, Richard (Birley, Kevin Thomas)  
Conde, Ismael (George, Henry Jr.)  
Cooks, Jovon (Def. Assoc.)  
Cooper, Jalil (Reynolds, Coley Obrien)  
Craddock, Donta  
Foster, Taron (Dolman, Douglas Lee)  
Franklin, Eric (Clemens, Thomas C.)  
Graystone, Vanessa (Def. Assoc.)  
Harris, Kasir (Def. Assoc.)  
Hill, Leonard K. (Perri, Fortunato N. Jr.)  
Hodge, Christopher (Def. Assoc.)  
James, Willie (Auge, Rosemary)  
Johnson, Craig (Montroy, Andrew David)  
Little, Kyle (Himebaugh, Teri B.)  
Mitchell, Lavall (Def. Assoc.)  
Myrick, Eugene (Javie, Jason David)  
Thomas, Samuel J. (Def. Assoc.)  
Williams, Jerome (Foster, Edward Joseph)  
Woolfolk, Kareem (Colon, Christian)

**Room 908-BRANDEIS- ROMAN, J.**

Beauvil, Christopher (Dicinno, Daniel)  
Bermudez-dejesus, Alexander (McCrae-Kane, Kendra)  
Gallasha, Isaiah (Def. Assoc.)  
Gomez, Emmanuel (Rossman, Mariana)  
Hackney, William D. (Def. Assoc.)  
Harrison, Selina C. (Def. Assoc.)  
May, Charles (Def. Assoc.)  
Smith, Hakeem (De Ritis, Joseph Edward)

**Room 1001-SHULTZ, J.**

Alsbrook, Marvin (Javie, Jason David)  
Bowen, John (Pileggi, Michael)  
Bridgeford, Anthony (O'Connor, Lawrence J. Jr.)

Compan, Alexandria (Def. Assoc.)  
Dyches, Zyhri (Levin, Peter Alan)  
Gainey, Montrell (Foster, Edward Joseph)  
Gilyard, Charles J. (Pileggi, Michael)  
Henry, Andre (Def. Assoc.)  
Howard, Andre (Marrone, Joseph Michael Jr.)  
Hutchinson, Steven (Xie, Jianing)  
McCain, John E. (Tinari, Eugene P.)  
Mitchell, Kevin (Pileggi, Michael)  
Murray, Kahlii (Goldstein, Zak Taylor)  
Norris, Eric (Sobel, Jonathan J.)  
Price, Marvin (Himebaugh, Teri B.)  
Rosenthal, Stan S. (Grote, Brett Douglas)  
Tucker, Tomalee T. (Page, Shawn Kendricks Sr.)  
Warren, Keith (Bozzelli, Lawrence J.)  
Williams, Darren (Brown, Jerome Michael)

**Room 1002-TAYLOR SMITH, J.**

Allen, Lakia (Def. Assoc.)  
Baker, Darryl (Meehan, Edward C. Jr.)  
Barr, Amir (Martucci, John Joseph Jr.)  
Brown, Shaheem (Def. Assoc.)  
Chestnut, Keenan (Foster, Edward Joseph)  
Davis, Jerry (Def. Assoc.)  
Gonzalez, Joshua (Def. Assoc.)  
Haines, Maleak (Def. Assoc.)  
Holland, Dewayne (Cigainero, Margeaux Kelly)  
Jones, Kishon (Latta, Denita Cherell)  
King, Angela (Rivera, Edwin R.)  
Lawal, Fatai (Savino, Louis Theodore Jr.)  
Meneil, Zahmir (Def. Assoc.)  
Middleton, Briana (Steenson, Derek Alan)  
Perez, Alfred (Cacciamani, Kathryn Covello)  
Pringle, Larry J. (Def. Assoc.)  
Rash, Michael D. (Def. Assoc.)  
Sweets, Shabazz (Mann, Jessica Consuela)  
Torres, Miguel (Def. Assoc.)

**Room 1004-GAGNON**

Donahue, James J. (Def. Assoc.)  
Fernandez, Dianthony (Def. Assoc.)  
Outerbridge, Gary (Def. Assoc.)  
Yeldell, Jaymeal (Def. Assoc.)

**Room 1005-GIBBS, J.**

Arellanos-carreto, Nelsi (Def. Assoc.)  
Bell, Blair (Def. Assoc.)  
Boakai, Joybee (Def. Assoc.)  
Boyd, Danielle (Def. Assoc.)  
Brister, Shyleel (Def. Assoc.)  
Brooker, Terrance (Def. Assoc.)  
Brown, Christopher (Def. Assoc.)  
Bussey, Kenneth (Def. Assoc.)  
Colon-rivera, Reynaldo (Savino, Louis Theodore Jr.)  
Columbus, Charles (Def. Assoc.)  
Dalonzo, Michael (Def. Assoc.)  
Dandridge, Sabree (Doherty, Patrick Thomas)  
Danna, Nunez (Link, Robert Patrick)  
Deshields, Eric (Glanzberg, David Seth)  
Diaz, Isaac (Kenny, Thomas)  
Elliss, Michael (Def. Assoc.)  
Eryck, Watson J. (Burrows, William Gordon)  
Gross, Steven (Def. Assoc.)  
Jackson-porter, Edward (Def. Assoc.)  
Johnson, Dashawn (Walsh, John M.)  
Johnson, Lawrence (Def. Assoc.)  
Jones, Cory (Alboum, Samuel)  
Jones, Haneef (Def. Assoc.)  
Keyser, John (Def. Assoc.)  
Lopez, Jose (Sobel, Jonathan J.)  
McCants, Caliyah (Johnson, Shaka Mzee)  
McCoy, Marcellus (McKenna, Emily Dust)  
McMillion, Tahjir (Stern, Douglas Nathaniel)  
Norman, Jhiaad N. (Def. Assoc.)  
Paris, Anthony (Def. Assoc.)  
Peraza, Teofilo (Def. Assoc.)  
Perez, Jose (McCrae-Kane, Kendra)  
Robins, Monica (Def. Assoc.)  
Santiago, Kevin (Def. Assoc.)  
Savage, Elvin (Def. Assoc.)

Spearman, Kahlir (Def. Assoc.)  
Teet, Dashyne (Def. Assoc.)  
Thomas, Akeem (Def. Assoc.)  
Tucker, Zyhmir (Sciolla, Guy R. II)  
Turner, Kevin (Shaw, Brianna Corine)  
Turner, Robert (Parkinson, Michael Patrick)  
Velazquez, Jose (Def. Assoc.)  
Williams, Charles (Def. Assoc.)  
Williams, Dawald (Def. Assoc.)  
Williams, Eric (Wallace, Han Niko)  
Wilson, Isaiah (Def. Assoc.)  
Wright, Jaylen (Def. Assoc.)

**Room 1007-BRONSON, J.**

Tyree, Khalil (Amoriello, Gina A.)  
**Room 1102-COVINGTON, J.**  
Davis, Christopher L.

**Room 1104-T/C ARRAIGNMENTS**

Ackridge, Izeem (Def. Assoc.)  
Ayala, Alexis (Alboum, Samuel)  
Brown, Matthew (Def. Assoc.)  
Cordero, Josbel (Palividias, Pantellis)  
Drennon, Xavier (Ducket, Cowanis Lee Jr.)  
Harrison, Leroy T. (Sciolla, Guy R. II)  
Johnson, Haniiyah (Def. Assoc.)  
Jones, Jahid (Petrone, Anthony J.)  
Jones, Russell (Burke, Thomas F.)  
Kraft, Michael (Def. Assoc.)  
Mayo, Charles (Def. Assoc.)  
Nelson, Rashone D. (Def. Assoc.)  
Ostrovskiy, Taras (Def. Assoc.)  
Purrington, Angelina (Def. Assoc.)  
Rodriguez, Kihem (Def. Assoc.)  
Ross, Dyube (Def. Assoc.)  
Smalls, Bycyl (Alboum, Samuel)  
Smith, Imere (Colon, Christian)  
Spence, Arnold (Def. Assoc.)  
Sturgis, Ishamek (Def. Assoc.)  
Taylor, Darrin (Def. Assoc.)  
Wilks, Derek (Def. Assoc.)

**Room 1108-CIANFRANI, J.**

Olmeda, Joshua (Wallace, Han Niko)  
Weeks, Eric (Godshall, Anthony Francis)

**MUNICIPAL COURT****CIVIL LISTINGS**

MONDAY, JANUARY 5, 2026

2--

08:30 AM

1 Woods Charter School Development LLC v. Jakubowski

3--

8:45 A.M.

1 STENTON HOUSE APARTMENTS LP v. Wright

2 Bodek v. Livewell Properties

3 Lui v. Morand

4 1300 FAIRMOUNT, LLC v. SHARPE

6 Zheng v. Brown

7 BMCC, LLC v. Hankerson

8 Eastwick Joint Venture v. SMITH

9 Johnson v. Blango

10 Jennings v. Ruffin

08:30 AM

1 KING GODFREY LP v. Davis

2 MEJIAS v. RIVERA

3 FRONT STREET TWO LLC v. CABELLO

4 PHILADELPHIA LOTUS 01A LLC v. STROMAN

5 Rhedrik v. Smith

6 LINDY-7400 ROOSEVELT LP v. MCCLAIN

7 Poplar Development Property Owner LLC v. Barrett

8 LLC v. African American Youth

9 Xia v. Marte Peralta

10 Fedeleh v. White

11 5824-38 NORTH 13TH STREET OWNERS LLC v. WILLIAMS-MURRAY

12 CHENG v. SOSA

13 St Mary Sweet Home LLC v. Wilkinson

14 TWO RIVER HOLDINGS LLC v. Bassett

15 GALMAN CHESWICK 2012 LP v. Thompson

16 EMERSON FLATS 2019 LLC v. FLUELLEN

19 LAWALL v. DEAL

20 OZ FUND 1 LLC v. DUBLIN

22 DJD FUND C LLC v. DUBLIN

23 WYNNEFIELD TERR ASSOC v. LEE

24 Gregory Hampson v. Sheeron

25 B & C Management LLC v. FAGAN

26 SDG 3349 SCOTTS LANE LLC v. RANSOME

28 TCS ANIKA HOMES ACQUISITIONS 5 LLC v. ROBINSON

29 ALLEGHENY I HOUSING LP v. WILLIAMS

30 1912-20 Arch Street Associates LP v. KEENE

31 Northeast Apartment Association LP v. SIMPSON

32 MONIKA AMIN v. JOHNSON

33 STEVEN COHEN v. ABRAMS

34 SDG 6604 Ridge Ave LLC v. SAUNDERS

35 Gerard McCloy v. CHERUBIN

36 YI SUN v. GOMEZ MARIA

37 1220 North Broad Partners LLC v. GANTT

38 FATMA ALHASHEMI v. JONES

39 ROBERT GRANT v. NICOLE

40 CUMBERLAND EQUITIES HOLDINGS LLC v. KOSTERINA

41 OKH-PH v. TYSON

42 179 WARREN STREET LLC v. HALL-JOHNSON

## DISTRICT COURT

## MEMORANDA AND ORDERS

DECEMBER 30, 2025

BY HODGE, J.

USA v. Llamas; 21-0390; Because Defendant is ineligible for a sentence reduction under Amendment 821, his motion is denied.

BY PAPPERT, J.

USA v. Dorval; 23-0165; The Court credits Dorval for her accomplishments and encourages her to satisfactorily complete her term of supervised release.

BY ARTEAGA, J.

David M v. Frank Bisignano; 24-4273; The Commissioner's final decision is affirmed, and this matter is dismissed.

BY ALEJANDRO, J.

Givey v. Bondi et al; 25-0943; For the reasons set forth, Respondents' motion to dismiss is granted and the Petition for a writ of mandamus is dismissed in its entirety for lack of subject matter jurisdiction.

BY SLOMSKY, J.

Xoma Royalty Corporation v. Janssen Biotech, Inc.; 25-4484; For the foregoing reasons, and because there is sufficient ambiguity within the various disputed provisions of the Master Licensing Agreement and the Centocor Agreement, such that they are susceptible to more than one plausible interpretation, the Motion to Dismiss the Complaint will be denied.

BY HODGE, J.

USA v. Cintron; 89-0389; For the reasons stated above, the Court denies Defendant's motion for reduction of sentence, motion to apply retroactive guideline amendments, and motion to challenge the legality of his sentence.

## CIVIL ACTIONS

The defendant's name appears first, followed by the name of the plaintiff, the number, the nature of the suit and the name of plaintiff's attorney.

DECEMBER 31, 2025

Catwig LLC--Larris Wright; 25-07409; Diversity; G.A. McHugh.  
Geico Advantage Insurance Company--Andre Wilson; 25-07410; Diversity; T.J. Savage.  
Warden, Philadelphia Federal Detention Center, Philadelphia, PA--Jaxell Isaac Rodriguez-Bautista; 25-07411; U.S. Government Defendant; K.N. Scott.  
Electrolux Home Products, Inc.; Electrolux North America, Inc.--Great Northern Insurance Company; 25-07412; Diversity.  
Commissioner of the Social Security Administration--James G Serpillo;25-07413; U.S. Government Defendant.  
Novo Nordisk Inc.; Novo Nordisk A/S--Tracy Cross; 25-07414; Diversity; K.S. Marston.  
Novo Nordisk Inc.; Novo Nordisk A/S--Althea Smalls-Dubois; 25-07415; Diversity; K.S. Marston.  
Eli Lilly and Company; Lilly USA, LLC--Michele Broussard; 25-07416; Diversity; K.S. Marston.  
Trans Union LLC; Global Lending Services LLC--Nicole Johnson; 25-07417; Fed. Question; J.D. Wilson.  
Novo Nordisk A/S; Novo Nordisk, Inc.; Eli Lilly and Company--Erik Cortez; 25-07418; Diversity; K.S. Marston.

Warden of Federal Detention Center Philadelphia; Michael Rose; Todd Lyons--Wilson Fabian Plata Velasco; 25-07419; U.S. Government Defendant; G.A. McHugh.

David O'Neill; Kristi Noem; Pamela Bondi--Mamur Nasimov; 25-07420; U.S. Government Defendant; N.J.Q. Alejandro.

Pamela Bondi; Kristi Noem; Todd Lyons--Abdoulaye Sergent Diallo; 25-07421; U.S. Government Defendant.

Novo Nordisk Inc.; Novo Nordisk A/S--James Dale Desmond, Sr; 25-07422; Diversity; K.S. Marston.

State Farm Mutual Automobile Insurance Company--Bruce Tullio; 25-07424; Diversity; M.K. Costello.

Advantage Concrete Services, LLC; Kendall Monroe--Weinstein Brett; Celine Weinstein; 25-07425; Diversity.

Chewy, Inc.--Maryann Loughry; 25-07426; Diversity.

Secretary of the Dep Kristi Noem; Attorney General Pamela Bondi; Director Todd M Lyons--Wilmin Vasquez-Rosario; 25-07427; U.S. Government Defendant.

Equifax Information Services, LLC--Andre D. Goldsmith; 25-07429; Fed. Question; M.M. Bayson.

Experian Information Solutions, Inc.--Andre D. Goldsmith; 25-07430; Fed. Question; M.M. Bayson.

Commissioner of Social Security--Tammy Cross; 25-07432; U.S. Government Defendant.

## BANKRUPTCY COURT

## PETITIONS FILED

DECEMBER 31, 2025

(READING)

Chapter 7  
Edythe Aurora Oswald, 508 Barrington Rd, Macungie, PA 18062 -- Lynn E. Feldman; United States Trustee; 25-15273; no summaries listed; C. Laputka, atty.; P.M. Mayer, B.J.  
Thomas Anh-Vinh Ngoc Nguyen, 1015 West Livingston St, Whitehall, PA 18052 -- Christine C. Shubert; United States Trustee; 25-15274; no summaries listed; C. Laputka, atty.; P.M. Mayer, B.J.  
William Joseph Pasquale, 1905 Gring Drive, Wyomissing, PA 19610 -- Robert W. Seitzer;

United States Trustee; 25-15283; no summaries listed; D.W. Tidd, atty.; P.M. Mayer, B.J.

## Chapter 13

Jeffrey S. Olena, 397 Birchwood lane, Columbia, PA 17512 -- Scott F. Waterman [Chapter 13]; United States Trustee; 25-15275; no summaries listed; A.V. Grbach, atty.; P.M. Mayer, B.J.  
Michelle L. Butler, 200 Treeline Ct., Apt 107, Lancaster, PA 17603 -- United States Trustee; 25-15286; no summaries listed; J.M. S, atty.; P.M. Mayer, B.J.

DECEMBER 31, 2025

(PHILADELPHIA)

## Chapter 7

Julie M. Pestrak, 227 Indian Creek Road, Telford, PA 18969 -- Christine C. Shubert; United States Trustee; 25-15271; no summaries listed; D.P. Mudrick, atty.; D.J. Baker, B.J.

Maidehia T. Clyde, 1718 W. Diamond Street, Apt B, Philadelphia, PA 19121 -- Lynn E. Feldman; United States Trustee; 25-15272; no summaries listed; M.T. Clyde, atty.; P.M. Mayer, B.J.

Sheerion Daveena Chantella Horton, 5013 N. 12th Street, 1st Floor, Philadelphia, PA 19141 -- Christine C. Shubert; United States Trustee; 25-15276; no summaries listed; A.B. Ginsburg, atty.; P.M. Mayer, B.J.

Priscila Garcia, 3009 Longshore Ave, Philadelphia, PA 19149 -- Lynn E. Feldman; United States Trustee; 25-15277; no summaries listed; M.A. Cibik, atty.; D.J. Baker, B.J.

Emrlije Dauti, 1815 Hoffnagle Street, Philadelphia, PA 19152 -- Robert W. Seitzer; United States Trustee; 25-15278; no summaries listed; D.J. Averett, atty.; D.J. Baker, B.J.

Maria A. Roepel, 613 Sampson Avenue, Willow Grove, PA 19090 -- Christine C. Shubert; United States Trustee; 25-15281; no summaries listed; P.H. Young, atty.; A.M. Chan, B.J.

Marquis Butler, 3701 Conshohocken Ave Apt 1014, Philadelphia, PA 19131 -- Lynn E. Feldman; United States Trustee; 25-15282; no summaries listed; M.A. Cibik, atty.; P.M. Mayer, B.J.

Suanne Garfield Bernacki, 80 West Baltimore Avenue, Apartment C404, Lansdowne, PA 19050 -- Robert W. Seitzer; United States Trustee; 25-15287; no summaries listed; V.A. Piontek, atty.; D.J. Baker, B.J.

Tiana Christie Belton, 1700 Butler Pike, Apartment 37E, Conshohocken, PA 19428 -- Christine C. Shubert; United States Trustee; 25-15288; no summaries listed; V.A. Piontek, atty.; A.M. Chan, B.J.

## Chapter 13

Roland Jenkins, 734 South 57th Street, Philadelphia, PA 19143 -- Kenneth E. West; United States Trustee; 25-15270; no summaries listed; P.H. Young, atty.; D.J. Baker, B.J.

Charles L. Leffert, 3013 Saddlewood Drive, Pennsburg, PA 18073 -- United States Trustee; 25-15279; no summaries listed; P.H. Young, atty.; A.M. Chan, B.J.

Justin Adams, 1126 E Barringer St, Philadelphia, PA 19119 -- United States Trustee; 25-15280; no summaries listed; M.A. Cibik, atty.; A.M. Chan, B.J.

Teimuraz Mukhiashvili, 9906 Bustleton Ave Apt F7, Philadelphia, PA 19115 -- United States Trustee; 25-15284; no summaries listed; M.A. Cibik, atty.; A.M. Chan, B.J.

Dishon J. Dawson, 204 Elgin Court, Wayne, PA 19087 -- United States Trustee; 25-15285; no summaries listed; D.B. Spitofsky, atty.; A.M. Chan, B.J.

## DISTRICT COURT

## MEMORANDA AND ORDERS

DECEMBER 31, 2025

BY McHUGH, J.

S. et al v. Upper Darby School District; 25-2389; For the reasons set forth above, Defendant's Motion to Dismiss has been granted in part and denied in part.

BY HODGE, J.

Saint Cyr Migwell Mardet v. J.L. Jamison, et al; 25-7169; For the aforementioned reasons, Petitioner's detention without a bond hearing offends the INA and the Due Process Clause of the Fifth Amendment.

BY HODGE, J.

USA v. Smith et al; 88-0519; For the foregoing reasons, the Court denies Defendant's Motion to Reduce Sentence as well as his Motions to Seal the Supplements.

## CIVIL ACTIONS

The defendant's name appears first, followed by the name of the plaintiff, the number, the nature of the suit and the name of plaintiff's attorney.

DECEMBER 31, 2025

Everquote, Inc.--James E. Shelton; 26-00001; Fed. Question.

US Attorney General Pamela Jo Bondi; Todd M. Lyons; Federal Detention Center Philadelphia; Warden--Juan David Lopez Yepes; Secretary Kristi Noem; 26-00002; U.S. Government Defendant.

Warden JL Jamison; Acting Director Brian McShane; Acting Director Todd Lyons--Roger Augusto Torres Martinez; 26-00003; U.S. Government Defendant.

Warden JL Jamison; Acting Director Brian McShane; Acting Director Todd Lyons--Roger Augusto Torres Martinez; 26-00004; U.S. Government Defendant.

## ORPHANS' COURT DIVISION

## HEARINGS AND CONFERENCES

Before RAMY I. DJERASSI, J.  
FOR THE WEEK OF JANUARY 5, 2025  
MON., JANUARY 5, 2025

## NO HEARINGS SCHEDULED

TUES., JAN. 06, 2026

11:00 A.M. HEARING, via ZOOM

Estate of Angela Fulginiti, 1068 AI 2025/253868; M. Szymbroski, M. Fioravanti.

WED., JAN. 07, 2026

1:00 P.M. HEARING, via ZOOM

Estate of Margaret Bebo, 1027 DE 2025/253642; R. Bembry, D. Devlin.

2:00 P.M. HEARING, COURTROOM 414

Estate of Charles Ronn, 457 DE 2021/252004; R. Bembry.

THURS., JAN. 08, 2026

2:00 P.M. via ZOOM

Estate of James Ellerbe, 181 AI 2025/250862; L. Walters, D. Nagel.

FRI., JAN. 09, 2026

10:00 A.M. COURTROOM 414

Estate of Jose Manuel Nova, 1131 DE 2024/243748; S. Toppin, N. Hark.

2:00 P.M. HEARING, via ZOOM

Estate of Abigail Griffith, 1296 AI 2025/254640; J. Bernstein.

## HEARINGS AND CONFERENCES

Before OVERTON, J.  
FOR THE WEEK OF JANUARY 5, 2025

MON., JANUARY 5, 2025

NO HEARINGS SCHEDULED

TUES., JAN. 06, 2026

NO HEARINGS SCHEDULED

WED., JAN. 07, 2026

NO HEARINGS SCHEDULED

THURS., JAN. 08, 2026

NO HEARINGS SCHEDULED

FRI., JAN. 09, 2026

NO HEARINGS SCHEDULED

## HEARINGS AND CONFERENCES

Before SHEILA WOODS-SKIPPER, J.  
FOR THE WEEK OF JANUARY 5, 2025

MON., JANUARY 5, 2025

NO HEARINGS SCHEDULED

TUES., JAN. 06, 2026

9:30 A.M. REVIEW HEARING, via ZOOM

Estate of Emma Pasion, IC, ACT, 967IC of 2021, #254838; J. Bernstein, K. Trainer, et al.

WED., JAN. 07, 2026

9:30 A.M. EVIDENTIARY HEARING

Commonwealth v. Khalif Alston, Stout center.

1:00 P.M. PCRA DAY (CRIMINAL COURT), ACT, via ZOOM

THURS., JAN. 08, 2026

9:30 A.M. REVIEW HEARING, via ZOOM

Estate of Arlene Storti, IC, ACT, 1048IC of 2025; J. Stutman Izes, D. Jaskowiak, et al.

10:30 A.M. REVIEW HEARING, via ZOOM

Estate of Doris Davis, ACT, 1062IC of 2025; S. Dawson, J. Peterson.

FRI., JAN. 09, 2026

NO HEARINGS SCHEDULED

Lateral Hires

Benchmark Financials

Strategic Merger Analysis

Diversity Insights

Events &amp; Retreats Insights

Emerging Legal News

Surveys &amp; Reports

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## Court Notices

continued from 1

### IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: SCHEDULE OF HOLIDAYS FOR No. 646 Judicial Administration Docket YEAR 2027 FOR STAFFS OF THE APPELLATE COURTS AND THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### ORDER

##### PER CURIAM:

AND NOW, this 5<sup>th</sup> day of November, 2025, it is hereby ordered that the following paid holidays for calendar year 2027 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 01, 2027	New Year's Day
January 18, 2027	Martin Luther King, Jr. Day
February 15, 2027	Presidents' Day
March 26, 2027	Good Friday
May 31, 2027	Memorial Day
June 18, 2027	Juneteenth
July 05, 2027	Independence Day
September 06, 2027	Labor Day
October 11, 2027	Columbus Day
November 11, 2027	Veterans' Day
November 25, 2027	Thanksgiving Day
November 26, 2027	Day after Thanksgiving
December 24, 2027	Christmas

### FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

No. 27 of 2025

#### President Judge General Court Regulation

*In re: Adoption of Philadelphia Court of Common Pleas Domestic Relations Rules 1940.3 and 1940.4*

#### ORDER

AND NOW, this 16th day of December, 2025, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on November 20, 2025, to adopt Phila.DR.R. 1940.3 and 1040.4, as attached to this Order, and as required by Pa.R.J.A. 103, the Supreme Court Domestic Relations Procedural Rules Committee has reviewed the attached local rules, has determined that Phila. DR.R. 1940.3 and 1940.4 are not inconsistent with applicable statewide rules and has authorized their promulgation.

NOW, therefore, it is hereby ORDERED and DECREED *Philadelphia Court of Common Pleas Domestic Relations Rules 1940.3 and 1940.4* are adopted, as attached, effective thirty days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), the local rule which follows this Order was submitted to the Supreme Court of Pennsylvania Orphans' Court Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the local rule is not inconsistent with any general rule of the Supreme Court. This Order and the attached local rule shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rule, as well as one copy of the Administrative Order and local rule shall be distributed for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media, Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ Nina Wright Padilla

NINA WRIGHT PADILLA  
President Judge, Court of Common Pleas  
Philadelphia County

#### Custody Mediation Orientation

#### Order for Orientation Session and Mediation. Selection of Mediator

#### Rule 1940.3

- (a) Except as provided in (c) below, in an action for modification of custody, the parties shall attend a custody mediation orientation session prior to the scheduled Custody Conciliation Conference.
- (b) An orientation session is an initial meeting between parties, and a mediator pursuant to Local Rule 1940.4 below, to educate the parties concerning the mediation process so that an informed choice can be made about continued participation in that process. The mediation is confidential at the point, if any, that mediation commences during, or after, the initial orientation session.
- (c) An orientation session shall not be mandated if a party or a party's child is or has been the subject of abuse either during the pendency of the action or within 24 months preceding the filing of the action.

#### Rule 1940.4

#### Minimum Qualifications for Mediators

(a) A mediator must meet, at a minimum, the following requirements:

1. hold a post-graduate level degree in law, or a mental health field such as a psychiatry, psychology, counseling or family therapy.
2. have successfully completed basic training in a divorce and custody mediation program approved by the Academy of Family Mediators or equivalent program, such as a program approved by the Academy of Matrimonial Lawyers, or its substantial equivalent.
3. certify that Mediator Professional Liability Insurance is maintained.
4. continued compliance with the ethical standards and any continuing educational requirements of the Academy of Family Mediators, the Academy of Matrimonial Lawyers, or their substantial equivalent.

(b) The Court shall have the authority, upon cause shown, to decertify any Philadelphia County custody mediator who has not complied with the foregoing local rule.

### IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:

NO. 1028

ORDER AMENDING RULES 1241, 1242, 1501, 1514, 1601, AND 1608 OF THE PENNSYLVANIA RULES OF JUVENILE COURT PROCEDURE

### SUPREME COURT RULES DOCKET ORDER

##### PER CURIAM

AND NOW, this 1<sup>st</sup> day of December, 2025, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 54 Pa.B. 2065 (April 20, 2024):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1241, 1242, 1501, 1514, 1601, and 1608 of the Pennsylvania Rules of Juvenile Court Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2026.

Additions to the rule are shown in bold and are underlined. Deletions from the rule are shown in bold and brackets.

#### Rule 1241. Notification of Shelter Care Hearing.

**[A.]** **(a)** **Generally.** The applicant for the shelter care hearing shall notify the following persons of the date, time, and place of the shelter care hearing:

- (1) the child;
- (2) the guardian(s) of the child;
- (3) the attorney for the child;
- (4) the attorney(s) for the guardian(s);
- (5) the attorney for the county agency;
- (6) the county agency; **[and]**
- (7) the potential kinship care resource, if the child is removed from home or removal has been requested; and**

**[A.]** **(8)** any other appropriate person.

**[B.]** **(b)** **Counsel.** The guardian of the child shall be notified of the right to counsel immediately after a child is taken into protective custody and before a shelter care hearing.

**Comment:** Notice should be as timely as possible. Because there is a **[seventy-two]** 72-hour time restriction, notice may be oral. Every possible attempt to notify all parties is to be made. It is not sufficient to notify only one guardian. All guardians are to be notified. *See In re M.L., [562 Pa. 646, 757 A.2d 849 (Pa. 2000)]*.

The hearing may go forward if a guardian is not present. However, if a guardian has not been notified, a rehearing is to be ordered under Rule 1243 upon submission of an affidavit by the guardian.

The court is to direct the county agency to provide the child's foster parent, preadoptive parent, **[or]** relative providing care for the child, **or a potential kinship care resource** with timely notice of the hearing. *See 42 Pa.C.S. § 6336.1.*

**Regarding subdivision (a)(7), see 42 Pa.C.S. § 6302 for the definition of "potential kinship care resource."** Once a potential kinship care resource has addressed the court as to the individual's qualifications, the court is to decide whether the potential kinship care resource may receive notice of, or participate in, future hearings. *See Pa.R.J.C.P. 1242(c)(7).* If the court decides that the potential kinship care resource is not to receive notice of future hearings, notice to that individual is no longer required.

If a court appointed special advocate is involved in the case, the court appointed special advocate is to be notified as any other appropriate person pursuant to **[paragraph (A)(7)] subdivision (a)(8).** **[Official Note: Rule 1241 adopted August 21, 2006, effective February 1, 2007.**

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1241 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).]

#### Rule 1242. Shelter Care Hearing.

**(a)** **Informing of Rights.** Upon commencement of the hearing, the court shall ensure that:

- (1)** a copy of the shelter care application is provided to the parties; and

## Court Notices

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(2) all parties are informed of the right to counsel.

(b) **Manner of Hearing.**

① **Conduct.** The hearing shall be conducted in an informal but orderly manner.

② **Recording.** If requested, or if ordered by the court, the hearing shall be recorded by appropriate means. If not so recorded, full minutes of the hearing shall be kept.

③ **Testimony and Evidence.** All evidence helpful in determining the questions presented, including oral or written reports, may be received by the court and relied upon to the extent of its probative value even though not competent in the hearing on the petition. The child's attorney, the guardian, if unrepresented, and the attorney for the guardian shall be afforded an opportunity to examine and controvert written reports so received.

④ **Advanced Communication Technology.** Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.

(c) **Findings.** The court shall determine whether:

- (1) there are sufficient facts in support of the shelter care application;
- (2) the county agency has reasonably engaged in family finding;
- (3) custody of the child is warranted after consideration of the following factors:
  - (i) remaining in the home would be contrary to the welfare and best interests of the child;
  - (ii) reasonable efforts were made by the county agency to prevent the child's placement;
  - (iii) the child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there are no less restrictive alternatives available; and
  - (iv) the lack of efforts was reasonable in the case of an emergency placement where services were not offered;
- (4) a person, other than the county agency, submitting a shelter care application, is a party to the proceedings;
- (5) there are any special needs of the child that have been identified and that the court deems necessary to address while the child is in shelter care; **[and]**
- (6) the county agency has made efforts to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1203**[.and]**;
- (7) **the potential kinship care resource may receive notice of, or participate in, future hearings, if custody of the child is warranted and the potential kinship care resource has addressed the court as to the individual's qualifications.**

(d) **Prompt Hearing.** The court shall conduct a hearing within 72 hours of taking the child into protective custody. The parties shall not be permitted to waive the shelter care hearing.

(e) **Court Order.** At the conclusion of the shelter care hearing, the court shall enter a written order setting forth:

- (1) its findings pursuant to subdivision (c);
- (2) any conditions placed upon any party;
- (3) any orders regarding family finding pursuant to Rule 1149;
- (4) any orders for placement or temporary care of the child;
- (5) any findings or orders necessary to ensure the stability and appropriateness of the child's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147;
- (6) any findings or orders necessary to identify, monitor, and address the child's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed;
- (7) any orders of visitation; and
- (8) whether there is reason to know the child is an Indian child pursuant to Rule 1203.

**Comment:** Pursuant to subdivision (b)(4), it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.

Pursuant to subdivision (c), the court is to make a determination that the evidence presented with the shelter care application under Rule 1240 is supported by sufficient facts. After this determination, the court is to determine whether the custody of the child is warranted by requiring a finding that: 1) remaining in the home would be contrary to the health and welfare of the child; 2) reasonable efforts were made by the county agency to prevent the placement of the child; 3) the child was placed in the least restrictive placement available; and 4) if the child was taken into emergency placement without services being offered, the lack of efforts by the county agency was reasonable. Additionally, the court is to state the reasons why there are no less restrictive alternatives available.

Family finding is to be initiated prior to the shelter care hearing. **[See] See Comment to Rule 1149 as to level of reasonableness.**

Pursuant to subdivision (c)(2), the court is to make a determination whether the county agency has reasonably engaged or is to engage in family finding in the case. The county agency will be required to report its diligent family finding efforts at subsequent hearings. See Rule 1149 for requirements of family finding. See also Rules 1408(b), 1512(D)(1)(h), 1514(a)(4), 1608(d)(1)(viii), and 1610(D) and their Comments for the court's findings as to the county agency's satisfaction of the family finding requirements and Rules 1210(d), 1409(c) and 1609(D) and Comments to Rules 1408, 1409, 1512, 1514, 1515, and 1608-1611 on the court's orders.

Pursuant to subdivision (c)(4), the court is to determine whether a person is a proper party to the proceedings. Regardless of the court's findings on the party status, the court is to determine if the application is supported by sufficient evidence.

The court is required to inquire and determine whether any participants have reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. **See Pa.R.J.C.P. 1203.**

**Regarding subdivision (c)(7), see 67 Pa.C.S. § 7507(c) for the Kinship Care Program.**

Under subdivision (d), the court is to ensure a timely hearing. Nothing in subdivision (d) is intended to preclude the use of stipulations or agreements among the parties, subject to court review and acceptance at the shelter care hearing.

**See 42 Pa.C.S. § 6332 (Informal Hearing).**

Pursuant to subdivision (e), the court is to enter a written order. It is important that the court address any special needs of the child while the child is in shelter care. The child's attorney or the county agency is to present any educational, health care, and disability needs to the court, if known at the time of the hearing. These needs may include a child's educational stability, needs concerning early intervention, remedial services, health care, and disability. If the court determines a child is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 1147.

The court's order should address the child's educational stability, including the right to an educational decision maker. The order should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. §§ 1400 *et seq.*; 4) the educational services necessary to support the child's transition to successful adulthood pursuant to 42 Pa.C.S. § 6351 if the child is 14 or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days.

When addressing the child's health and disability needs, the court's order should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services, 55 Pa. Code § 3800.32 and 42 U.S.C. § 1396d(r); and 2) a child with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 C.F.R. §§ 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. §§ 84.1 *et seq.*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. **See 42 Pa.C.S. § 6339(b).**

Nothing in this rule prohibits informal conferences, narrowing of issues, if necessary, and the court making appropriate orders to expedite the case. The shelter care hearing may be used as a vehicle to discuss the matters needed and narrow the issues. The court is to ensure a timely adjudicatory hearing is held.

**[See 42 Pa.C.S. § 6339 for orders of physical and mental examinations and treatment.]**

See Rule 1330(a) for filing of a petition.

**SUPREME COURT OF PENNSYLVANIA  
JUVENILE COURT PROCEDURAL RULES COMMITTEE**

**ADOPTION REPORT**

## Court Notices

continued from previous page

### Amendment of Pa.R.J.C.P. 1241, 1242, 1501, 1514, 1601, and 1608

On December 1, 2025, the Supreme Court amended Pennsylvania Rules of Juvenile Court Procedure 1241, 1242, 1501, 1514, 1601, and 1608 to implement the Act of December 14, 2023, P.L. 412, No. 48, concerning “potential kinship care resources.” The Juvenile Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See Pa.R.J.A. 103, cmt.* The statements contained herein are those of the Committee, not the Court.

Effective February 12, 2024, the Act added a definition of “potential kinship care resource” to the Juvenile Act, 42 Pa.C.S. § 6302. The Act also amended 42 Pa.C.S. § 6336.1(a) to require county agencies to provide notice of permanency hearings to potential kinship care resources. The potential resource then has the right to be heard at the hearing as to the resource’s qualifications to provide kinship care. Thereafter, the court must decide whether the resource may receive notice of, or participate in, future hearings.

The Committee published a proposal to amend Pa.R.J.C.P. 1601 and 1608 for comment. *See* 54 Pa.B. 2065 (April 20, 2024). Pa.R.J.C.P. 1601(a)(5) was proposed to be amended to include “potential kinship care resource” as a person to receive notice of the permanency hearing. Additionally, a new subdivision (d)(1)(xviii) was proposed to be added to Pa.R.J.C.P. 1608 to require a finding on whether the potential kinship care resource should receive notices of future hearings.

One comment was received. The commenter supported the proposed amendments and suggested adding specific references to the Act and 55 Pa. Code § 3700.70 (Temporary and Provisional Approvals of Foster Families) to indicate the intent of the Act and to provide definitional guidance. The Committee appreciated the comment but believed the statutes and regulations should speak for themselves.

Post-publication, the Committee revised the proposed amendment of Pa.R.J.C.P. 1601 to move the notice requirement to a potential kinship care resource from subdivision (a)(5), where it was included in the notice requirement to the parents, child’s foster parent, preadoptive parent, or relative providing care for the child, to subdivision (a)(8), as a standalone notice requirement. Given that a child may not always be removed from home as part of a disposition, the Committee further revised Pa.R.J.C.P. 1601(a)(8) to make notice to a potential kinship care resource of the permanency hearing conditional on whether the child has been removed from home or removal has been requested.

Moreover, the Committee expanded the notice requirement to potential kinship care resources to include the shelter care hearing, Pa.R.J.C.P. 1241(a)(7), and the dispositional hearing, Pa.R.J.C.P. 1501(h). Additionally, the proposed commentary accompanying Pa.R.J.C.P. 1601 was carried over to these rules. The Committee also included the Pa.R.J.C.P. 1608(d)(1)(xviii) finding requirement in Pa.R.J.C.P. 1242(c)(7) and 1514(a)(7). This expansion was predicated on the requirements of the Act being applied if a child has been removed from home under a voluntary placement agreement or is in the legal custody of the county agency. *See* 42 Pa.C.S. § 6336.1(a) (citing 67 Pa.C.S. § 7507(c)).

Aside from stylistic revisions, the following commentary has been removed:

#### Pa.R.J.C.P. 1241

Official Note: Rule 1241 adopted August 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:* Final Report explaining the provisions of Rule 1241 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006).

#### Pa.R.J.C.P. 1242

See 42 Pa.C.S. § 6339 for orders of physical and mental examinations and treatment.

#### Pa.R.J.C.P. 1501

Official Note: Rule 1501 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011.

*Committee Explanatory Reports:* Final Report explaining the provisions of Rule 1501 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1501 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011).

#### Pa.R.J.C.P. 1601

Official Note: Rule 1601 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended May 17, 2018, effective October 1, 2018.

*Committee Explanatory Reports:* Final Report explaining the provisions of Rule 1601 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1601 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 1601 published with the Court’s Order at 48 Pa.B. 3321 (June 2, 2018).

The court or its designee shall give notice of the dispositional hearing to:

- [(1)](a) all parties;
- [(2)](b) the attorney for the county agency;
- [(3)](c) the child’s attorney;
- [(4)](d) the guardian’s attorney;
- [(5)](e) the parents, child’s foster parent, preadoptive parent, or relative providing care for the child;
- [(6)](f) the court appointed special advocate, if assigned;
- [(7)](g) the educational decision maker, if applicable; [and]
- [(8)](h) the potential kinship care resource, if the child is removed from home or removal has been requested; and
- (i) any other persons as directed by the court.

**Comment:** Regarding subdivision (h), see 42 Pa.C.S. § 6302 for the definition of “potential kinship care resource.” Once a potential kinship care resource has addressed the court as to the individual’s qualifications, the court is to decide whether the potential kinship care resource may receive notice of, or participate in, future hearings. *See* Pa.R.J.C.P. 1514(a)(7). If the court decides that the potential kinship care resource is not to receive notice of future hearings, notice to that individual is no longer required.

**Official Note:** Rule 1501 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011.

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1501 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1501 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011).]

#### Rule 1514. Dispositional Finding Before Removal from Home.

- (a) **Required Findings.** Prior to entering a dispositional order removing a child from the home, the court shall state on the record in open court the following specific findings:
  - (1) Continuation of the child in the home would be contrary to the welfare, safety, or health of the child;
  - (2) The child’s placement is the least restrictive placement that meets the needs of the child, supported by reasons why there is no less restrictive alternative available;
  - (3) If the child has a sibling who is subject to removal from the home, whether reasonable efforts were made prior to the placement of the child to place the siblings together or whether such joint placement is contrary to the safety or well-being of the child or sibling;
  - (4) The county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding;
  - (5) One of the following:
    - (i) Reasonable efforts were made prior to the placement of the child to prevent or eliminate the need for removal of the child from the home, if the child has remained in the home pending such disposition; or
    - (ii) If preventive services were not offered due to the necessity for emergency placement, whether such lack of services was reasonable under the circumstances; or
    - (iii) If the court previously determined that reasonable efforts were not made to prevent the initial removal of the child from the home, whether reasonable efforts are under way to make it possible for the child to return home; and
  - (6) The county agency has provided a permanency plan and services pursuant to 67 Pa.C.S. § 7504[,] and
  - (7) If a potential kinship care resource has addressed the court as to the individual’s qualifications, then whether the potential kinship care resource may receive notice of, or participate in, future hearings.
- (b) **Aggravated Circumstances.** If the court has previously found aggravated circumstances to exist and that reasonable efforts to remove the child from the home or to preserve and reunify the family are not required, a finding pursuant to subdivision (a)(5)(i)–(a)(5)(iii) is unnecessary.

**Comment:** *See* 42 Pa.C.S. § 6351(b).

Pursuant to subdivision (a)(3), the court is to utilize reasonable efforts in placing siblings

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The amendments become effective July 1, 2026.

**Rule 1501. Dispositional Notice.**

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together unless it is contrary to the safety or well-being of a child or sibling. *See* 42 U.S.C. § 675 (Fostering Connections).

Pursuant to subdivision (a)(4), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. *See* 67 Pa.C.S. §§ 7501 *et seq.* *See also* Pa.R.J.C.P. 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C), and *Comments* to Pa.R.J.C.P. 1242, 1408, 1409, 1512, 1515, and 1608—1611.

Pursuant to subdivision (a)(6), specific requirements for a permanency plan and services exist when the court orders the temporary transfer of a child's legal custody pursuant to 42 Pa.C.S. § 6351(a)(2). *See* 67 Pa.C.S. § 7504.

**Regarding subdivision (a)(7), see 67 Pa.C.S. § 7507(c) for the Kinship Care Program.**

**Rule 1601. Permanency Hearing Notice.**

**[A.](a)** At least **[fifteen]** **15** days prior to the hearing, the court or its designee shall give notice of the permanency hearing to:

- (1) all parties;
- (2) the attorney for the county agency;
- (3) the child's attorney;
- (4) the guardian's attorney;
- (5) the parents, child's foster parent, preadoptive parent, or relative providing care for the child;
- (6) the court appointed special advocate, if assigned;
- (7) the educational decision maker, if applicable; **[and]**
- (8) the potential kinship care resource, if the child is removed from home or removal has been requested; and**
- [**(8)]**(9)** any other persons as directed by the court.****

**[B.](b)** If a party intends to request a goal change from reunification, then either the notice shall state this purpose or the party shall give separate notice of the intended goal change in accordance with **[paragraph (A)] subdivision (a).**

**Comment:** *Regarding subdivision (a)(8), see 42 Pa.C.S. § 6302 for the definition of "potential kinship care resource."* Once a potential kinship care resource has addressed the court as to the individual's qualifications, the court is to decide whether the potential kinship care resource may receive notice of, or participate in, future hearings. *See* Pa.R.J.C.P. 1608(d)(1) (xviii). If the court decides that the potential kinship care resource is not to receive notice of future hearings, notice to that individual is no longer required.

Given the significance of discontinuing the goal of reunification, the requirement of **[paragraph (B)] subdivision (b)** is to ensure that parties, counsel, and interested persons have notice of the purpose of the hearing and are able to prepare for and attend the hearing.

**[Official Note: Rule 1601 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended May 17, 2018, effective October 1, 2018.**

**Committee Explanatory Reports:**

Final Report explaining the provisions of Rule 1601 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1601 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 1601 published with the Court's Order at 48 Pa.B. 3321 (June 2, 2018). Rule 1608. Permanency Hearing.

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**(d) Court's Findings.**

**(1) Findings at all Six-Month Hearings.** At each permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

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**(xvi)** whether sufficient steps have been taken by the county agency to ensure the child has been provided regular, ongoing opportunities to engage in age-appropriate or developmentally-appropriate activities, including:

- (A) consulting the child in an age-appropriate or developmentally-appropriate manner about the opportunities to participate in activities; and
- (B) identifying and addressing any barriers to participation; **[and]**

**(xvii)** whether the visitation schedule for the child with the child's guardian is adequate, unless a finding is made that visitation is contrary to the safety or well-being of the child**[.]; and**

**(xviii)** **if a potential kinship care resource has addressed the court as to the individual's qualifications, then whether the potential kinship care resource may receive notice of, or participate in, future hearings.**

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**Comment:** *See* 42 Pa.C.S. §§ 6341, 6351.

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Pursuant to subdivision (d)(1)(xv), the county agency is to testify and enter evidence into the record on how it took sufficient steps to ensure the caregiver is exercising the reasonable and prudent parent standard. For the definition of "caregiver" and the "reasonable and prudent parent standard," see Rule 1120. Pursuant to subdivision (d)(1)(xvi), when documenting its steps taken, the county agency is to include how it consulted with the child in an age-appropriate or developmentally-appropriate manner about the opportunities of the child to participate in activities. For the definition of "age-appropriate or developmentally-appropriate," see Rule 1120. These additions have been made to help dependent children have a sense of normalcy in their lives. These children should be able to participate in extracurricular, enrichment, cultural, and social activities without having to consult caseworkers and ask the court's permission many days prior to the event. *See also* Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), 42 U.S.C. §§ 675 and 675a (2014).

**Regarding subdivision (d)(1)(xviii), see 67 Pa.C.S. § 7507(c) for the Kinship Care Program.**

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### IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:

NO. 770

ORDER ADOPTING RULE 1930.11 OF  
THE PENNSYLVANIA RULES OF  
CIVIL PROCEDURE :

CIVIL PROCEDURAL  
RULES DOCKET

### ORDER

PER CURIAM

AND NOW, this 26<sup>th</sup> day of November, 2025, upon the recommendation of the Domestic Relations Procedural Rules Committee, the proposal having been published for public comment at 55 Pa.B. 2732 (April 12, 2025):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1930.11 of the Pennsylvania Rules of Civil Procedure is adopted in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2026.

### SUPREME COURT OF PENNSYLVANIA DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE

#### ADOPTION REPORT

#### Adoption of Pa.R.Civ.P. 1930.11

On November 26, 2025, the Supreme Court adopted Pennsylvania Rule of Civil Procedure 1930.11 to permit the use of "facsimile signatures" on documents filed pursuant to Pa.R.Civ.P. 1901-1959. The Domestic Relations Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

The Committee had been studying whether facsimile signatures should be accepted in addition to "wet" or pen-and-ink signatures on documents filed with the court. The Committee believed that the sole requirement of a wet signature is archaic because, in more modern practice, the entire case record may be digital and never exist in physical form. Further, with the remote practice of law or multi-office/multi-county practices, obtaining a client's wet signature prior to filing causes unnecessary delay and expense when signed documents are mailed, and an unnecessary inconvenience when documents must be signed in person. Additionally, in family court matters, there is often insufficient time for the client to deliver a wet signed document to the attorney prior to filing.

The concept of a facsimile signature may be illustrated through reference to Pa.R.E. 902(4) concerning the self-authentication of certified copies of public records. In relevant part, that rule states: "A certificate required by paragraph (4)(B) may include a handwritten signature, a copy of a handwritten signature, a computer generated signature, or a signature created, transmitted, received, or stored by electronic means, by the signer or by someone with the signer's authorization. A seal may, but need not, be raised." Its Comment, in relevant part, states: "Pa.R.E. 902(4) differs from F.R.E. 902(4) insofar as the rule does not require the certificate to include a pen-and-ink signature or raised seal for the self-authentication of public documents."

Pa.R.Civ.P. 76 does not define a "signature"; rather it provides examples of what may constitute a "signature." Only with reference to documents produced by a court does Pa.R.Civ.P. 76 include "a handwritten signature, a copy of a handwritten signature, a computer generated signature or a signature created, transmitted, received, or stored by electronic means, by the signer or by someone with the signer's authorization." These examples do not include documents filed with the

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court by parties. Therefore, originals of documents filed with the court by parties must contain a wet signature and, if e-filed, be retained by the parties.

The Committee published for comment proposed Pa.R.Civ.P. 1930.11 to permit the use of facsimile signatures. *See* 55 Pa.B. 2732 (April 12, 2025). The language of the proposed rule was borrowed from the examples of “signature” in Pa.R.Civ.P. 76, as applied to court-generated documents. The rule would not prohibit the use of commercial applications that allow users to “sign” a document electronically because the digital artifacts indicating the date and time when a document was signed and the electronic location of the signer permit authentication.

The Committee did not believe that a wet signature provides a significant safeguard against forgery. If a party is willing to forge a facsimile signature, then the party is likely inclined to also forge a wet signature. *See also* 18 Pa.C.S. § 4101(b) (defining a “writing” for the offense of forgery to include digital signatures). Nor did the Committee believe that a wet signature provided such an assurance of attribution to warrant its continued requirement. Notwithstanding, the Committee proposed adding cautionary citations to authority in the Comment advising readers that the form of a signature is not a shield against the consequences of the improper use of a signature. Any question pertaining to a signature can be raised by objection.

The Committee received one comment, which was in support of the proposal. Post-publication, the Committee discussed whether the inclusion of “stipulations” in the Comment to Pa.R.Civ.P. 1930.11, as proposed, might be interpreted to permit the use of facsimile signatures on agreements, *e.g.*, marital separation agreements, between the parties. That was not the intent of the rule. The Committee believed that those signatures may be governed by Pennsylvania’s Uniform Electronic Transactions Act, 73 P.S. §§ 2260.101 *et seq.* *See also* 73 P.S. § 2260.305 (permitting the parties to agree to attribution of an electronic signature to a person). However, the rule would not govern the validity of signatures on agreements between the parties outside of court. Accordingly, the Committee removed “stipulations” from the Comment to eliminate the potential for misinterpretation.

Yet, when an agreement is filed with the court, the original of that agreement should not be required to be filed. As is the requirement for civil pleadings in general, only a copy is required. *See* Pa.R.Civ.P. 1019(i). As an evidentiary matter, a duplicate of an agreement is admissible to the same extent as the original unless there is a genuine question raised about the original’s authenticity, or the circumstances make it unfair to admit the duplicate. *See* Pa.R.E. 1003. To reinforce that filing a copy of an agreement is sufficient in family court proceedings, the Committee added the last paragraph of the Comment.

This rule becomes effective on January 1, 2026.

<This is an entirely new rule.>

### Rule 1930.11. Signature.

When used in reference to documents filed pursuant to Pa.R.Civ.P. 1901-1959, a “signature” includes a handwritten signature, a copy of a handwritten signature, a computer-generated signature, or a signature created, transmitted, received, or stored by electronic means by the signer or by someone with the signer’s authorization, unless otherwise provided in these rules.

**Comment:** *See also* Pa.R.Civ.P. 76 (defining “signature”).

This rule is intended to permit the use of other forms of signature to be deemed the equivalent of a handwritten or “wet” signature on documents, including, but not limited to, pleadings and verifications. A signatory, regardless of the use of a signature in any permitted form, remains subject to sanctions pursuant to the Pennsylvania Rules of Civil Procedure, and penalties and liability as permitted by law. *See, e.g.*, Pa.R.Civ.P. 1023.4; Pa.R.Civ.P. 4019; 18 Pa.C.S. § 4904; 42 Pa.C.S. §§ 2503, 8351.

An original of an agreement, including a stipulation for entry of an agreed upon order, is not required to be filed. A duplicate of the agreement shall be admissible to the same extent as the original unless a genuine question is raised about the original’s authenticity, or the circumstances make it unfair to admit the duplicate. *See* Pa.R.E. 1003; Pa.R.Civ.P. 1019(i) (requiring a copy of an agreement to be attached to pleading).

### IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: ORDER ADOPTING RULE 210.1 AND AMENDING RULE 320 OF THE PENNSYLVANIA RULES OF CIVIL PROCEDURE GOVERNING ACTIONS AND PROCEEDINGS BEFORE MAGISTERIAL DISTRICT JUDGES

### ORDER

#### PER CURIAM

AND NOW, this 1<sup>st</sup> day of December, 2025, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 54 Pa.B. 2344 (May 4, 2024):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 210.1 is adopted and Rule 320 is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective April 1, 2026.

Additions to the rule are shown in bold and are underlined. Deletions from the rule are shown in bold and brackets.

### SUPREME COURT OF PENNSYLVANIA MINOR COURT RULES COMMITTEE

#### ADOPTION REPORT

##### Adoption of Rule 210.1 and Amendment of Rule 320 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges

On December 1, 2025, the Supreme Court adopted Rule 210.1 and amended Rule 514.1 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges. The rule changes are intended to add a prohibition on *ex parte* communications and establish procedures for stipulated judgments, respectively. The Minor Court Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

The Committee was advised that, on occasion, a plaintiff will file a request with the magisterial district court to mark the civil complaint settled and to request entry of a judgment in favor of the plaintiff. Frequently, the request is made *ex parte* and without the written consent of the defendant. The Committee saw the opportunity for misuse if the filing does not reflect notice to or consent by the defendant. The Committee examined methods to: (1) prohibit unauthorized *ex parte* communications with the magisterial district judge; and (2) develop a procedure for the parties to advise the magisterial district court of a settlement agreement that includes the entry of a stipulated judgment for the plaintiff.

The Committee first examined *ex parte* communications in magisterial district courts. Magisterial district judges and attorneys are bound by codes of conduct that prohibit unauthorized *ex parte* communication. *See* Rule 2.9 of the Rules Governing Standards of Conduct of Magisterial District Judges and Pa.R.P.C. 3.5 (respectively). In contrast, there is no similar obligation for parties. Thus, while magisterial district judges and attorneys have guidance concerning *ex parte* communications, the same cannot be said for a self-represented litigant who is not law trained.

The Committee reviewed prohibitions on *ex parte* communications by the parties in the Pennsylvania Rules of Juvenile Court Procedure. *See* Pa.R.J.C.P. 136 and 1136 (pertaining to delinquency and dependency proceedings, respectively). These rules are germane to the issue before the Committee and were used as the basis for developing Pa.R.Civ.P.M.D.J. 210.1.

Certain *ex parte* communications, *e.g.*, proceedings for emergency protective relief, are permitted in magisterial district court. *See* Pa.R.Civ.P.M.D.J. 1207 (pertaining to hearings for emergency protective relief). Moreover, Rule 2.9(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges identifies permissible *ex parte* communications, *e.g.*, scheduling, administrative, or emergency purposes.

Next, the phrase “stipulated judgment” is intended to mean a consensual judgment that is entered without a hearing by the magisterial district judge at the request of the parties. Because the Committee was informed that *ex parte* requests for stipulated judgments are being filed with magisterial district courts, it agreed on the necessity for a procedure to ensure that a defendant is an informed and active participant in a request to enter a stipulated judgment.

Pa.R.Civ.P.M.D.J. 320(B), pertaining to settlements, has been bifurcated. Subdivision (b) (1) reflects current subdivision (B), regarding a request to mark a civil action settled without the entry of a stipulated judgment. This provision may be used if the parties reach an out of court settlement that does not include the entry of a judgment by the court.

Subdivision (b)(2) includes new provisions relating to a stipulated judgment and emphasizes participation of the parties. Subdivision (b)(2)(ii) provides for a new statewide form to request entry of a stipulated judgment by the magisterial district court. The amount of the judgment will be entered on the form. The amount of the judgment will not include court costs insofar as those are determined by Pa.R.Civ.P.M.D.J. 206(B), are the responsibility of the unsuccessful party, and are reflected in the judgment.

Regarding subdivision (b)(2)(ii)(B)(I), which advises the defendant to review the terms of a settlement agreement, it was not the Committee’s intention to require judicial approval of the terms of these agreements. The primary risk to the defendant in entering a stipulated judgment is that the plaintiff may execute upon a judgment prematurely or that the levy may be excessive in relation to prior payments on the judgment. Should that occur, the defendant can file an objection to the levy pursuant to Pa.R.Civ.P.M.D.J. 413, which can be the subject of a request for reconsideration at the court of common pleas.

The Committee observes that parties inclined to negotiate a settlement, including a stipulated judgment, will have limited time, unless a continuance is sought, to negotiate an agreement, execute it, and file the request with the magisterial district court. However, parties who have achieved a mutually satisfactory outcome should be incentivized to proceed as directed in Pa.R.Civ.P.M.D.J. 320.

The Committee published the proposal for public comment. *See* 54 Pa.B. 2344 (May 4, 2024). The comment period ran through June 18, 2024 and the Committee received no comments in response to the publication.

The amendment takes effect on April 1, 2026.

— This is an entirely new rule —

# Court Notices

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## Rule 210.1. *Ex Parte* Communication.

- (a) Unless otherwise authorized by law or state court rule, no person shall communicate with the magisterial district judge in any way regarding matters pending before the magisterial district judge unless all parties:
  - (1) are present or have been copied if the communication is written or in electronic form; or
  - (2) have waived their presence or right to receive the communication.
- (b) If the magisterial district judge receives any unauthorized *ex parte* communication, the magisterial district judge shall inform all parties of the communication and its content.

**Comment:** Generally, communications should include all parties. No unauthorized *ex parte* communications with the magisterial district judge are to occur. Authorized *ex parte* communications include those made in connection with proceedings for emergency protective orders, *i.e.*, Pa.R.Civ.P.M.D.J. 1201 – 1211, which are *ex parte* proceedings. *See* Pa.R.Civ.P.M.D.J. 1207. Certain *ex parte* communications for scheduling, administrative, or emergency purposes that do not address substantive matters are permissible. *See* Rule 2.9(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges.

Attorneys are bound by Rule 3.5 of the Rules of Professional Conduct. Magisterial district judges are bound by Rule 2.9 of the Rules Governing Standards of Conduct of Magisterial District Judges.

Attorneys and judges understand the impropriety of *ex parte* communications regarding matters pending before the magisterial district court but many participants are not attorneys or judges. This rule ensures that all parties receive the same information that is being presented to the magisterial district judge so that it may be challenged or supplemented.

## Rule 320. Request to Withdraw Complaint; [Settlement] Settlements.

### [A(1)](a) Withdrawal of Complaint.

- (1) A plaintiff may withdraw the complaint prior to the commencement of the hearing by filing a written notice of withdrawal with the magisterial district court. Upon receipt of such notice, the magisterial district court shall [note]:
  - (i) mark the withdrawal of the complaint on the docket[;];
  - (ii) cancel any scheduled hearing, [(]except for a consolidated hearing on a cross-complaint pursuant to [Rule 315B],] Pa.R.Civ.P.M.D.J. 315B; and
  - (iii) notify the parties in writing that the complaint has been withdrawn.

[(2)](2) A withdrawal of the complaint filed prior to the commencement of the hearing shall be deemed to be without prejudice. The plaintiff may file a new complaint on the same cause of action upon payment of all applicable fees and costs.

### [B(1)](b) Settlements.

#### (1) Settlement Without Stipulated Judgment.

- (i) [The] Except as provided in subdivision (b)(2), pertaining to stipulated judgments, parties may file a written notice of settlement of the complaint with the magisterial district court at any time prior to the entry of judgment. The notice of settlement shall include the signatures of the parties. Upon receipt of such notice, the magisterial district judge shall:
  - (A) [the magisterial district court shall note the case settled on the docket,] mark the settlement of the complaint on the docket;
  - (B) cancel any scheduled hearing [(], except for a consolidated hearing on a cross-complaint pursuant to [Rule 315B],] Pa.R.Civ.P.M.D.J. 315B; and
  - (C) notify the parties in writing that the complaint has been marked settled.

[(2)](ii) [Where the parties have filed a notice of settlement with the magisterial district court] If the magisterial district court has previously marked the complaint as settled pursuant to subdivision (b)(1)(i) and a subsequent breach of the settlement agreement occurs, a party may file a new complaint citing breach of the settlement agreement as the cause of action.

#### (2) Settlement with Stipulated Judgment.

- (i) The parties may file a written notice of a stipulated judgment as part of a settlement agreement at any time prior to the entry of judgment.
- (ii) The notice shall be made on a form promulgated by the State Court Administrator that shall include:
  - (A) the amount of the stipulated judgment, which shall include fees but not court costs;
  - (B) a notice to the defendant advising that:
    - (I) the defendant should review the settlement agreement to ensure familiarity with and acceptance of its terms;
    - (II) a judgment will be entered against the defendant on the docket of the magisterial district court; and
    - (III) the plaintiff shall have the right to request execution of the judgment if the defendant fails to make payments as agreed; and
  - (C) the signatures of the parties.
- (iii) Upon receipt of a notice compliant with the requirements of subdivision (b)(2)(ii), the magisterial district court shall:
  - (A) mark the entry of the stipulated judgment on the docket;
  - (B) cancel any scheduled hearing, except for a consolidated hearing on a cross-complaint pursuant to Pa.R.Civ.P.M.D.J. 315B; and
  - (C) notify the parties in writing that the complaint has been marked settled.

#### [C(1)](c) Cross-complaints.

- (1) [The] A withdrawal or settlement of the plaintiff's complaint pursuant to subdivision (a) or (b) shall not affect the right of the defendant to proceed with a cross-complaint filed pursuant to [Rule 315A] Pa.R.Civ.P.M.D.J. 315A, unless it includes the cross-complaint.
- (2) The defendant may file a written notice of withdrawal of the cross-complaint in the manner set forth in [subdivision A] subdivision (a).
- (3) The parties may file a written notice of settlement or stipulated judgment of the cross-complaint in the manner set forth in [subdivision B] subdivision (b).

**[Note:] Comment:** A complaint filed pursuant to [subparagraph A(2) or B(2)] subdivision (a) (2) or (b)(1)(ii) [shall not be treated as] is not a "reinstatement" of the underlying action[,] and is subject to all prescribed fees and costs for filing and service of a complaint. Compare with [Rule 314E] Pa.R.Civ.P.M.D.J. 314E, which provides for reinstatement of the complaint under the limited circumstance of failure to make timely service.

This rule also applies to the withdrawal or settlement of a cross-complaint. Moreover, a cross-complaint will survive the withdrawal or settlement of the corresponding complaint if it is not included in a notice filed pursuant to this rule.

For purposes of this rule, "stipulated judgment" means a judgment that is entered by the magisterial district court without a hearing and at the request of and with the agreement of the parties. *See* Pa.R.Civ.P.M.D.J. 210.1, prohibiting unauthorized *ex parte* communication with the magisterial district judge.

[Prior Rule 320, addressing continuances, was rescinded by Order of December 16, 2004, effective July 1, 2005, and its provisions were added to Rule 209.] The provisions of prior Pa.R.Civ.P.M.D.J. 320, pertaining to continuances, were relocated to Pa.R.Civ.P.M.D.J. 209, effective July 1, 2005.

## IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:  
ORDER AMENDING RULES 341 AND 904  
OF THE PENNSYLVANIA RULES OF  
APPELLATE PROCEDURE

NO. 317  
APPELLATE  
PROCEDURAL RULES  
DOCKET

ORDER

## Court Notices

continued from previous page

### PER CURIAM

AND NOW, this 11<sup>th</sup> day of December, 2025, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 54 Pa.B. 7110 (November 2, 2024):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 341 and 904 of the Pennsylvania Rules of Appellate Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2026.

Additions to the rule are shown in bold and are underlined.  
Deletions from the rule are shown in bold and brackets.

### APPELLATE COURT PROCEDURAL RULES COMMITTEE ADOPTION REPORT

#### Amendment of Pa.R.A.P. 341 and 904

On December 11, 2025, the Supreme Court of Pennsylvania amended Pennsylvania Rules of Appellate Procedure 341 and 904. The Appellate Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Pursuant to a request, the Committee examined the language set forth in the form notice of appeal in Pa.R.A.P. 904, which states that notice is given to the appropriate appellate court from the order entered upon the lower court's docket. It provides:

Notice is hereby given that \_\_\_\_\_, defendant above named, hereby appeals to the (Supreme) (Superior) (Commonwealth) Court of Pennsylvania from the order entered in this matter on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_. This order has been entered in the docket as evidenced by the attached copy of the docket entry.

The requester indicated that the reference to "order" in the singular in the form notice of appeal was ambiguous and misleading because it could lead to the conclusion that the only order that must be referenced is the final order. The requester suggested a revision to the last sentence stating that "[T]his order (or orders) has been entered in the docket..." would clarify that "order" includes any and all orders in the entire case, including any pre-trial orders for which a party requests appellate review.

The Committee observed that neither the form notice of appeal nor the commentary to Pa.R.A.P. 904 makes any mention that a party needs to file only a single notice of appeal to secure review of prior non-final orders that are made final by the entry of a final order; that guidance is found in the commentary to Pa.R.A.P. 341 relating to final orders. *See* Pa.R.A.P. 341, cmt. ¶ 4. To remedy this omission, the Committee proposed amending the commentary of Pa.R.A.P. 904 to add a statement indicating that non-final orders are merged into the final order for the purposes of appeal. The Committee also proposed amending the commentary of Pa.R.A.P. 341 to add a cross reference to Pa.R.A.P. 904.

Outside of the rulemaking request, the Committee also proposed amending the form notice of appeal in Pa.R.A.P. 904 to update the language and change the sequence of the list of appellate courts in the form. Commentary was also proposed to be added to emphasize that only the final order should be listed in the notice of appeal and that it is not necessary to list any prior non-final orders that have merged into the final order.

Finally, the Committee proposed an amendment of Pa.R.A.P. 904(b) to clarify that the caption in the notice of appeal must state all parties as they appeared on the record in the trial court at the time the appeal was taken. This change was intended to aid the filing office of the appellate court in identifying the parties involved in an appeal and have the docket accurately reflect who is a participant. In addition, the commentary of Pa.R.A.P. 904 was proposed to be amended to emphasize this requirement.

The Committee published the proposal for comment, *See* 54 Pa.B. 7110 (November 2, 2024). The Committee received no responses to publication. As a result, the Committee made no further changes to the proposal.

\* \* \*

The following commentary has been removed from Pa.R.A.P. 341:

The 1997 amendments to subdivisions (a) and (c), substituting the conjunction "and" for "or," are not substantive. The amendments merely clarify that by definition any order that disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.

\* \* \*

The amendments become effective on July 1, 2026.

#### Rule 341. Final Orders; Generally.

(a) **General Rule.** Except as prescribed in subdivisions (d) and (e) [of this rule], an appeal may be taken as of right from any final order of a government unit or trial court.

(b) **Definition of Final Order.** A final order:

- (1) disposes of all claims and of all parties;
- (2) (Rescinded);
- (3) this is entered as a final order pursuant to subdivision (c) [of rule]; or
- (4) is an order pursuant to subdivision (f) [of this rule].

**Determination of Finality.** When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the trial court or other government unit may enter a final order as to one or more but fewer than all of the claims and parties only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Such an order becomes appealable when entered. In the absence of such a determination and entry of a final order, any order or other form of decision that adjudicates fewer than all the claims and parties shall not constitute a final order. In addition, the following conditions shall apply:

- (1) An application for a determination of finality under subdivision (c) [must] shall be filed within 30 days of entry of the order. During the time an application for a determination of finality is pending, the action is stayed.
- (2) Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied.
- (3) A notice of appeal may be filed within 30 days after entry of an order as amended unless a shorter time period is provided in Pa.R.A.P. 903(c). Any denial of such an application is reviewable only through a petition for permission to appeal under Pa.R.A.P. 1311.
- (d) **Superior Court and Commonwealth Court Orders.** Except as prescribed by Pa.R.A.P. 1101, no appeal may be taken as of right from any final order of the Superior Court or of the Commonwealth Court.
- (e) **Criminal Orders.** An appeal may be taken by the Commonwealth from any final order in a criminal matter only in the circumstances provided by law.
- (f) **Post Conviction Relief Act Orders.**
  - (1) An order granting, denying, dismissing, or otherwise finally disposing of a petition for post-conviction collateral relief shall constitute a final order for purposes of appeal.
  - (2) An order granting sentencing relief, but denying, dismissing, or otherwise disposing of all other claims within a petition for post-conviction collateral relief, shall constitute a final order for purposes of appeal.

**Comment:** *Related Constitutional and statutory provisions*—Section 9 of Article V of the Constitution of Pennsylvania provides that "there shall be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court." The constitutional provision is implemented by 2 Pa.C.S. § 702, 2 Pa.C.S. § 752, and 42 Pa.C.S. § 5105.

*Criminal law proceedings—Commonwealth appeals*—Orders that do not dispose of the entire case that were formerly appealable by the Commonwealth in criminal cases under Pa.R.A.P. 341 are appealable as interlocutory appeals as of right under Pa.R.A.P. 311(d).

*Final orders—pre-and post-1992 practice*—The 1992 amendment generally eliminated appeals as of right under Pa.R.A.P. 341 from orders that do not end the litigation as to all claims and as to all parties. Prior to 1992, there were cases that deemed an order final if it had the practical effect of putting a party out of court, even if the order did not end the litigation as to all claims and all parties.

A party needs to file only a single notice of appeal to secure review of prior non-final orders that are made final by the entry of a final order. *See, e.g.*, *K.H. v. J.R.*, 826 A.2d 863, 870-71 (Pa. 2003) (notice of appeal following trial); *Betz v. Pneumo Abex LLC*, 44 A.3d 27, 54 (Pa. 2012) (notice of appeal of summary judgment); *Laster v. Unemployment Comp. Bd. of Rev.*, 80 A.3d 831, 832 n.2 (Pa.Cmwlth. 2013) (petition for review of agency decision). *See also Pa.R.A.P. 904, cmt. at ¶ 2.*

**[Where] If**, however, one or more orders resolves issues arising on more than one docket or relating to more than one judgment, separate notices of appeal must be filed. *Malanchuk v. Tsimura*, 137 A.3d 1283, 1288 (Pa. 2016) ("[C]omplete consolidation (or merger or fusion of actions) does not occur absent a complete identity of parties and claims; separate actions lacking such overlap retain their separate identities and require distinct judgments"); *Commonwealth v. C.M.K.*, 932 A.2d 111, 113 & n.3 (Pa. Super. 2007) (quashing appeal taken by single notice of appeal from order on remand for consideration under Pa.R.Crim.P. 607 of two persons' judgments of sentence).

**[The 1997 amendments to subdivisions (a) and (c), substituting the conjunction "and" for "or," are not substantive. The amendments merely clarify that by definition any**

## Court Notices

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order that disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.]

*Rescission of subdivision (b)(2)*—Former subdivision (b)(2) provided for appeals of orders defined as final by statute. The 2015 rescission of subdivision (b)(2) eliminated a potential waiver trap created by legislative use of the adjective “final” to describe orders that were procedurally interlocutory but nonetheless designated as appealable as of right. Failure to appeal immediately an interlocutory order deemed final by statute waived the right to challenge the order on appeal from the final judgment. Rescinding subdivision (b)(2) eliminated this potential waiver of the right to appeal. If an order designated as appealable by a statute disposes of all claims and of all parties, it is appealable as a final order pursuant to Pa.R.A.P. 341. If the order does not meet that standard, then it is interlocutory regardless of the statutory description. Pa.R.A.P. 311(a)(8) provides for appeal as of right from an order that is made final or appealable by statute or general rule, even though the order does not dispose of all claims or of all parties and, thus, is interlocutory. Pa.R.A.P. 311(g) addresses waiver if no appeal is taken immediately from such interlocutory order.

One of the further effects of the rescission of subdivision (b)(2) is to change the basis for appealability of orders that do not end the case but grant or deny a declaratory judgment. See *Nationwide Mut. Ins. Co. v. Wickett*, 763 A.2d 813, 818 (Pa. 2000); *Pa. Bankers Ass'n v. Pa. Dep't of Banking*, 948 A.2d 790, 798 (Pa. 2008). The effect of the rescission is to eliminate waiver for failure to take an immediate appeal from such an order. A party aggrieved by an interlocutory order granting or denying a declaratory judgment, where the order satisfies the criteria for “finality” under *Pennsylvania Bankers Association*, may elect to proceed under Pa.R.A.P. 311(a)(8) or wait until the end of the case and proceed under subdivision (b)(1) of this rule.

An arbitration order appealable under 42 Pa.C.S. § 7320(a) may be interlocutory or final. If it disposes of all claims and all parties, it is final, and, thus, appealable pursuant to Pa.R.A.P. 341. If the order does not dispose of all claims and all parties, that is, the order is not final, but rather interlocutory, it is appealable pursuant to Pa.R.A.P. 311. Failure to appeal an interlocutory order appealable as of right may result in waiver of objections to the order. See Pa.R.A.P. 311(g).

*Subdivision (c)—Determination of finality*—Subdivision (c) permits an immediate appeal from an order dismissing less than all claims or parties from a case only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Factors to be considered under subdivision (c) include, but are not limited to:

- (1) whether there is a significant relationship between adjudicated and unadjudicated claims;
- (2) whether there is a possibility that an appeal would be mooted by further developments;
- (3) whether there is a possibility that the court or government unit will consider issues a second time; and
- (4) whether an immediate appeal will enhance prospects of settlement.

The failure of a party to apply to the government unit or trial court for a determination of finality pursuant to subdivision (c) shall not constitute a waiver and the matter may be raised in a subsequent appeal following the entry of a final order disposing of all claims and all parties.

Where the government unit or trial court refuses to amend its order to include the express determination that an immediate appeal would facilitate resolution of the entire case and refuses to enter a final order, a petition for permission to appeal under Pa.R.A.P. 1311 of the unappealable order of denial is the exclusive mode of review. The filing of such a petition does not prevent the trial court or other government unit from proceeding further with the matter pursuant to Pa.R.A.P. 1701(b)(6). Of course, as in any case, the appellant may apply for a discretionary stay of the proceeding below.

Subdivision (c)(2) provides for a stay of the action pending determination of an application for a determination of finality. If the application is denied, and a petition for permission to appeal is filed challenging the denial, a stay or *supersedeas* will issue only as provided under Chapter 17 of these rules.

In the event that a trial court or other government unit enters a final order pursuant to subdivision (c) [of this rule], the trial court or other government unit may no longer proceed further in the matter, except as provided in Pa.R.A.P. 1701(b)(1)-(b)(5).

*Subdivision (f)—Post Conviction Relief Act Orders*—A failure to timely file an appeal pursuant to subdivision (f)(2) shall constitute a waiver of all objections to such an order.

Pa.R.A.P. 902 addresses whether separate notices of appeal are required to be filed where an order appealable under this rule is entered on more than one docket.

### Rule 904. Content of the Notice of Appeal.

- (a) **Form.** Except as otherwise prescribed by this rule, the notice of appeal shall be in substantially the following form:

**COURT OF COMMON PLEAS  
OF \_\_\_\_\_ COUNTY**

[Party A's full name] \_\_\_\_\_, Plaintiff(s):

v.

[Party B's full name] \_\_\_\_\_, Defendant(s):

Docket or File No. \_\_\_\_\_  
Offense Tracking Number \_\_\_\_\_

### NOTICE OF APPEAL

[Notice is hereby given that \_\_\_\_\_, defendant above named, hereby appeals to the (Supreme) (Superior) (Commonwealth) Court of Pennsylvania from the order entered in this matter on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. This order has been entered in the docket as evidenced by the attached copy of the docket entry.]

(name all parties taking the appeal) appeal to the (Superior) (Commonwealth) (Supreme) Court of Pennsylvania from the order entered on (state the date the order was entered). This order has been entered upon the docket as evidenced by the attached copy of the docket entry.

(S) \_\_\_\_\_

(Address and telephone number)

(Email address)

(b) **Caption.**

(1) **General Rule.** [The parties shall be stated in the caption as they appeared on the record of the trial court at the time the appeal was taken.] The caption of the notice of appeal shall set forth all parties appearing on the record in the trial court on the date the appeal is taken.

(2) **Appeal of Custody Action.** In an appeal of a custody action where the trial court has used the full name of the parties in the caption, upon application of a party and for cause shown, an appellate court may exercise its discretion to use the initials of the parties in the caption based upon the sensitive nature of the facts included in the case record and the best interest of the child.

(c) **Request for Transcript.** The request for transcript contemplated by Pa.R.A.P. 1911 or a statement signed by counsel that either there is no verbatim record of the proceedings or the complete transcript has been lodged of record shall accompany the notice of appeal, but the absence of or defect in the request for transcript shall not affect the validity of the appeal.

(d) **Docket Entry.** The notice of appeal shall include a statement that the order appealed from has been entered on the docket. A copy of the docket entry showing the entry of the order appealed from shall be attached to the notice of appeal.

(e) **Content in Criminal Cases.** If the Commonwealth takes an appeal pursuant to Pa.R.A.P. 311(d), the notice of appeal shall include a certification by counsel that the order will terminate or substantially handicap the prosecution.

(f) **Content in Children's Fast Track Appeals.** In a children's fast track appeal, the notice of appeal shall include a statement advising the appellate court that the appeal is a children's fast track appeal.

(g) **Content in Orphans' Court Appeals.** In an orphans' court appeal, the notice of appeal shall include a statement advising the appellate court that the appeal is an orphans' court appeal.

(h) **Completely Consolidated Civil Cases.** In an appeal of completely consolidated civil cases where only one notice of appeal is filed, a copy of the consolidation order shall be attached to the notice of appeal.

**Comment:** The Offense Tracking Number (OTN) is required only in an appeal in a criminal proceeding. It enables the Administrative Office of the Pennsylvania Courts to collect and forward to the Pennsylvania State Police information pertaining to the disposition of all criminal cases as provided by the Criminal History Record Information Act, 18 Pa.C.S. §§ 9101 *et seq.*

A final order pursuant to Pa.R.A.P. 341(b)(1) encompasses all prior non-final orders for purposes of appeal. Therefore, a party need not list any prior non-final order in the notice of appeal. See Pa.R.A.P. 341, cmt. ¶ 4.

The notice of appeal must include a statement that the order appealed from has been entered on the docket. Because generally a separate notice of appeal must be filed on each docket on which an appealable order is entered so as to appeal from that order, see Pa.R.A.P. 902(a), the appellant is required to attach to the notice of appeal a copy of the docket entry showing the entry of the order appealed from on that docket. The appellant does not need to certify that the order has been reduced to judgment. This omission does not eliminate the requirement of reducing an order to judgment before there is a final appealable order where required by applicable practice or case law.

Subdivision (b)(1) emphasizes the necessity for the caption to set forth all parties who appear on the record in the trial court on the date an appeal is taken in order to aid the appellate court in accurately identifying the parties in the appeal. A party shall not use “et al.” in a caption. Subdivision (b)(2) provides the authority for an appellate court to initialize captions in custody appeals. See also Pa.R.Civ.P. 1915.10.

Information regarding the appropriate appellate court to which an appeal should

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be taken can be found on the website of the Unified Judicial System at <https://www.pacourts.us/learn>.

With respect to subdivision (e), in *Commonwealth v. Dugger*, 486 A.2d 382, 386 (Pa. 1985), the Supreme Court held that the Commonwealth's certification that an order will terminate or substantially handicap the prosecution is not subject to review as a prerequisite to the Superior Court's review of the merits of the appeal. The principle in *Dugger* has been incorporated in and superseded by Pa.R.A.P. 311(d). *Commonwealth v. Dixon*, 907 A.2d 468, 471 n.8 (Pa. 2006). Thus, the need for a detailed analysis of the effect of the order, formerly necessarily a part of the Commonwealth's appellate brief, has been eliminated.

A party filing a cross-appeal should identify it as a cross-appeal in the notice of appeal to assure that the prothonotary will process the cross-appeal with the initial appeal. See also Pa.R.A.P. 2113, 2136, and 2185 regarding briefs in cross-appeals and Pa.R.A.P. 2322 regarding oral argument in multiple appeals.

See Pa.R.A.P. 342 for the orders that may be appealed as of right in orphans' court matters.

A party appealing completely consolidated civil cases using one notice of appeal must attach a copy of the consolidation order to the notice of appeal to assure the applicability of Pa.R.A.P. 902.

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

### Explanatory Comment—2002

See Comment following Pa.R.A.P. Rule 511.

### IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: NO. 264

FINANCIAL INSTITUTIONS APPROVED  
AS DEPOSITORYES FOR FIDUCIARY  
ACCOUNTS

### DISCIPLINARY RULES DOCKET

### ORDER

#### PER CURIAM

AND NOW, this 10<sup>th</sup> day of November 2025, it is hereby Ordered that the financial institutions named on the attached list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

### FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORYES OF TRUST ACCOUNTS OF ATTORNEYS

#### Bank Code A.

595 Abacus Federal Savings Bank  
2 ACNB Bank  
613 Allegent Community Federal Credit Union  
375 Altoona First Savings Bank  
376 Ambler Savings Bank  
532 AMERICAN BANK (PA)  
680 American Heritage FCU  
615 Americhoice Federal Credit Union  
116 AMERISERV FINANCIAL  
648 Andover Bank (The)  
377 Apollo Trust Company

#### Bank Code B.

558 Bancorp Bank (The)  
485 Bank of America, NA  
662 BANK OF BIRD-IN-HAND  
415 Bank of Landisburg (The)  
596 Bank of Princeton (The)  
664 BankUnited, NA  
501 BELCO Community Credit Union  
673 BENCHMARK FEDERAL CREDIT UNION  
652 Berkshire Bank  
663 BHCU  
679 BMO Bank, NA  
5 BNY Mellon, NA  
392 Brentwood Bank  
495 Brown Brothers Harriman Trust Co., NA

#### Bank Code C.

654 CACL Federal Credit Union  
618 Capital Bank, NA  
681 CENTRAL PENN BANK & TRUST  
675 CENTRE 1<sup>ST</sup> BANK, A DIVISION OF OLD DOMINION NATIONAL BANK  
394 CFS BANK

623 Chemung Canal Trust Company  
599 Citibank, NA  
238 Citizens & Northern Bank  
561 Citizens Bank, NA  
206 Citizens Savings Bank  
576 Clarion County Community Bank  
591 Clearview Federal Credit Union  
23 CNB Bank  
223 Commercial Bank & Trust of PA  
21 Community Bank (PA)  
371 Community Bank, NA (NY)  
132 Community State Bank of Orbisonia  
380 County Savings Bank  
536 Customers Bank

#### Bank Code D.

339 Dime Bank (The)  
27 Dollar Bank, FSB

#### Bank Code E.

500 Elderton State Bank  
567 Embassy Bank for the Lehigh Valley  
541 Enterprise Bank  
28 Ephrata National Bank  
601 Esquire Bank, NA  
340 ESSA Bank & Trust

#### Bank Code F.

629 1<sup>st</sup> Colonial Community Bank  
158 1<sup>st</sup> Summit Bank  
31 F&M Trust Company – Chambersburg  
658 Farmers National Bank of Canfield  
34 Fidelity Deposit & Discount Bank (The)  
583 Fifth Third Bank  
661 First American Trust, FSB  
643 First Bank  
174 First Citizens Community Bank  
539 First Commonwealth Bank  
504 First Federal S & L Association of Greene County  
525 First Heritage Federal Credit Union  
42 First Keystone Community Bank  
51 First National Bank & Trust Company of Newtown (The)  
48 First National Bank of Pennsylvania  
426 First Northern Bank & Trust Company  
604 First Priority Bank, a division of Mid Penn Bank

#### FIRST RESOURCE BANK

657 First United Bank & Trust  
408 First United National Bank  
151 Firstrust Savings Bank  
416 Fleetwood Bank  
291 Fox Chase Bank  
241 Franklin Mint Federal Credit Union  
58 Fulton Bank, NA

#### Bank Code G.

499 Gratz Bank (The)  
498 Greenville Savings Bank

#### Bank Code H.

244 Hamlin Bank & Trust Company  
362 Harleysville Bank  
363 Hatboro Federal Savings  
463 Haverford Trust Company (The)  
678 HINGHAM INSTITUTION FOR SAVINGS  
606 Hometown Bank of Pennsylvania  
68 Honesdale National Bank (The)  
605 Huntington National Bank (The)  
608 Hyperion Bank

#### Bank Code I.

669 Industrial Bank  
365 InFirst Bank  
668 Inspire FCU  
557 Investment Savings Bank  
526 Iron Workers Savings Bank

#### Bank Code J.

127 Jim Thorpe Neighborhood Bank  
488 Jonestown Bank & Trust Company  
191 Journey Bank

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659 JPMorgan Chase Bank, NA  
**72 JUNIATA VALLEY BANK (THE)**

**Bank Code** **K.**

651 KeyBank NA  
 414 Kish Bank

**Bank Code** **L.**

**Bank Code** **M.**

361 M&T Bank  
 510 Marion Center Bank  
 387 Marquette Savings Bank  
 367 Mauch Chunk Trust Company  
 511 MCS (Mifflin County Savings) Bank  
 641 Members 1<sup>st</sup> Federal Credit Union  
 555 Mercer County State Bank  
 192 Merchants Bank of Bangor  
 671 Merchants Bank of Indiana  
**610 MERIDIAN BANK**  
 294 Mid Penn Bank  
 677 Middletown Valley Bank  
 457 Milton Savings Bank

**Bank Code** **N.**

433 National Bank of Malvern  
 168 NBT Bank, NA  
 347 Neffs National Bank (The)  
**434 NEW TRIPOLI BANK**  
 15 NexTier Bank, NA  
 666 Northern Trust Co.  
 93 Northwest Bank

**Bank Code** **O.**

653 OceanFirst Bank  
 489 OMEGA Federal Credit Union  
 94 Orrstown Bank

**Bank Code** **P.**

**598 PARKE BANK**  
 40 Penn Community Bank  
 540 PennCrest Bank  
 419 Pennian Bank  
 447 Peoples Security Bank & Trust Company  
 556 Philadelphia Federal Credit Union  
 448 Phoenixville Federal Bank & Trust  
 665 Pinnacle Bank  
 79 PNC Bank, NA  
 449 Port Richmond Savings  
 354 Presence Bank  
 451 Progressive-Home Federal Savings & Loan  
 Association  
 637 Provident Bank  
 491 PS Bank

**Bank Code** **Q.**

107 QNB Bank  
 560 Quaint Oak Bank

**Bank Code** **R.**

452 Reliance Savings Bank

**Bank Code** **S.**

153 S & T Bank  
 316 Santander Bank, NA  
 460 Second Federal S & L Association of  
 Philadelphia  
 646 Service 1<sup>st</sup> Federal Credit Union  
 458 Sharon Bank  
 462 Slovenian Savings & Loan Association of  
 Franklin-Conemaugh  
**486 SOMERSET TRUST COMPANY**  
 633 SSB Bank

**Bank Code** **T.**

638 3Hill Credit Union  
 143 TD Bank, NA  
 656 Tioga Franklin Savings Bank  
 182 Tompkins Community Bank

660 Top Tier FCU  
 609 Tristate Capital Bank  
 672 Truist Bank  
 640 TruMark Financial Credit Union  
 467 Turbotville National Bank (The)

**Bank Code** **U.**

483 UNB Bank  
 481 Union Building and Loan Savings Bank  
 634 United Bank, Inc.  
 472 United Bank of Philadelphia  
 475 United Savings Bank  
 600 Unity Bank  
 232 Univest Bank & Trust Co.

**Bank Code** **V.**

611 Victory Bank (The)

**FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED  
 AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED  
 CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.**

**New**  
 681 Central Penn Bank & Trust

**Name Change**

**Platinum Leader Change**  
 681 Central Penn Bank & Trust (add designation)  
**Correction**

**Merger/Acquisition**

276 Mifflinburg Bank & Trust Company (merged to create 681 Central Penn Bank & Trust)  
 439 Northumberland National Bank (merged to create 681 Central Penn Bank & Trust)  
 122 Susquehanna Community Bank (acquired by 238 Citizens & Northern Bank)

**Removal**

647 Forbright Bank (removed by request)

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

**No. 13 of 2025**

**President Judge Administrative Order**

**In re: ELECTION DAY JUDICIAL ASSIGNMENTS  
 General Election - Monday, January 5, 2026**

**ORDER**

AND NOW, this 17th day of October, 2025, upon consideration of the November 4, 2025, General Election, the following Election Court assignments are made, which shall supersede other assignments during the scheduled Election Court hours only.

**I. ELECTION COURT ASSIGNMENT**

The Justice Juania Kidd Stout Center for Criminal Justice, Courtroom **1107** will be the central location for Election Court.

Election Court will convene at 7:00 AM and will remain open continuously until 10:00 PM. Parties shall present themselves to Courtroom **1107** for all election matters.

Judges assigned to the Election Court shall have jurisdiction over all election matters and as provided in 25 P.S. § 3046 below:

[S]hall act as a committing magistrate for any violation of the election laws; shall issue election; shall issue process, if necessary, to enforce and secure compliance with the election laws; and shall decide such other matters pertaining to the election as may be necessary to carry out the intent of this act. 25 P.S. § 3046.

When an individual is seeking a judicial order to vote, the court shall, inform the individual of the provisional ballot process set forth in 25 P.S. § 3050. Section 3050 provides, *inter alia*:

At all elections an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the district register and whose registration cannot be determined by the inspectors of election or the county election board shall be permitted to cast a provisional ballot. 25 P.S. § 3050(a.4)(1).

Prior to voting the provisional ballot, the elector shall be required to execute an affidavit which must be signed by the voter, the Judge of Elections and minority inspector. See 25 P.S. § 3050(a.4)(2).

After the provisional ballot has been cast, the individual shall place it in a secrecy envelope. The individual shall place the secrecy envelope in the provisional ballot envelope and shall place his signature on the front of the provisional ballot envelope. 25 P.S. § 3050(a.4)(3).

## Court Notices

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A judge who is not assigned to Election Court shall not take any action with respect to any election matter, unless prior approval is obtained from the President Judge.

The following Judges are assigned:

**Judge**  
7 AM to 12:00 PM Judge Lillian Harris Ransom  
12:00 PM to 5 PM Judge Elvin Ross  
5 PM to 10:00 PM Judge Zachary Shaffer

**Courtroom**  
1107 Stout Center  
1107 Stout Center  
1107 Stout Center

### II. STANDBY ASSIGNMENTS

Should the designated Judge be unavailable, the President Judge will designate an alternative Judge to preside in Election Court.

### III. SCHEDULING AND HEARING PROTOCOL

#### The following Protocol shall be followed when a hearing is requested:

- 1) The assigned Judges and other necessary personnel (Court Clerk, Court Crier, Court Reporter, Sheriff) shall be present in-person in the assigned Courtrooms between 7:00 AM and 10:00 PM.
- 2) Unless the assigned Judge directs otherwise, counsel must appear in-person. Witnesses are encouraged to testify through Zoom.
- 3) No cameras or recording devices are permitted in the Courtrooms.
- 4) All requests for hearings must be communicated to the Office of Judicial Records ("OJR"). OJR personnel shall be stationed in Courtroom of the Stout Center from 7:00 AM until 10:00 PM and shall direct the parties to the appropriate Courtroom upon confirming the availability of all parties in interest. Parties who are to participate through Zoom shall be provided the Zoom link by the Court.
- 1) The assigned Judge may proceed with the hearing by taking testimony and may require the filing of written pleadings, as necessary.
- 2) The public shall be permitted to attend election hearings in the courtroom where hearings are being held.
- 3) Judicial proceedings cannot be recorded, transmitted or broadcast by anyone. The parties are specifically informed that:

It is unlawful and a criminal offense to record, transmit or broadcast video, audio or photograph of any judicial proceeding and violators may be found to be in contempt of court and may be criminally charged with a misdemeanor punishable by imprisonment of up to two years for a first offense. See Pa.R.J.A 1910, Pa.R.Crim.P. 112 and 18 Pa.C.S. § 5103.1.

### IV. ELECTION BOARD PETITIONS

*Petitions to Fill Vacancies in Election Boards* (Judge of Election, Majority Inspector, Minority Inspector) must be electronically filed no later than 3:00 p.m. on October 21, 2025, through the Court's electronic filing website at: [www.courts.phila.gov](http://www.courts.phila.gov) pursuant to Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule \*205.4. Assistance with electronic filing shall be provided through the Office of Judicial Records (formerly "Prothonotary"), which may be reached by calling (215) 686-6652, or by emailing [ojrcivil@courts.phila.gov](mailto:ojrcivil@courts.phila.gov).

The Petitioner shall serve the City Commissioners and the Democratic and/or Republican City Committees, as applicable, as provided in the Order to Show Cause.

Hearings on the *Petitions to Fill Vacancies in Election Boards* shall be held at 9:00 am on October 27, 2025 in Courtroom 676 City Hall. Unless terminated earlier as provided by law, the term of office of any person appointed to fill a vacancy on the Election Board shall continue for the remainder of the vacancy.

### V. APPEALS FROM BOARD OF ELECTION DECISIONS ON CHALLENGES TO ABSENTEE AND MAIL-IN BALLOTS. POST-ELECTION MATTERS

Decisions of the Board of Elections on challenges to absentee and mail-in ballots and post-election matters shall be heard by Court of Common Pleas Judges specifically assigned by the President Judge, as necessary.

\*This Election Schedule is available on the First Judicial District Website at: <http://www.courts.phila.gov>.

BY THE COURT:  
*/s/ Nina Wright Padilla*

**Nina Wright Padilla, President Judge**  
Court of Common Pleas

**IN THE COURT COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL**

Administrative Docket No. 12 of 2025

### In re: Commerce Case Management Program

AND NOW, this 10<sup>th</sup> day of October, 2025, it is hereby ORDERED and DECREED that the following protocols shall apply to all civil cases within the Commerce Case Management Program on or after January 1, 2026:

#### Commerce Case Management Program: Procedure for Disposition of Commerce Program Cases

##### A. Organization

1. Judges. The Administrative Judge may appoint as many as four judges to the Commerce Program, one of whom shall be designated to serve as "Supervising Judge" of the Commerce Program. The number of Commerce Program Judges may be adjusted from time to time by the Administrative Judge consistent with the caseload of the Program.

2. Filings & Listings. Upon consultation with the Administrative Judge, the Supervising Judge of the Commerce Program shall establish procedures for maintenance of filings and listings in actions assigned to the Commerce Program with the goal of ease of access by the Commerce Program Judges and their staff, the parties, and the public.

##### A. Assignment of Cases Subject to Commerce Program

3. Cases Subject to Commerce Program. Notwithstanding anything to the contrary in any General Court Regulation, and except as otherwise provided below in subsection 2, Jury, Non-Jury & Equity, and Class Action cases shall be assigned to the Commerce Program if they are among the following types of actions:

a. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;

b. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:

- (1) Uniform Commercial Code transactions;
- (2) Purchases or sales of businesses or the assets of businesses;
- (3) Sales of goods or services by or to business enterprises, including mechanic's lien actions;
- (4) Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;
- (5) Surety bonds;

(6) Purchases or sales or leases of, or security interests in, commercial real or personal property, including commercial leases and judgments confessed thereon;

- (7) Franchisor/franchisee relationships; and
- c. Commercial loans and mortgages, including judgment confessed thereon. Actions relating to trade secret or non-compete agreements;

d. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations, or claims of professional negligence or malpractice between or among two or more business enterprises (see 2(g), *supra*);

- e. Actions relating to intellectual property disputes;
- f. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;

g. Derivative actions and class actions based on claims otherwise falling within these ten types, such as shareholder class actions;

h. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds where the dispute arises from a business or commercial insurance policy, such as a Comprehensive General Liability policy, and;

- i. Third-party indemnification claims against insurance companies

## Court Notices

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where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be assigned to the Commerce Program;

j. Petition or summary actions involving dissolution, winding up of business affairs, appointment of a receiver, conservator, or sequestrator for a business or a commercial real property, or other corporate, partnership or company affairs; and

k. Such other matters as the Court shall determine.

All of the above types of actions may involve individuals named as parties, so long as all other criteria are met and the essential nature of the litigation is a commercial dispute. For example, a dispute over a commercial loan may include individual guarantors as either plaintiffs or defendants but such a lawsuit would still be a commercial dispute.

4. Cases Not Subject to the Commerce Program. The following types of matters are not to be included in the Commerce Program:

a. Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals.

b. Personal injury, survival, or wrongful death matters.

c. Individual consumer claims against businesses or insurers, including products liability and personal injury cases.

d. Matters involving occupational health or safety.

e. Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types 1(b)(2), (b)(6), (h) or (i) above.

f. Matters in eminent domain.

g. Malpractice claims, other than those brought by business enterprises against attorneys, accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise (see 1(d), *infra*).

h. Employment law cases, other than those referenced in Commerce Program type 1(c) above.

i. Administrative agency, tax, zoning and other appeals.

j. Petition Actions in the nature of Change of Name, Mental Health Act, Appointment of an Arbitrator (unless for a dispute between or among two or more business enterprises), Government Election Matters, Leave to Issue Subpoena (unless for a dispute between or among two or more business enterprises), or to Compel Medical Examination.

k. Individual, residential real estate and non-commercial landlord-tenant disputes.

l. Domestic relations matters, and actions relating to distribution of marital property, custody or support.

m. Any matter required by statute, including 20 Pa. C.S. Chapter 7, §§ 711 & 713, to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court.

n. Any criminal matter other than criminal contempt in connection with a Commerce Program action.

o. Such other matters as the Court shall determine.

5. Assignments to Commerce Program. When submitting the initial filing electronically, the party commencing an action that meets the criteria for the Commerce Program shall choose "Commerce" as the Program type. The court's electronic filing system will automatically generate a "Commerce Program Addendum" and the filing party must check the boxes adjacent to the applicable type or types of action which result in the matter being assigned to the Commerce Program. A copy of the Civil Cover Sheet generated by the electronic system, including any Commerce Program Addendum, shall be served with the original process served on all parties.

All actions designated into the Commerce Program pursuant to the Commerce Program Addendum are hereby assigned to the Commerce Program and to the individual calendar of one of the Commerce Program Judges, according to a random procedure established by the Administrative Judge or the designee of the Administrative Judge. This assignment shall be noted on the Docket. All further filings in the matter shall state prominently in the caption and on any cover sheets that the matter is assigned to the "COMMERCE PROGRAM."

6. Disputes Arising From the Civil Cover Sheet Designation. If any party disagrees with the designation or lack of designation of a case into the Commerce Program, that party shall file and serve on all parties a Notice of Management Program Dispute, not exceeding three pages in length, as soon as practical. A copy of the Complaint or other filing commencing the litigation shall be attached to the Notice of Management Program Dispute. Any party opposing the Notice of Management Program Dispute may, but need not, submit a response thereto not exceed-

ing three pages in length within seven days of service of the Notice. The management program dispute will be resolved by the Supervising Judge of the Commerce Program.

If a Notice of Management Program Dispute is filed, a copy of that Notice shall be referenced in all motions and responses to motions filed by any party pending the resolution of the management program dispute.

The Court on its own initiative may transfer cases into and out of the Commerce Program and may coordinate related cases before the same Judge when the Court deems appropriate.

### A. Commencement of Action

All subject actions shall be commenced as provided in Pa. R.C.P. No. 1007. Philadelphia Civil Rule \*205.2(b) shall be followed. As noted above, in all cases, not just those designated into the Commerce Program, a copy of the Civil Cover Sheet, including any Commerce Program Addendum, shall be served with original process on all parties.

All jury demands shall be perfected in accordance with Pa. R.C.P. No. 1007.1 and Phila. Civ. R. \*1007.1.

A party seeking emergency relief immediately upon commencing an action subject to the Commerce Program shall follow the procedure set forth in part D.6. below (Rules to Show Cause and Emergency Motions and Petitions).

### A. Case Management Procedures

7. Authority Over Commerce Program Status: When there is a dispute as to whether the case is properly assigned to the Commerce Program, the decision will be made by the Supervising Judge of the Commerce Program. If the Commerce Staff Attorney conducting a case management conference or any party objects to the Commerce Program assignment, the Staff Attorney will forward the dispute to the Supervising Judge of the Commerce Program.

8. Alternative Procedures Available: The assigned Commerce Program Judge, in his/her discretion may, upon application of any party or upon his/her own initiative, modify these case management procedures. Requests for changes in these procedures will be made by filing a Motion for Extraordinary Relief (which Motion calls for a ten-day response time).

9. The Case Management Conference: Typically, notice of a Case Management Conference ("CMC") will be sent to counsel and unrepresented parties sixty days after the action is commenced and scheduling the CMC for approximately ninety days after commencement. In certain circumstances, the CMC may be scheduled by the assigned Commerce Program Judge.

a. Presiding Officer: Unless otherwise ordered, the CMC shall be conducted in-person by a Commerce Staff Attorney designated by the Court and acting on behalf of the assigned Commerce Program Judge.

#### b. Pre-Conference Submissions and Exchanges:

(1) Initial Disclosures: Unless stayed by order of Court, discovery should begin promptly upon commencement of an action. At least thirty days prior to the CMC, all parties must provide each other party (i) a list of persons likely to have discoverable information about the disputed issues in the pleadings, (ii) a copy of documents that each party may use to support its claims or defenses, and (iii) available dates for a pre-conference meet-and-confer, which shall be in-person or by on-camera video conference. In the case of voluminous records, a party may provide a description of the type and location of all such information.

(2) Joint Conference Memo: At least ten days prior to the conference, all parties must attend a meet-and-confer either in-person or by on-camera video conference. During the meet-and-confer, the parties shall complete a joint conference memorandum wherein each party shall provide a brief factual description of its claims or defenses, describe the discovery that has been completed as of that date, and include a proposed scheduling order that shall list proposed deadlines for discovery, expert reports, pretrial motions, and when a settlement conference including client representatives should be scheduled after the close of discovery. The proposed deadlines should be chosen to fit within an expedited, standard, or complex track as described in Paragraph D.4. below. The parties should list five or more judges pro tempore the parties jointly agree the assigned Commerce Program Judge may randomly assign to conduct a settlement conference; otherwise, the Commerce Program Judge may assign any judge pro tempore at random. Further, the parties should discuss any anticipated problems with the exchange of electronically stored information ("ESI") and attempt to agree on a protocol to address any anticipated difficulties. If the parties fail to reach agreement on any matter to be included in the Joint Conference Memo, the respective parties shall state their positions without argument.

c. Issues to be Addressed: The following subjects, along with other appropriate topics, such as service of process, jurisdiction, venue, pleadings, discovery, possible joinder of additional parties, theories of liability, damages claimed, and applicable defenses (see also Pa. R. Civ. P. No. 213.3), will be discussed.

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(1) Means for Early Disposition

- a. Timing and potential forms of Alternative Dispute Resolution (ADR).
- b. Scheduling pre-discovery dispositive motions.
- c. Scheduling limited-issue discovery in aid of any early settlement conference and/or any early dispositive motions. The Commerce Staff Attorney will advise counsel of the assigned Commerce Program Judge's day for hearing discovery disputes.

(2) Schedules and Deadlines

- a. Assignment to a Case Management Track and issuance of a Case Management Order ("CMO"), which will set forth a target trial date, deemed the earliest trial date pursuant to Pa. R. Civ. P. No. 212.1.
- b. A discovery plan and schedule based on the CMO date for the completion of discovery.
- c. Anticipated areas of expert testimony, timing for identification of experts, responses to expert discovery, exchange of expert reports as set forth in the CMO.

(3) The Court encourages trial counsel to assign court presentations to less-experienced attorneys, particularly where the less-experienced attorney is more familiar with the matter at hand.

(4) Potential Use of a Commerce Program Judge Pro Tempore ("JPT")

- a. On stipulation of all parties or if the court deems appropriate, for supervision of discovery.
- b. For settlement or mediation at all stages of the case.

Note: Use of a JPT for purposes of discovery or mediation will not affect the deadlines set forth in the CMO and will not result in a stay, unless the assigned Commerce Program Judge grants a Motion to Stay or a Motion for Extraordinary Relief extending the deadlines in the CMO. The Commerce Program Judge may establish informal procedures to achieve expeditious resolution of discovery disputes and other non-dispositive issues. Prior to the CMC, it shall be the obligation of the parties to confer concerning all of the above matters, for the purposes of reaching agreements.

10. Case Management Order:

After the CMC, Commerce staff shall issue a Case Management Order ("CMO") setting forth projected dates for a Settlement Conference and for a Pretrial Conference (with Pretrial Statements typically to be filed in advance), and for Trial. The CMO will also address cut-off dates for completion of discovery, for the service of expert reports, and for the filing of motions.

Based upon the nature and complexity of the case, the Commerce Staff Attorney with input from the parties at the CMC shall assign the case to a track. The Commerce Program shall typically employ the following management tracks: Commerce Expedited (Target Trial Date within 13 months of filing) and Commerce Standard (Target Trial Date within 18 months of filing). Complicated cases should be designated Commerce Complex (Target Trial Date within two years of filing). In the latter instance, the Commerce Program Judge may schedule status conferences at appropriate intervals.

The Commerce Expedited Track shall apply to matters in which minimal discovery is needed and legal issues are anticipated to be routine. Examples of such actions, in the absence of complicating factors, are actions relating to commercial loans, and simple contract, UCC and commercial foreclosure matters. Other matters should presumptively be designated Commerce Standard. Actions in which preliminary injunctive relief is sought may be appropriate for any of the tracks, depending upon the circumstances. Commercial non-jury petition actions may be assigned to the Commerce Program and may be given a management track even shorter than Expedited by the Commerce Program Judge, if appropriate.

11. Commerce Court Motions.

a. Motion Practice and Discovery Motions.

The Commerce Program Judge to whom the action is assigned will hear all pretrial motions, including discovery motions, except that, to the extent scheduling or other concerns so require, a Commerce Program Judge may make arrangements for certain discovery and other pretrial motions to be heard by another Commerce Program Judge. All motions shall be electronically filed. Procedures of the Discovery Court should generally be followed. *Prior to filing a Discovery Motion*, the parties should meet and confer, in person or by on-camera video conference, to attempt to resolve the motion or narrow the issues involved. The Movant shall describe the conference, or the attempt to confer, in the Attorney Certification of Good Faith. "General Objections" or boilerplate objections incorporated into each discovery answer are not permissible and will not be given effect by the Court. In some instances, the Commerce Program Judge may direct further briefing of complex discovery motions. Any Notice of Management Program Dispute that is pending or is being filed contemporaneously with the motion filing, should be noted

in the motion. Oral argument is at the discretion of the assigned Commerce Program Judge and may be in-person.

A Commerce Program Discovery List for each Commerce Program Judge shall be established so that discovery matters ordinarily will be heard by that Judge on a particular day of the week. Each Judge may also schedule argument or hearings on non-discovery motions on his/her discovery day, or at such other times as the Court deems appropriate.

b. Motions for Extraordinary Relief.

A Motion for Extraordinary Relief must be filed whenever a party seeks an extension, advancement, or other alteration of a deadline imposed by a Case Management Order. Any party may seek relief from the time requirements by filing the Motion for Extraordinary Relief. This Motion must be electronically filed prior to the deadline that the party is seeking to change. Any adverse party has ten days after the filing of the motion to file a response.

The Motion for Extraordinary Relief will be ruled on by the Commerce Program Judge assigned to the case. The party filing the Motion must include a proposed order that sets forth the extension requested in thirty day or monthly increments, as well as a copy of the current Case Management Order.

Counsel's agreement to extend deadlines within a Case Management Order is not a recognized basis for an extension. A movant must demonstrate extraordinary and unforeseeable circumstances justifying the deadline extension request. Requests for extensions of Court ordered deadlines should be utilized only as a last resort and with compelling reasons "for cause" offered in support thereof.

12. Rules to Show Cause and Emergency Motions and Petitions. Requests for rules to show cause in cases assigned to the Commerce Program shall be electronically filed. Upon acceptance of the filing, Civil Administration will forward it to the assigned Commerce Program Judge for consideration.

Unless there is a dispute as to Commerce Program applicability, emergency motions or petitions in a newly filed action presented in a matter appropriate for assignment to the Commerce Program shall be referred to a Commerce Program Judge for disposition. If there is any dispute regarding Commerce Program applicability, that dispute shall be referred to the Supervising Judge for the Commerce Program.

If the assigned Commerce Program Judge is unavailable, an emergency motion or petition in an action already assigned to the Commerce Program shall be heard by another Commerce Program Judge, if available, with any subsequent hearing referred back to the assigned Commerce Program Judge. If no Commerce Program Judge is available to hear an emergency motion or petition, such motion or petition shall be referred to a Judge assigned to Motion Court (or, if necessary, the Emergency Judge), with any subsequent hearing referred back to the appropriate Commerce Program Judge.

13. Settlement Conferences. An in-person settlement conference with a Commerce Program JPT will be scheduled in advance of trial, after discovery has concluded, and after pre-trial motions have been decided. However, a settlement conference may be scheduled at any time in any case in which counsel and the Court agree that such a conference may be productive. Such a request shall be made in writing by letter to the assigned Commerce Program Judge. Client representatives with settlement authority shall be physically present at the settlement conference unless excused by the JPT or Commerce Program Judge.

Except as otherwise provided in Phila. Civ. R. \*212.3 (Settlement Conferences --Non Jury Cases), Commerce Program Judges may assist the parties in reaching a fair and reasonable settlement or other resolution of the matter. To that end, the assigned Commerce Program Judge, in his or her discretion, may schedule one or more formal settlement conferences. The Commerce Program Judge may also encourage the parties to engage in settlement discussions and in any form of Alternative Dispute Resolution (ADR), including the assistance of a Commerce Program JPT, that may result in settlement, avoidance of trial, or expeditious resolution of the dispute. Except upon order of the Court, the pendency of any form of ADR shall not alter the date for commencement of trial.

14. Pretrial Conference. A Pretrial Conference shall be held in all Commerce Program actions. Typically, the Pre-Trial Scheduling Order will require the filing of Pretrial Statements (Pa. R.C.P. No. 212.2) in advance of the Pretrial Conference. Prior to the Pretrial Conference, principal trial counsel shall confer on the matters set forth in Pa. R.C.P. No. 212.3, and attempt to reach agreement on any such matters.

Following the Pretrial Conference, the Commerce Program Judge shall enter a Trial Scheduling Order, identifying the date by which the matter should be prepared for trial, and, if applicable, the date of any special listings. The Trial Scheduling Order may further provide specific dates, to the extent not already addressed in the Case Management Order, for such matters as:

- a. Exchange of proposed stipulations and filing of stipulations in writing to facts about which there can be no reasonable dispute;
- b. Pre-marking and exchanging copies of all documents or other exhibits to be offered in evidence at trial;
- c. Service and filing of written objections to any documents or other exhibits as to which a party intends to object at trial, together with the legal basis for such objections;
- d. Identification in writing of all deposition testimony, by page and line number, intended to be read into the record at trial, followed by counter-designations and objections to deposition designations;
- e. Exchange of trial briefs and proposed findings of fact and conclusions

## Court Notices

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of law (non-jury) or requested points for jury charge (jury).

At such time prior to trial as may be fixed by the Court, it shall rule on all matters placed in issue under this procedure.

In addition, the Commerce Program Judge may establish procedures consistent with the requirements of each case in order to minimize trial time.*s Pro Tempore and Alternative Dispute Resolution*

There shall be established in the Commerce Program, an Alternative Dispute Resolution program for Commerce Program actions, which may include, but is not limited to, mediation and the assistance of Commerce Program JPTs.

15. Panel of Commerce Program Judges Pro Tempore. The Supervising Judge of the Commerce Program shall designate a panel of Commerce Program JPTs from among volunteers nominated by the Philadelphia Bar Association Business Law Section, Business Litigation Committee ("Committee") and/or the Court, and recommended by the Committee. To qualify as a Commerce Program JPT, one must be a licensed Pennsylvania attorney with no less than five years of experience in litigation or alternate dispute resolution (ADR), including a practice focused on the types of disputes described in section B.1. above (Cases Subject to Commerce Program), and/or shall have participated in ADR training by a court-sponsored provider or certified CLE provider, and/or shall have participated as a neutral, JPT, or mediator in ADR proceedings, including but not limited to mediations, settlement conferences, and private arbitrations, involving the types of disputes described in section B.1. above, prior to approval as a Judge Pro Tempore. Persons may be added to or removed from the panel of JPTs as the Supervising Judge of the Commerce Program may determine consistent with the qualifications above.

Commerce Program JPTs shall serve without charge for up to three hours for each case, exclusive of preparation time before a settlement conference or initial mediation session. Such preparation time likewise will not be compensable. After the JPT has devoted three hours of service free of charge to the assigned case, and upon agreement of the participating parties to continue the mediation or settlement conference beyond those three hours, the JPT shall be compensated at the rate agreed to by the JPT and the participating parties for further work on the case. Unless otherwise agreed to by the participating parties, or upon further order of the Court, the obligation to compensate the JPT shall be borne equally among the parties. JPTs shall promptly invoice the parties for services and reasonable expenses for which they are entitled to be compensated.

16. The Court may order a Commerce Program case to be assigned for Settlement Conference with a Commerce Program JPT who shall, on a date certain, hold a Settlement Conference which must be attended by: 1) all represented parties, unless they are excused by the JPT or the Commerce Program Judge; 2) counsel knowledgeable about the case and with authority to settle; and 3) any unrepresented parties. If the JPT excuses represented parties from attending, they shall be available telephonically. All parties shall provide to the Commerce Program JPT prior to the Settlement Conference a fully completed Settlement Memorandum, in a form to be established by the Commerce Program Judges. The parties may also submit additional, confidential, materials to the JPT alone. The Commerce Program JPT on such a referral is not authorized to rule on any motions, but will attempt to facilitate a settlement between the parties. The JPT may report to the Commerce Program Judge assigned to the case the result of the settlement conference, i.e., whether or not the case settled.

### A. Previously Issued Administrative Orders Regarding the Commerce Program.

Upon the effective date of the within Administrative Order, all Administrative Orders previously issued in connection with the Commerce Program (Administrative Docket Nos. 01 of 1999, 01 of 2000, 02 of 2003, 01 of 2014, and 01 of 2016) are supplanted and are no longer in effect.

As required by Pa.R.J.A. 103(d), this Administrative Order has been submitted to the Supreme Court of Pennsylvania Civil Procedural Rules Committee for review and written notification has been received from the Rules Committee certifying that the Administrative Order is not inconsistent with any general rule of the Supreme Court. This Administrative Order shall be filed with the Office of Judicial Records (formerly the *Prothonotary*) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order, as well as one copy of the Administrative Order on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order shall be filed with the Administrative Office of Pennsylvania Courts, published on the website of the First Judicial District at <http://courts.phila.gov>, and incorporated in the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media, Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

### BY THE COURT

/s/ Daniel J. Anders  
**DANIEL J. ANDERS**,  
 Administrative Judge, Trial Division  
 /s/ Paula A. Patrick

**PAULA A. PATRICK**,  
 Supervising Judge, Commerce Program  
 Court of Common Pleas for Philadelphia County  
 First Judicial District of Pennsylvania

### IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: PROMULGATION OF : No. 644 Judicial Administration Docket  
 CONSUMER PRICE INDEX PURSUANT  
 TO 42 Pa. C.S. §§ 1725.1(f) and  
 3571(c)(4) AND FINANCIAL  
 REGULATIONS, 204 Pa. Code §§  
 29.401-403

### ORDER

#### PER CURIAM

AND NOW, this 1st day of October, 2025, IT IS ORDERED pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Sections 1721 and 3502(a) of the Judicial Code, 42 Pa. C.S. §§ 1721, 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2024 as required by Act 54 of 2024, 42 Pa. C.S. §§ 1725.1(f) and 3571(c)(4) (as amended) and to revise the Financial Regulations, 204 Pa. Code §§ 29.401-403, as provided in those statutory escalation provisions. To the extent notice of proposed rulemaking may be required by Rule of Judicial Administration 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS PART II. GENERAL ADMINISTRATION CHAPTER 29. MISCELLANEOUS PROVISIONS Subchapter K. COSTS, FINES AND FEES

#### §29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa. C.S. §1721, has authorized by Administrative Order, the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, and judges and staff of all divisions of the Philadelphia Municipal Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under 42 Pa. C.S. § 3502(a) of the Judicial Code, the following regulations are adopted to implement Act 54 of 2024, 42 Pa. C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

#### § 29.401a. Consumer Price Index-costs and fines.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa. C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2024 as required by Act 54 of 2024, 42 Pa. C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 644 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, UrbanWage Earners and Clerical Workers, U.S. City Average, for calendar year 2024 was 2.8% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CWUR0000SA0, January 20, 2025.)

#### § 29.402.42 Pa.C.S. §1725.1. Costs.

(a) Civil cases. - In calendar year 2026, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

(1)	Actions involving \$500 or less.....	\$68.50
(2)	Actions involving more than \$500 but not more than \$2,000.....	\$91.00
(3)	Actions involving more than \$2,000 but not more than \$4,000.....	\$114.00
(4)	Actions involving between \$4,001 and \$12,000.....	\$171.00
(5)	Landlord-tenant actions involving \$2,000 or less.....	\$102.50
(6)	Landlord-tenant actions involving more than \$2,000 but not more than \$4,000.....	\$125.50
(7)	Landlord-tenant actions involving more than \$4,000 but not more than \$12,000.....	\$171.00
(8)	Order of execution.....	\$51.50
(9)	Objection to levy.....	\$23.00
(10)	Reinstatement of complaint.....	\$11.50
(11)	Entering Transcription Appeal or Certiorari.....	\$6.00

Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1)Custody cases. - In calendar year 2026, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

(1) Custody cases, except as provided in section 1725(c)(2)(v).....\$10.50

(b) Criminal cases. - In calendar year 2026, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1)	Summary conviction, except motor vehicle cases.....	\$65.00
(2)	Summary conviction, motor vehicle cases, other than paragraph.....	\$51.50
(3)	Summary conviction, motor vehicle cases, hearing demanded.....	\$62.50
(4)	Misdemeanor.....	\$74.00
(5)	Felony.....	\$85.50

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) Unclassified costs or charges. - In calendar year 2026, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

## Court Notices

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(1) Entering transcript of judgment from another member of the minor judiciary .....	\$11.50
(2) Marrying each couple, making record thereof, and certificate to the parties .....	\$57.00
(3) Granting emergency relief pursuant to 23 Pa. C.S. Ch.61 (relating to protection from abuse).....	\$23.00
(4) Issuing a search warrant (except as provided in subsection (d)).....	\$23.00
(5) Any other issuance not otherwise provided in this subsection .....	\$23.00

§ 29.403 42 Pa.C.S. § 3571.

**In calendar year 2026**, Commonwealth portion of fines, etc.

\*\*\*\*\*

(c) Costs in magisterial district judge proceedings.

(2) Amounts payable to the Commonwealth:

(i) Summary conviction, except motor vehicle cases .....	\$22.80
(ii) Summary conviction, motor vehicle cases other than subparagraph (iii) .....	\$22.80
(iii) Summary conviction, motor vehicle cases, hearing demanded .....	\$22.80
(iv) Misdemeanor.....	\$29.60
(v) Felony .....	\$45.60
(vi) Assumpsit or trespass involving:	
(A) \$500 or less .....	\$28.55
(B) More than \$500 but not more than \$2,000 .....	\$45.50
(C) More than \$2,000 but not more than \$4,000 .....	\$68.40
(D) Between \$4,001 and \$12,000 .....	\$114.00
(vii) Landlord-tenant proceeding involving:	
(A) \$2,000 or less .....	\$45.50
(B) More than \$2,000 but not more than \$4,000 .....	\$57.25
(C) More than \$4,000 but not more than \$12,000 .....	\$79.80
(viii) Objection to levy .....	\$11.50
(ix) Order of execution .....	\$34.35
(x) Issuing a search warrant (except as provided in section 1725.1 (d)(relating to costs)) .....	\$16.10
(xi) Order of possession .....	\$15.00
(xii) Custody cases (except as provided in section 1725(c)(2)(v)) .....	\$8.40

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL  
ADMINISTRATIVE ORDER**

**11 of 2025**

IN RE: STAY OF LITIGATION FOR PA OFFICE OF ATTORNEY GENERAL

**ORDER**

AND NOW this 12th day of September 2025, upon consideration of the Motion to Extend the Administrative Stay Order filed by the Commonwealth of Pennsylvania Office of Attorney General ("OAG"), and any response thereto, following a hearing, it is hereby ORDERED and DECREED that the OAG's motion to Extend the Stay is GRANTED as follows:

WHEREFORE, the Court previously having been made aware of the a network outage of the OAG and the resulting inability to proceed with litigation, and as a result on August 13, 2025, the Court issued Administrative Order 9 of 2025, which stayed all matters for 30 days until September 12, 2025, in which an attorney from the OAG has entered an appearance and which provided that the Stay may be extended upon the filing of a motion to extend the Stay and following a hearing.

It is hereby ORDERED and DECREED that the Stay shall be extended for another 30 days for all cases in which an attorney from the OAG has entered an appearance.

It is further ORDERED and DECREED that the stay does not apply to any stipulations of dismissal of any Commonwealth of Pennsylvania related party that the OAG has entered its appearance.

It is further ORDERED and DECREED that as to any new cases to which this Stay applies to the entry of appearance by an OAG attorney on behalf of the Commonwealth of Pennsylvania, its agencies and employees, must be accompanied by a Praecept to Stay the Action, together with a copy of this Order.

It is further ORDERED and DECREED that this Stay shall remain in effect until October 14, 2025 unless the OAG notifies the Court before October 14, 2025 that its electronic data and network have been restored to allow its attorneys to access litigation data and proceed with litigation. It is further provided, however, that the Stay may be extended upon the filing of a motion to extend the Stay and following a hearing. Any motion to extend the Stay shall be filed at least five (5) days prior to the end of the Stay and docketed on Case No.: 250801412. Any objection to the motion to extend the Stay shall be filed before the hearing.

It is further ORDERED and DECREED that a hearing is scheduled for October 14, 2025 at 1 p.m. in Courtroom 513, City Hall.

**BY THE COURT:**

/s/ Daniel J. Anders

**DANIEL J. ANDERS**,  
Administrative Judge, Court  
of Common Pleas  
Trial Division, First Judicial District of  
Pennsylvania

**IN THE SUPREME COURT OF PENNSYLVANIA**

IN RE:  
ORDER AMENDING RULES 1910.1,  
1910.11, 1910.12, 1910.16-1, 1910.16-2,  
1910.16-3, 1910.16-3.1, 1910.16-4,  
1910.16-5, 1910.16-6, 1910.16-7,  
1910.19, 1910.21, 1910.27, AND 1910.29  
OF THE PENNSYLVANIA RULES OF  
CIVIL PROCEDURE

NO. 767  
CIVIL PROCEDURAL  
RULES DOCKET

**ORDER**

**PER CURIAM**

AND NOW, this 11<sup>th</sup> day of August, 2025, upon the recommendation of the Domestic Relations Procedural Rules Committee, the proposal having been published for public comment at 54 Pa.B. 8395 (December 28, 2024):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.1, 1910.11, 1910.12, 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-3.1, 1910.16-4, 1910.16-5, 1910.16-6, 1910.16-7, 1910.19, 1910.21, 1910.27, and 1910.29 of the Pennsylvania Rules of Civil Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2026.

Deletions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

**Rule 1910.1. Scope. Definitions.**

(a) **Scope.** Except as provided by subdivision (b), the rules of this chapter govern all civil actions or proceedings brought in the court of common pleas to enforce a duty of support, or an obligation to pay alimony *pendente lite*.

[Note: A duty of support is imposed by the following statutes: 23 Pa.C.S.A. § 4321 and Section 3 of the Support Law of June 24, 1937, P.L. 2045, 62 P.S. § 1973 (repealed) now Act 43-2005, July 7, 2005, P.L. 196. The procedure under the rules of this chapter implements Chapter 43 of Part V of the Domestic Relations Code, Title 23 of the Consolidated Statutes, 23 Pa.C.S.A. § 4301 et seq., relating to support proceedings. The procedure under these rules provides an alternative to the intrastate and interstate procedures under Parts VIII and VIII-A of the Domestic Relations Code, 23 Pa.C.S.A. §§ 7101 et seq. and 8101 et seq. For alimony and alimony pendente lite, see Sections 3701 and 3702 of the Divorce Code, 23 Pa.C.S.A. §§ 3701, 3702. Long arm jurisdiction is available in support actions brought pursuant to these rules per 23 Pa.C.S.A. § 4342(c).]

(b) **Exception.** The rules of this chapter shall not govern:

- (1) an action or proceeding for support based upon a contract or agreement which provides that it may not be enforced by an action in accordance with these rules,
- (2) an application for a temporary order of support and other relief pursuant to [the Protection from Abuse Act of December 19, 1990, P.L. 1240, No. 206,] 23 Pa.C.S.[A.] §§ 6101 et seq.; or
- (3) an action for support of an indigent brought pursuant to [to Chapter 46 of the Domestic Relations Code,] 23 Pa.C.S.[A.] §§ 4601 et seq.

[Note: Where a contract or agreement provides that it cannot be enforced in accordance with the rules, actions upon a contract or agreement for support are to be heard by the court and not a conference officer or hearing officer under Rules 1910.11 or 1910.12. However, such actions should be expedited and given preference in court listings.]

(c) **Definitions.** As used in this chapter, unless the context of a rule indicates otherwise, the following terms shall have the following meanings:

1. **“Conference officer,”** the person who conducts an office conference pursuant to Rule 1910.11.
2. **“Default order,”** a support order entered when a party fails to respond or appear after proper notice.
3. **“Domestic Relations Section,”** the office responsible for establishing paternity, and determining and enforcing child and spousal support orders. For the purpose of these rules, a County Child/Spousal Support Services shall be synonymous with a Domestic Relations Section.
4. **“Hearing officer,”** the person who conducts a hearing on the record and makes recommendations to the court pursuant to Rule 1910.12.
5. **“Overdue support,”** the amount of delinquent support equal to or greater than one month’s support obligation which accrues after entry or modification of a support order as the result of obligor’s nonpayment of that order.
6. **“Past due support,”** the amount of support which accrues prior to entry or modification of a support order as the result of retroactivity of that order. [When] If nonpayment of the order causes overdue support to accrue, any and all amounts of past due support owing under the order shall convert immediately to overdue support and remain as such until paid in full.
7. **“Suspend,”** eliminate the effect of a support order for a period of time.
8. **“Terminate,”** end not only the support order, but the support obligation as well.
9. **“Trier-of-fact,”** the judge, hearing officer, or conference officer who makes factual determinations.

## Court Notices

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10. "Vacate," declare a particular support order null and void, as if it were never entered.

**Comment:** A duty of support is imposed by 23 Pa.C.S. § 4321 and 23 Pa.C.S. §§ 4601 *et seq.* The procedure under the rules of this chapter implements 23 Pa.C.S. §§ 4301 *et seq.*, relating to support proceedings. The procedure under these rules provides an alternative to the intrastate and interstate procedures under 23 Pa.C.S. §§ 7101 *et seq.* and 8101 *et seq.* or alimony and alimony *pendente lite*, see 23 Pa.C.S. §§ 3701, 3702.

Long arm jurisdiction is available in support actions brought pursuant to these rules per 23 Pa.C.S. § 4342(c).

If a contract or agreement provides that it cannot be enforced in accordance with the rules, actions upon a contract or agreement for support are to be heard by the court and not a conference officer or hearing officer under Rules 1910.11 or 1910.12. However, such actions should be expedited and given preference in court listings.

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

#### Explanatory Comment—March 30, 1994

Nothing in this rule should be interpreted to eliminate the distinctions between spousal support and alimony *pendente lite* which are established by case law.

Alimony *pendente lite* must be distinguished from permanent alimony for purposes of this rule. The rule applies only to alimony *pendente lite*. The procedure for obtaining permanent alimony is governed by Section 3702 of the Divorce Code, 23 Pa.C.S.A. § 3702, and Rules of Civil Procedure 1920.1 *et seq.* Agreements for alimony approved by the court in connection with actions for divorce under Section 3701 of the Divorce Code are deemed to be court orders enforceable under Section 3703 of the Code.

Section 3105(a) of the Divorce Code provides that all agreements relating to matters under the code, whether or not merged or incorporated into the decree, are to be treated as orders for purposes of enforcement unless the agreement provides otherwise. Subdivision (b)(1) is amended to conform to the statute.

There is considerable diversity in the terminology used throughout the rules, and in the various counties, to describe the individuals who conduct conferences and hearings pursuant to the support rules. The addition of subdivision (c) to the rule standardizes terminology and eliminates the confusion which results from individual counties using inconsistent terms to refer to persons performing the same function. All references in the rules to conference or hearing officers have been amended to conform to the terminology set forth in subdivision (c).

#### Explanatory Comment—April 15, 1994

In an effort to further standardize the terminology used in support matters, the additional terms are defined.

#### Explanatory Comment—2000

Act 1998-127 technically amended Act 1997-58 to define and differentiate between past due and overdue support to clarify that only overdue support constitutes a lien by operation of law against the obligor's real or personal property. 23 Pa.C.S.A. § 4302 now defines overdue support as "support which is delinquent under a payment schedule established by the court." Past due support is defined as "support included in an order of support which has not been paid."

The definitions of past due and overdue support in this rule do not substantively change the legislative definitions. They merely elaborate on them in terms which are more familiar and helpful to the bench and bar. Specifically, past due support consists of the purely retroactive arrearages which accumulate between the date of the filing of the complaint or petition for modification and the date of the hearing and entry of the initial or modified support order. Overdue support refers to the delinquent arrearages which accrue after entry of the order due to the obligor's failure to pay support pursuant to the order.

These definitions are important for determining the remedies available for collecting support arrearages. Pursuant to 23 Pa.C.S.A. § 4352(d), only overdue support (delinquent arrearages) constitutes a lien by operation of law against the obligor's property. Conversely, past due support (retroactive arrears) does not operate as a lien against this property as long as the obligor remains current on the support order.

Rule 1910.20 extends this legislative distinction between overdue and past due support to the following remedies available to collect support: (1) consumer agency reporting under 23 Pa.C.S.A. § 4303; (2) suspension of licenses under 23 Pa.C.S.A. § 4355; and (3) the full range of new collection remedies under 23 Pa.C.S.A. § 4305(b)(10). Accordingly, these remedies are available only to collect overdue support. They are not available to collect past due support as long as the obligor remains current on the order. If, however, the obligor subsequently defaults on the support order, Rule 1910.20(c) provides that any past due support still owing under the order immediately becomes overdue support subject to the full range of collection remedies. It remains overdue support until collected in full.

Pursuant to Rule 1910.20(c), all overdue support, including past due support which has converted to overdue support, remains subject to Act 58 remedies until paid in full. Any repayment plan subsequently agreed to by the parties, or ordered by the court pursuant to a contempt proceeding (including any arrearage component), does not preclude the use of these remedies for collecting overdue support more quickly, whenever feasible.

In cases involving past due support only, the obligee is not entirely without remedy in the event that additional income or assets of the obligor are discovered after the hearing which would enable collection of past due support more quickly. In these cases, identification of those income sources or assets provides a basis for modification pursuant to Rule 1910.19. Modification includes increasing the rate of repayment on past due support and, if appropriate, ordering that the past due support be paid in full. In these cases, the obligee may also petition the court for special relief pursuant to Rule 1910.26 to have the income or assets frozen and seized pending the petition for modification in order to secure payment of past due support.

#### Explanatory Comment—2007

Act 43-2005, July 7, 2005, P. L. 196, repealed the Act of June 24, 1937 (P. L. 2045, No. 397), known as The Support Law and added Chapter 46 to the Domestic Relations Code, 23 Pa.C.S.A. § 4601 *et seq.* Section 4 of Act 43-2005 states that the addition of Chapter 46 is a continuation of the Act of June 24, 1937 (P. L. 2045, No. 397). Chapter 46 addresses the responsibility of certain family members to maintain indigent relatives, whether or not the indigent person is a public charge. New subdivision (b)(3) clarifies that the support rules and guidelines do not apply to actions brought under Chapter 46 of the Domestic Relations Code.

### Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

#### Office Conference.

(1) A conference officer shall conduct the office conference.

(2) [A lawyer] An attorney serving as a conference officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, or judge of the same judicial district.

[Note: Conference officers preside at office conferences under Pa.R.C.P. No. 1910.11. Hearing officers preside at hearings under Pa.R.C.P. No. 1910.12. The appointment of a hearing officer to hear actions in divorce or for annulment of marriage is authorized by Pa.R.C.P. No. 1920.51.]

(b) **Failure to Appear.** If a party fails to appear at the conference as directed by the court, the conference may proceed with a default order being entered against the non-appearing party.

(c) **Documents.** At the conference, the parties shall provide to the conference officer the following documents:

- the most recently filed individual federal income tax returns, including all schedules, W-2s, and 1099s;
- the partnership or business tax returns with all schedules, including K-1, if the party is self-employed or a principal in a partnership or business entity;
- pay stubs for the preceding six months;
- verification of child care expenses;
- child support, spousal support, alimony *pendente lite*, or alimony orders or agreements for other children or former spouses;
- proof of available medical coverage; and
- an Income Statement and, if necessary, an Expense Statement on the forms provided in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.27(c) and completed as set forth in subdivisions (c)(1) and (c)(2).

[Note: See Pa.R.C.P. No. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions (e.g., divorce, custody), the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania shall apply.]

(1) The parties shall provide the conference officer with a completed:

(i) Income Statement as set forth in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.27(c)(1) in all support cases, including high-income cases under [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-3.1; and

(ii) Expense Statement as set forth in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.27(c)(2)(A), if a party:

☒ (i) claims that unusual needs and unusual fixed expenses may warrant a deviation from the guideline support amount pursuant to [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-5; or

☒ (ii) seeks expense [apportionment] allocation pursuant to [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-6.

(2) For high-income support cases as set forth in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-3.1, the parties shall provide to the conference officer the Expense Statement in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.27(c)(2)(B).

#### Conference Officer Recommendation.

(1) The conference officer shall calculate and recommend a guideline support amount to the parties.

(2) If the parties agree on a support amount at the conference, the conference officer shall:

(i) prepare a written order consistent with the parties' agreement and substantially in the form set forth in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.27(e), which the parties shall sign; and

(ii) submit to the court the written order along with the conference officer's recommendation for approval or disapproval.

(iii) The court may enter the order in accordance with the agreement without hearing from the parties.

(3) In all cases in which one or both parties are unrepresented, the parties [must] shall provide income information to the domestic relations section so that a guidelines calculation can be performed.

## Court Notices

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- (4) In cases in which both parties are represented by counsel, the parties shall not be obligated to provide income information and the domestic relations section shall not be required to perform a guidelines calculation if the parties have reached an agreement about the amount of support and the amount of contribution to additional expenses.
- (e) Conference Summary. At the conclusion of the conference or not later than 10 days after the conference, the conference officer shall prepare a conference summary and furnish copies to the court and to both parties. The conference summary shall state:
  - (1) the facts upon which the parties agree;
  - (2) the contentions of the parties with respect to facts upon which they disagree; and
  - (3) the conference officer's recommendation; if any, of
    - i. the amount of support and by and for whom the support shall be paid; and
    - ii. the effective date of any order.
- (f) No Agreement. If an agreement for support is not reached at the conference, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e). Each party shall be provided, either in person at the time of the conference or by mail, with a copy of the interim order and written notice that any party may, within [twenty] 20 days after the date of receipt or the date of the mailing of the interim order, whichever occurs first, file a written demand with the domestic relations section for a hearing before the court.
- (g) No Automatic Stay. A demand for a hearing before the court shall not stay the interim order entered under subdivision (f) unless the court so directs.
- (h) No Hearing Demand. If no party demands a hearing before the court within the [twenty] 20-day period, the interim order shall constitute a final order.
- (i) Hearing Demand. If a demand is filed, there shall be a hearing *de novo* before the court. The domestic relations section shall schedule the hearing and give notice to the parties. The court shall hear the case and enter a final order substantially in the form set forth in Rule 1910.27(e) within [sixty] 60 days from the date of the written demand for hearing.
- (j) Separate Listing.
  - (1) Promptly after receipt of the notice of the scheduled hearing, a party may move the court for a separate listing [where] if:
    - (i) there are complex questions of law, fact or both; or
    - (ii) the hearing will be protracted; or
    - (iii) the orderly administration of justice requires that the hearing be listed separately.
  - (2) If the motion for separate listing is granted, discovery shall be available in accordance with [Rule] Pa.R.Civ.P. 4001 et seq.

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

- (k) Post-Trial Relief Motion. No motion for post-trial relief may be filed [to] from the final order of support.

**Comment: Conference officers preside at office conferences under Pa.R.Civ.P. 1910.11. Hearing officers preside at hearings under Pa.R.Civ.P. 1910.12. The appointment of a hearing officer to hear actions in divorce or for annulment of marriage is authorized by Pa.R.Civ.P. 1920.51.**

See Pa.R.Civ.P. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions, (e.g., divorce, custody), the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania shall apply.

Concerning subdivision (j)(2), the rule relating to discovery in domestic relations matters generally is Rule 1930.5.

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

#### Explanatory Comment—1994

The domestic relations office conference provided by Rule 1910.11 constitutes the heart of the support procedure. There are two primary advantages to the inclusion of a conference. First, in many cases the parties will agree upon an amount of support and a final order will be prepared, to be entered by the court, thus dispensing with a judicial hearing. Second, those cases which do go to hearing can proceed more quickly because the necessary factual information has already been gathered by the conference officer.

Subdivision (a)(2) prohibits certain officers of the court from practicing family law before fellow officers of the same court. These officers are the conference officer who is an attorney (Rule 1910.11), the hearing officer (Rule 1910.12), and the standing or permanent master who is employed by the court (Rule 1920.51). The amendments are not intended to apply to the attorney who is appointed occasionally to act as a master in a divorce action.

Subdivision (e)(3) makes clear that even if the parties agree on an amount of support, the conference officer is still empowered to recommend to the court that the agreement be disapproved. This provision is intended to protect the destitute spouse who might out of desperation agree to an amount of support that is unreasonably low or which would in effect bargain away the rights of the children. The officer's disapproval of the agreement serves to prevent an inadequate

order being entered unwittingly by the court.

The provision for an interim order in subdivision (f) serves two purposes. First, it ensures that the obligee will receive needed support for the period during which the judicial determination is sought. Second, it eliminates the motive of delay in seeking a judicial determination.

Because the guidelines are income driven, the trier of fact has little need for the expense information required in the Income and Expense Statement. Therefore in guideline cases, the rule no longer requires that expense information be provided. If a party feels that there are expenses so extraordinary that they merit consideration by the trier of fact, that party is free to provide the information. In cases decided according to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), living expenses are properly considered, and therefore must be presented on the Income and Expense Statement.

#### Explanatory Comment—1995

Rule 1910.11(e) is amended to eliminate the need for a party to request a copy of the conference summary.

Because the court is required to enter a guideline order on the basis of the conference officer's recommendation, there is no need for (g)(2), which provided for a hearing before the court where an order was not entered within five days of the conference. It is eliminated accordingly.

Pursuant to subdivision (g), support payments are due and owing under the interim order which continues in effect until the court enters a final order after the hearing *de novo*. The provision for an interim order serves two purposes. First, it ensures that the obligee will receive needed support for the period during which the judicial determination is sought. Second, it eliminates the motive of delay in seeking a judicial determination. Therefore, the plaintiff and the dependent children are not prejudiced by allowing the court sixty days, rather than the original forty-five, in which to enter its final order.

#### Explanatory Comment—2006

The time for filing a written demand for a hearing before the court 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 entry of the order, to assure Commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

The amendments reflect the separated Income Statement and Expense Statements in Rule 1910.27(c).

#### Explanatory Comment—2010

When the parties' combined net income exceeds \$30,000 per month, calculation of child support, spousal support and alimony *pendente lite* shall be pursuant to Rule 1910.16-3.1. Rule 1910.16-2(e) has been amended to eliminate the application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), in high income child support cases.

#### Explanatory Comment—2011

The rule has been amended to require that income information be provided in all cases, unless both parties are represented in reaching an agreement, so that a guidelines calculation can be performed. The guidelines create a rebuttable presumption that the amount calculated pursuant to them is the correct amount, so there should be a calculation in every case. If parties agree to receive or to pay an order other than the guideline amount, they should know what that amount is so that they can enter an agreement knowingly. If both parties are represented by counsel, it is assumed that their entry into the agreement for an amount other than a guidelines amount is knowing as it is counsels' responsibility to advise the parties. In addition, part of the mandatory quadrennial review of the support guidelines mandates a study of the number of cases in which the support amount ordered varies from the amount that would result from a guidelines calculation. Federal regulations presume that if a large percentage of cases vary from the guideline amount, then the guidelines are not uniform statewide.

#### Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

- (a) **Office Conference.** There shall be an office conference as provided by [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.11(a) [through] - (d). The provisions of [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.11(d)(3) and (d)(4) regarding income information apply in cases proceeding pursuant to [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.12.
- (b) **Conference Conclusion.**
  - (1) At the conclusion of a conference attended by both parties, if an agreement for support has not been reached, and the conference and hearing are not scheduled on the same day, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.27(e), and the parties shall be given notice of the date, time and place of a hearing. A record hearing shall be conducted by a hearing officer who [must be a lawyer] shall be an attorney.
  - (2) If either party, having been properly served, fails to attend the conference, the court may enter an interim **default** order calculated in accordance with the guidelines and substantially in the form set forth in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.27(e). Within 20 days after the date of receipt or the date of mailing of the interim **default** order, whichever occurs first, either party may demand a hearing before a hearing officer. If no hearing is requested, the order shall become final.
  - (3) Any [lawyer] attorney serving as a hearing officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, or judge of the same judicial district.
- (c) **Separate Listing.**
  - (1) Except as provided in subdivision (c)(2), promptly after the conference's conclusion, a party may move the court for a separate listing of the hearing if:
    - (i) there are complex questions of law, fact or both;

[Note: Conference officers preside at office conferences under Pa.R.C.P. No. 1910.11. Hearing officers preside at hearings under Pa.R.C.P. No. 1910.12. The appointment of a hearing officer to hear actions in divorce or for annulment of marriage is authorized by Pa.R.C.P. No. 1920.51.]

#### Explanatory Comment—1994

- (1) Except as provided in subdivision (c)(2), promptly after the conference's conclusion, a party may move the court for a separate listing of the hearing if:
  - (i) there are complex questions of law, fact or both;

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- (ii) the hearing will be protracted; or
- (iii) the orderly administration of justice requires that the hearing be listed separately.
- (2) When the conference and hearing are scheduled on the same day, all requests for separate listing shall be presented to the court at least seven days prior to the scheduled court date.
- (3) If the motion for separate listing is granted, discovery shall be available in accordance with [Pa.R.C.P. No.] Pa.R.Civ.P. 4001 *et seq.*

[Note: The rule relating to discovery in domestic relations matters generally is Pa.R.C.P. No. 1930.5.]

- (d) **Hearing Officer Report.** The hearing officer shall receive evidence, hear argument and, not later than 20 days after the close of the record, file with the court a report containing a recommendation with respect to the entry of an order of support. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order substantially in the form set forth in Rule 1910.27(e) stating:
  - (1) the amount of support calculated in accordance with the guidelines;
  - (2) by and for whom it shall be paid; and
  - (3) the effective date of the order.
- (e) **Interim Order.** The court, without hearing the parties, shall enter an interim order consistent with the proposed order of the hearing officer. Each party shall be provided, either in person at the time of the hearing or by mail, with a copy of the interim order and written notice that any party may, within [twenty] 20 days after the date of receipt or the date of mailing of the order, whichever occurs first, file with the domestic relations section written exceptions to the report of the hearing officer and interim order.

[Note: Objections to the entry of an interim order consistent with the proposed order may be addressed pursuant to Rule 1910.26.]

- (f) **Exceptions to Report.** Within [twenty] 20 days after the date of receipt or the date of mailing of the report by the hearing officer, 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 facts, 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 order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within [twenty] 20 days of the date of service of the original exceptions.
- (g) **No Exceptions Filed.** If no exceptions are filed within the [twenty] 20-day period, the interim order shall constitute a final order.
- (h) **Exceptions Filed.** If exceptions are filed, the interim order shall continue in effect. The court shall hear argument on the exceptions and enter an appropriate final order substantially in the form set forth in Rule 1910.27(e) within [sixty] 60 days from the date of the filing of exceptions to the interim order. No motion for post-trial relief may be filed to the final order.

**Comment: Conference officers preside at office conferences under Pa.R.Civ.P. 1910.11. Hearing officers preside at hearings under Pa.R.Civ.P. 1910.12. The appointment of a hearing officer to hear actions in divorce or for annulment of marriage is authorized by Pa.R.Civ.P. 1920.51.**

**Concerning subdivision (c)(3), the rule relating to discovery in domestic relations matters generally is Pa.R.Civ.P. 1930.5.**

**Objections to the entry of an interim order consistent with the proposed order may be addressed pursuant to Pa.R.Civ.P. 1910.26.**

### Historical Commentary

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

#### Explanatory Comment—1995

Language is added to subdivision (b) to acknowledge that the conference and hearing can be held on the same day, and to provide for the immediate entry of an interim order in judicial districts where the hearing occurs at a later date. New subdivision (b)(2) permits entry of a guideline order after a conference which the defendant, though properly served, fails to attend. New subdivision (c)(2) is intended to prevent delays in the hearing of complex cases by requiring that requests for separate listing be made at least seven days in advance where the conference and hearing are scheduled the same day.

In addition, the phrase “record hearing” in subdivision (a) replaces the reference to a “stenographic record” in recognition of the variety of means available to create a reliable record of support proceedings.

Amended subdivision (e) allows an interim order to be entered and served on the parties at the conclusion of the hearing, rather than after the expiration of the exceptions period as was true under the old rule. In addition, the amended subdivision requires that the interim order include language advising the parties of their right to file exceptions within ten days of the date of the order.

Support payments are due and owing under the interim order which continues in effect until the court enters a final order after considering the parties’ exceptions. Therefore, extension of the deadline for entering the final order by fifteen days does not prejudice the persons dependent upon payment of the support.

#### 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 entry of the order, to assure Commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

### Rule 1910.16-1. Support Obligation. Support Guidelines.

#### (a) Applicability of the Support Guidelines.

- (1) Except as provided in subdivision (a)(3), the support guidelines determine a spouse’s or parent’s support obligation based on the parties’ combined monthly net income, as defined in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-2, and the number of persons being supported.
- (2) If a person caring for or having custody of a minor child, who does not have a duty of support to the minor child, initiates a child support action as provided in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.3:
  - (i) the complaint shall name the parents as defendants;
  - (ii) in determining the basic child support obligation, the monthly net income for the individual initiating the action shall not be considered in the support calculation by the trier-of-fact;
  - (iii) the parents’ monthly net incomes shall be combined to determine the basic child support obligation, which shall be apportioned based on the parents’ respective monthly net incomes consistent with [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-4. The parents shall pay the obligee their proportionate share of the basic child support obligation as a separate obligor; and
  - (iv) as with other support actions, the trier-of-fact may adjust or deviate the basic child support, spousal support, or alimony *pendente lite* obligation consistent with the support guidelines based on the evidence presented by the parties.

**[Example 1.]** The parents have one child, who is in the custody of the maternal grandmother. Maternal grandmother initiates a support action against the parents. Mother’s monthly net income is \$3,000 and Father’s monthly net income is \$2,000 for a combined monthly net income of \$5,000. For purposes of the child support calculation, maternal grandmother’s income is irrelevant and not part of the calculation. The basic child support obligation for one child at a combined monthly net income of \$5,000 is \$993 per month. Mother’s percentage share of the combined monthly net income is 60% (\$3,000/\$5,000) and Father’s percentage share of the combined monthly net income is 40% (\$2,000/\$5,000). Mother’s preliminary monthly share of the child support obligation is \$596 (\$993 x 60%) and Father’s preliminary monthly share of the child support obligation is \$397 (\$993 x 40%). Maternal grandmother is the obligee with Mother and Father as separate obligors owing \$596 and \$397, respectively, to the maternal grandmother.]

- (3) In an action in which the plaintiff is a public body or private agency pursuant to [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.3, the basic child support obligation shall be calculated under the guidelines based upon the parent’s monthly net income with the public or private entity’s monthly net income as zero. In such cases, each parent shall be treated as a separate obligor, and the parent’s obligation will be based upon the parent’s monthly net income without regard to the other parent’s monthly net income.

- (i) The basic child support obligation owed to a child not in placement shall be deducted from each parent’s monthly net income before calculating support for the child in placement, including the direct support the support guidelines assume the custodial parent will provide.

**[Example 2.]** The parents have three children and do not live in the same household. Mother has primary custody of two children and monthly net income of \$2,500 per month. Father’s monthly net income is \$4,000. The parties’ third child is in foster care placement. Pursuant to the schedule in Pa.R.C.P. No. 1910.16-3, the basic child support obligation for the two children with Mother is \$1,733. As Father’s income is 62% of the parties’ combined monthly net income, Father’s basic child support obligation to Mother is \$1,074 per month. The guidelines assume that Mother will provide \$659 per month in direct expenditures to the two children. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor’s monthly net income will be \$2,926 for purposes of this calculation (\$4,000 less \$1,074 in support for the children with Mother). As the agency/obligee’s income is zero, Father’s support for the child in placement will be 100% of the basic child support obligation for one child at the \$2,926 income level, or \$674 per month. Mother/obligor’s net income will be \$1,841 for purposes of this calculation (\$2,500 less \$659 in direct support to the children in Mother’s custody). Mother’s support obligation will be 100% of the basic child support obligation for one child at that income level, or \$423 per month.

**[Example 3.]** The parents have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as in Example 2, Father’s monthly net income for determining his obligation to the children in placement would be \$3,500 (\$4,000 less \$500 support for two children of prior marriage). Father’s obligation to the agency would be \$1,205 per month (100% of the basic child support obligation for two children at the \$3,500 per month income level). Mother’s monthly net income would not be diminished as she owes no other child support. Mother would owe \$877 for the children in placement (100% of the basic child support obligation for two children at the \$2,500 income level).]

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(ii) If the parents reside in the same household, each parent's respective basic child support obligation to a child that remains in the household and is not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and the calculated basic child support obligation shall be deducted from the parents' monthly net incomes for purposes of calculating support for a child in placement.

[Example 4. The parents have four children, two of whom are in placement. Mother's monthly net income is \$4,000 and Father's is \$3,000. The basic child support obligation for the two children in the home is \$1,841, according to the schedule in Pa.R.C.P. No. 1910.16-3. As Mother's monthly net income is 57% of the parties' combined monthly net income, her share would be \$1,049, and Father's 43% share would be \$792. Mother's monthly net income for purposes of calculating support for the two children in placement would be \$2,951 (\$4,000 less \$1,049). She would pay 100% of the basic child support obligation at that income level, or \$1,026, for the children in placement. Father's monthly net income would be \$2,208 (\$3,000 less \$792), and his obligation to the children in placement would be \$772.]

(iii) If the basic child support obligation exceeds the placement's cost, the trier-of-fact shall:

- ☎① deviate the basic child support obligation downward; and
- ☎② apply the parent's percentage of the combined monthly net income to the reduced basic child support obligation.

(4) The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting the party's other expenditures.

(b) **Support Obligation.** The support obligation (child support, spousal support, or alimony *pendente lite*) awarded pursuant to the [Pa.R.C.P. Nos.] Pa.R.Civ.P. 1910.11 and 1910.12 procedures shall be determined in accordance with the support guidelines, which consist of the guidelines expressed as the basic child support schedule in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-3, the [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-4 formulas, and the operation of the support guidelines as set forth in these rules.

(c) **Spousal Support and Alimony Pendente Lite.**

(1) Spousal support and alimony *pendente lite* orders shall not be in effect simultaneously.

(2) In determining a spousal support or alimony *pendente lite* obligation's duration, the trier-of-fact shall consider the marriage's duration, *i.e.*, the date of marriage to the date of final separation.

(d) **Rebuttable Presumption.** If the trier-of-fact determines that a party has a duty to pay support, there is a rebuttable presumption that the guideline-calculated support obligation is the correct support obligation.

- ☎① The presumption is rebutted if the trier-of-fact concludes in a written finding or states on the record that the guideline support obligation is unjust or inappropriate.
- ☎② The trier-of-fact shall consider the child's and parties' special needs and obligations, and apply the [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-5 deviation factors, as appropriate.

(e) **Support Guidelines Review.** The support guidelines shall be reviewed at least every four years to ensure that their application determines the appropriate support obligation.

**Comment:**

**Subdivision (a)(2) Example:** The parents have one child, who is in the custody of the maternal grandmother. Maternal grandmother initiates a support action against the parents. Mother's monthly net income is \$3,000 and Father's monthly net income is \$2,000 for a combined monthly net income of \$5,000. For purposes of the child support calculation, maternal grandmother's income is irrelevant and not part of the calculation. The basic child support obligation for one child at a combined monthly net income of \$5,000 is \$1,080 per month. Mother's percentage share of the combined monthly net income is 60% (\$3,000/\$5,000) and Father's percentage share of the combined monthly net income is 40% (\$2,000/\$5,000). Mother's preliminary monthly share of the child support obligation is \$648 (\$1,080 x 60%) and Father's preliminary monthly share of the child support obligation is \$432 (\$1,080 x 40%). Maternal grandmother is the obligee with Mother and Father as separate obligors owing \$648 and \$432, respectively, to the maternal grandmother.

**Subdivision (a)(3)(i) Example 1:** The parents have three children and do not live in the same household. Mother has primary custody of two children and monthly net income of \$2,500 per month. Father's monthly net income is \$4,000. The parties' third child is in foster care placement. Pursuant to the schedule in Pa.R.Civ.P. 1910.16-3, the basic child support obligation for the two children with Mother is \$1,855. As Father's income is 62% of the parties' combined monthly net income, Father's basic child support obligation to Mother is \$1,150 per month. The guidelines assume that Mother will provide \$705 per month in direct expenditures to the two children. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor's monthly net income will be \$2,850 for purposes of this calculation (\$4,000 less \$1,150 in support for the children with Mother). As the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the basic child support obligation for one child at the \$2,850 income level, or \$657 per month. Mother/obligor's net income will be \$1,795 for purposes of this calculation (\$2,500 less \$705 in direct support to the children in Mother's custody). Mother's support obligation will be 100% of the basic child support obligation for one child at that income level, or \$415 per month.

**Subdivision (a)(3)(i) Example 2:** The parents have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as in Subdivision (a)(3)(i) Example 1, Father's monthly net income for determining his obligation to the children in placement would be \$3,500 (\$4,000 less \$500 support for two children of prior marriage). Father's obligation to the agency would be \$1,217 per month (100% of the basic child support obligation for two children at the \$3,500 per month income level). Mother's monthly net income would not be diminished as she owes no other child support. Mother would owe \$877 for the children in placement (100% of the basic child support obligation for two children at the \$2,500 income level).

**Subdivision (a)(3)(ii) Example:** The parents have four children, two of whom are in placement. Mother's monthly net income is \$4,000 and Father's is \$3,000. The basic child support obligation for the two children in the home is \$1,913, according to the schedule in Pa.R.Civ.P. 1910.16-3. As Mother's monthly net income is 57% of the parties' combined monthly net income, her share would be \$1,090, and Father's 43% share would be \$823. Mother's monthly net income for purposes of calculating support for the two children in placement would be \$2,910 (\$4,000 less \$1,090). She would pay 100% of the basic child support obligation at that income level, or \$1,017, for the children in placement. Father's monthly net income would be \$2,177 (\$3,000 less \$823), and his obligation to the children in placement would be \$772.

**Historical Commentary**

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

**Explanatory Comment—2003**

New subdivision (2) is intended to clarify in particular the calculation of child support when a child is in a foster care or institutional placement and not in the custody of either parent.

**Explanatory Comment—2010**

*Introduction.* Pennsylvania law requires that child and spousal support be awarded pursuant to a statewide guideline. 23 Pa.C.S. § 4322(a). That statute further provides that the guideline shall be "established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly." *Id.*

Pursuant to federal law, The Family Support Act of 1988 (P. L. 100-485, 102 Stat. 2343 (1988), all states are required to have statewide child support guidelines. Federal regulations, 45 CFR 302.56, further require that the guidelines be reviewed at least once every four years and that such reviews include an assessment of the most recent economic data on child-rearing costs and a review of data from case files to assure that deviations from the guidelines are limited. The Pennsylvania statute also requires a review of the support guidelines every four years. 23 Pa.C.S.A. § 4322(a).

The Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania began the mandated review process in early 2007. The committee was assisted in its work by Jane Venohr, Ph.D., an economist with the Center for Policy Research, under contract between the Pennsylvania Department of Public Welfare and Policy Studies, Inc. As a result of the review, the committee recommended to the Supreme Court several amendments to the statewide guidelines.

**Income Shares Model.** Pennsylvania's child support guidelines are based upon the Income Shares Model. That model was developed under the Child Support Guidelines Project funded by the U.S. Office of Child Support Enforcement and administered by the National Center for State Courts. The Guidelines Project Advisory Group recommended the Income Shares Model for state guidelines. At present, 37 states use the Income Shares Model as a basis for their child support guidelines.

The Income Shares Model is based upon the concept that the child of separated, divorced or never-married parents should receive the same proportion of parental income that she or he would have received if the parents lived together. A number of authoritative economic studies provide estimates of the average amount of household expenditures for children in intact households. These studies show that the proportion of household spending devoted to children is directly related to the level of household income and to the number of the children. The basic support amounts reflected in the schedule in Rule 1910.16-3 represent average marginal expenditures on children for food, housing, transportation, clothing and other miscellaneous items that are needed by children and provided by their parents, including the first \$250 of unreimbursed medical expenses incurred annually per child.

1. **Economic Measures.** The support schedule in Rule 1910.16-3 is based upon child-rearing expenditures measured by David M. Betson, Ph.D., Professor of Economics, University of Notre Dame. Dr. Betson's measurements were developed for the U.S. Department of Health and Human Services for the explicit purpose of assisting states with the development and revision of child support guidelines. Dr. Betson's research also was used in developing the prior schedule, effective in January 2006. Dr. Betson updates his estimates using data from the Consumer Expenditure Survey conducted by the U.S. Bureau of Labor Statistics. In the current schedule, those figures were converted to 2008 price levels using the Consumer Price Index.
2. **Source of Data.** The estimates used to develop the schedule are based upon national data. The specific sources of the data are the periodic Consumer Expenditure Surveys. Those national surveys are used because they are the most detailed available source of data on household expenditures. The depth and quality of this information is simply not available at the state level and would be prohibitively costly to gather.

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B. **Statutory Considerations.** The Pennsylvania statute, 23 Pa.C.S.A. § 4322(a), provides:

Child and spousal support shall be awarded pursuant to a Statewide guideline as established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly. The guideline shall be based upon the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support. In determining the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support, the guideline shall place primary emphasis on the net incomes and earning capacities of the parties, with allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention. The guideline so developed shall be reviewed at least once every four years.

1. **Reasonable Needs and Reasonable Ability to Provide Support.** The guidelines make financial support of a child a primary obligation and assume that parties with similar net incomes will have similar reasonable and necessary expenses. After the basic needs of the parents have been met, the child's needs shall receive priority. The guidelines assume that if the obligor's net income is at the poverty level, he or she is barely able to provide for his or her own basic needs. In those cases, therefore, the entry of a minimal order may be appropriate after considering the party's living expenses. In some cases, it may not be appropriate to enter a support order at all. In most cases, however, a party's living expenses are not relevant in determining his or her support obligation. Rather, as the statute requires, the obligation is based upon the reasonable needs of a dependent spouse or child and the reasonable ability of the obligor to pay.

2. **Net Income.** The guidelines use the net incomes of the parties. Each parent is required to contribute to a share of the child's reasonable needs in proportion to that parent's share of the combined net income. The custodial parent makes these contributions through direct expenditures for food, shelter, clothing, transportation and other reasonable needs. The non-custodial parent makes contributions through periodic support payments to the custodial parent. Rule 1910.16-2(d) has been amended to clarify the provisions relating to income and earning capacity.

3. **Allowable Deviations.** The guidelines are designed to treat similarly situated parents, spouses and children in the same manner. However, when there are unavoidable differences, deviations must be made from the guidelines. Failure to deviate from these guidelines by considering a party's actual expenditures where there are special needs and special circumstances constitutes a misapplication of the guidelines.

C. **Child Support Schedule.** The child support schedule in Rule 1910.16-3 has been amended to reflect updated economic data, as required by federal and state law, to ensure that children continue to receive adequate levels of support. The support amounts in the schedule have been expanded to apply to a combined net monthly income of \$30,000 and remain statistically valid. The economic data support the revised schedule.

D. **Self-Support Reserve ("SSR").** The amended schedule also incorporates an increase in the "Self-Support Reserve" or "SSR" from \$748 per month to \$867 per month, the 2008 federal poverty level for one person. Formerly designated as the "Computed Allowance Minimum" or "CAM," the Self-Support Reserve, as it is termed in most other states' guidelines, is intended to assure that low-income obligors retain sufficient income to meet their own basic needs, as well as to maintain the incentive to continue employment. The SSR is built into the schedule in Rule 1910.16-3 and adjusts the basic support obligation to prevent the obligor's net income from falling below \$867 per month. Because the schedule in Rule 1910.16-3 applies to child support only, Rule 1910.16-2(e)(1)(B) provides for a similar adjustment in spousal support and alimony pendente lite cases to assure that the obligor retains a minimum of \$867 per month.

E. **Shared Custody.** In creating the new schedule, the amounts of basic child support were first increased to reflect updated economic data, including 2008 price levels. Next, the amounts of basic child support were adjusted to incorporate into the schedule the assumption that the children spend 30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. That does not mean that the entire schedule was reduced by 30%. Only those variable expenditures, such as food and entertainment, that fluctuate based upon parenting time were adjusted. The calculation in Rule 1910.16-4(c) reduces an obligor's support obligation further if the obligor spends significantly more time with the children. The revised schedule assumes that the obligor has 30% parenting time. The obligor will receive an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method may still result in a support obligation even if custody of the children is equally shared. In those cases, the rule provides for a maximum obliga-

tion which may reduce the obligation so that the obligee does not receive a larger portion of the parties' combined income than the obligor.

F. **Child Care Expenses.** Rule 1910.16-6(a) was amended in 2006 to provide that child care expenses incurred by both parties shall be apportioned between the parties in recognition of the fact that a non-custodial parent also may incur such expenses during his or her custodial periods with the children.

G. **Spousal Support and Alimony Pendente Lite.** Subdivision (c) has been amended to require the court to consider the duration of the marriage in determining the duration of a spousal support or alimony pendente lite award. The language was moved from Rule 1910.16-5 which deals with deviation. The primary purpose of this provision is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

H. **Other Amendments.** All of the examples in the guidelines have been updated to reflect the changes to the basic child support schedule. Prior explanatory comments have been deleted or revised and incorporated into new comments.

**Explanatory Comment—2013**  
The schedule of basic child support has been updated to reflect newer economic data. The schedule was prepared by Jane Venohr, Ph.D., the economist who assisted in the last guideline review using the same methodology. It includes an increase in the Self-Support Reserve to \$931 per month, the 2012 federal poverty level for one person.

**Explanatory Comment—2017**  
Pursuant to Pa.R.C.P. No. 1910.3(a), a person having custody of a child or caring for a child may initiate a support action against the child's parent(s). Previously, this rule only addressed when a public body or private agency had custody of a child but was silent with regard to an individual third party, e.g., grandparent, seeking support. The rule has been amended by adding a new subdivision (a)(2) and renumbering the previous (a)(2) to (a)(3). In addition, an example illustrating the new (a)(2) calculation has been included.

Subdivision (a)(2) excludes the income of the third party/obligee, as that person does not have a duty of support to the child; instead, the rule uses the combined monthly net income of the parents to determine the basic child support amount, which is then apportioned between the parents consistent with their respective percentage of the combined monthly net income in the same manner as a parent vs. parent support action. However, under this rule, each parent would be a separate obligor, would pay the obligee their proportionate share under a separate support order, and would be subject to separate enforcement proceedings. Under (a)(2), the exclusion of the third party's income is consistent with Pa.R.C.P. No. 1910.16-2(b)(2)(ii) as that rule relates to an action for support by a third party against a surviving parent in which the child receives a Social Security derivative benefit due to the death of the other parent.

In accordance with Pa.R.C.P. No. 1910.16-6(c), payment of the first \$250 of unreimbursed medical expenses per year per child is applicable to third party/obligees in support actions governed by (a)(2). The first \$250 of unreimbursed medical expenses is built into the Basic Child Support Schedule.

**Rule 1910.16-2. Support Guidelines. Calculation of Monthly Net Income.**  
Generally, the basic child support, spousal support, or alimony *pendente lite* obligation is based on the parties' monthly net incomes.

(a) **Monthly Gross Income.** Monthly gross income is ordinarily based on at least a six-month average of a party's income. The support law, 23 Pa.C.S. § 4302, defines the term "income" and includes income from any source. The statute lists many types of income including, but not limited to:

- (1) wages, salaries, bonuses, fees, and commissions;
- (2) net income from business or dealings in property;
- (3) interest, rents, royalties, and dividends;
- (4) pensions and all forms of retirement;
- (5) income from an interest in an estate or trust;
- (6) Social Security disability benefits, Social Security retirement benefits, temporary and permanent disability benefits, workers' compensation, and unemployment compensation;
- (7) alimony if, in the trier-of-fact's discretion, inclusion of part or all of it is appropriate; and
- (8) other entitlements to money or lump sum awards, without regard to source, including:
  - (i) lottery winnings;
  - (ii) income tax refunds;
  - (iii) insurance compensation or settlements;
  - (iv) awards and verdicts; and
  - (v) payments due to and collectible by an individual regardless of source.

(b) **Treatment of Public Assistance, SSI Benefits, Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement, and Foster Care Payments.**

(1) **Public Assistance and SSI Benefits.** Neither public assistance nor Supplemental Security Income (SSI) benefits shall be included as income for determining support.

(2) **Child's Social Security Derivative Benefits.**

- (i) If a child is receiving Social Security derivative benefits due to a parent's retirement or disability:
  - (A) The trier-of-fact shall determine the basic child support obligation as follows:
    - (I) add the child's benefit to the monthly net income of the party who receives the child's benefit;
    - (II) calculate the parties' combined monthly net income, including the child's benefit;
    - (III) determine the basic child support obligation set forth in the Pa.R.Civ.P.

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(IV) 1910.16-3 schedule; and apportion the basic child support obligation between the parties based on the party's percentage of the combined monthly net income.

(B) If the obligee receives the child's benefit, the trier-of-fact shall deduct the child's benefit from the basic child support obligation of the party whose retirement or disability created the child's benefit.

(C) If the obligor receives the child's benefit, the trier-of-fact shall not deduct the child's benefit from the obligor's basic child support obligation, even if the obligor's retirement or disability created the child's benefit. To illustrate for the parties the impact of the obligor receiving the benefit instead of the obligee, the trier-of-fact shall provide the parties with two calculations theoretically assigning the benefit to each household.

(D) The trier-of-fact shall allocate the expenses in Pa.R.Civ.P. 1910.16-6(a)—(e) based on the parties' monthly net incomes without considering the child's benefit.

(E) In equally shared custody cases, the party with the higher monthly net income, excluding the child's benefit, is the obligor.

(ii) If a child is receiving Social Security derivative benefits due to a parent's death, the trier-of-fact shall determine the surviving parent's basic child support obligation as follows:

(A) The non-parent obligee's monthly net income shall include only those funds the obligee is receiving on the child's behalf, including the Social Security derivative benefit.

(B) If the surviving-parent obligor receives the Social Security derivative benefit, the benefit shall be added to the parent's monthly net income to calculate child support.

(3) **Foster Care Payments.** If a party to a support action is a foster parent or is receiving payments from a public or private agency for the care of a child who is not the party's biological or adoptive child, the trier-of-fact shall not include those payments in the party's monthly net income for purposes of calculating child support for the foster parent's or other caretaker's biological or adoptive child.

(c) **Monthly Net Income.**

(1) Unless these rules provide otherwise, the trier-of-fact shall deduct only the following items from monthly gross income to arrive at monthly net income:

(i) federal, state, and local income taxes;

(ii) unemployment compensation taxes and Local Services Taxes (LST);

(iii) F.I.C.A. payments (Social Security, Medicare and Self-Employment taxes) and non-voluntary retirement payments;

(iv) mandatory union dues; and

(v) alimony paid to the other party.

(2) In computing a spousal support or alimony *pendente lite* obligation, the trier-of-fact shall:

(i) deduct from the obligor's monthly net income child support, spousal support, alimony *pendente lite*, or alimony amounts paid to children and former spouses, who are not part of this action; and

(ii) include in a party's monthly net income alimony *pendente lite* or alimony received from a former spouse that was not included in the party's gross income, as provided in subdivision (a).

(d) **Reduced Income or Fluctuating Earnings.**

(1) **Voluntary Income Reduction — Existing Orders.** [The trier-of-fact shall not downwardly adjust a party's net income from an existing order if the trier-of-fact finds that:

(i) the party's income reduction resulted from the party willfully attempting to favorably affect the party's basic support obligation; or

(ii) the party voluntarily assumed a lower paying job, quit a job, left employment, changed occupations, changed employment status to pursue an education, or employment is terminated due to willful misconduct.]

**The trier-of-fact shall not adjust a party's monthly net income for voluntary decreases in income due to a situation over which the party has control, including, but not limited to, assuming a lower paying job, quitting a job, leaving employment, changing occupations, changing employment status to pursue an education, or willful misconduct resulting in the termination of employment.**

(2) **Involuntary Income Reduction[. Incarceration.] and Earnings Fluctuations — Existing Orders.**

(i) **Involuntary Income Reduction.** The trier-of-fact shall adjust a party's monthly net income from an existing order for substantial continuing involuntary decreases in income due to [an employment] a situation over which the party has no control, including, but not limited to, illness, lay-off, termination, **incarceration**, or job elimination.

(ii) **[Incarceration.]**

(A) Except as set forth in subdivision (d)(2)(ii)(B), the trier-of-fact shall:

(I) consider an incarcerated party's income reduction as an involuntary income reduction as set forth in subdivision (d)(2)(i); and

(II) adjust the incarcerated party's monthly net income accordingly.

(B) **Exception.**

(I)

(II) A party's incarceration shall not constitute an involuntary income reduction when the incarceration is due to support enforcement purposes or a criminal offense in which the party's dependent child or the obligee was the victim; and The trier-of-fact makes a written finding that downwardly adjusting the incarcerated party's monthly net income would be unjust or inappropriate and, in a child support action, takes into consideration the child's best interest.]

(iii) **Rescinded.**

**Earnings Fluctuations.** The trier-of-fact shall not adjust a party's monthly net income from an existing order due to normal or temporary earnings fluctuations.

(3) **Seasonal Employees.** Generally, the trier-of-fact shall base a seasonal employee's monthly net income on a yearly average.

**Earning Capacity — Initial Orders and Modifications.**

(i) When calculating an initial order **or modifying an existing order**, if a party [willfully] fails to obtain or maintain appropriate employment, the trier-of-fact **[may] shall** impute to the party an income equal to the party's earning capacity.

(A) **Earning Capacity Limitation.** The trier-of-fact:

(I) shall not impute **income** to the party **based on** an earning capacity that exceeds the amount the party could earn from one full-time position; and shall determine a reasonable work regimen based upon the party's relevant circumstances, including the jobs available within a particular occupation, working hours and conditions, and whether a party has exerted substantial good faith efforts to find employment.

(II) The trier-of-fact shall base the party's earning capacity on the subdivision (d)(4)(ii) factors.

(B) The trier-of-fact shall determine a reasonable work regimen based upon the party's relevant circumstances, including the jobs available within a particular occupation, working hours and conditions, and whether a party has exerted substantial good faith efforts to find employment.

(C) After assessing a party's earning capacity, the trier-of-fact shall state the reasons for the assessment in writing or on the record.

(D) When the trier-of-fact **[imputes] determines** an earning capacity **[to]** for a party who would incur **[childcare]** **child care** expenses if the party were employed, the trier-of-fact shall consider reasonable **[childcare]** **child care** responsibilities and expenses for the purpose of discretionary allocation pursuant to Pa.R.Civ.P. 1910.16-6(a)(1)(ii).

(ii) **Factors.** In determining a party's earning capacity, the trier-of-fact shall consider the party's:

(A) child care responsibilities and expenses **that would actually be incurred by the party if employed**;

(B) assets;

(C) residence;

(D) employment and earnings history;

(E) job skills;

(F) educational attainment;

(G) literacy;

(H) age;

(I) health;

(J) criminal record and other employment barriers;

(K) record of seeking work;

(L) local job market, including the availability of employers who are willing to hire the party;

(M) local community prevailing earnings level; and

(N) other relevant factors.

(e) **Net Income Affecting Application of the Support Guidelines.**

(1) **Low-Income Cases.**

(i) **Self-Support Reserve (SSR).**

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- (A) The SSR is the minimum monthly net income reserved to the obligor to meet the obligor's basic needs.
- (B) The SSR amount is **[\$1,063] \$1,255** per month.
- (ii) **Action for Child Support Only.** **[When]** If the obligor's monthly net income and the number of children in the action intersect in the Basic Child Support Schedule's shaded area as set forth in Pa.R.Civ.P. 1910.16-3, the trier-of-fact shall determine the obligor's basic child support obligation utilizing the lesser of the two calculated amounts from the following methodologies.
  - (A) The initial calculation is determined by using the obligor's monthly net income only, the schedule set forth in Pa.R.Civ.P. 1910.16-3, and the number of children.
  - (B) The second calculation is determined by using the parties' combined monthly net income and the basic child support formula in Pa.R.Civ.P. 1910.16-4(a).
  - (C) If the obligor's monthly net income is at or below the SSR, the trier-of-fact may award support only after consideration of the parties' actual financial resources and living expenses.
- (iii) **Action for Spousal Support/Alimony Pendente Lite Only.**
  - (A) After calculating the spousal support or alimony *pendente lite* obligation as provided in Pa.R.Civ.P. 1910.16-4, the spousal support obligation shall not reduce the obligor's monthly net income below the SSR.
  - (B) If the obligor's monthly net income after subtracting the spousal support or alimony *pendente lite* obligation is less than the SSR, the trier-of-fact shall adjust the spousal support or alimony *pendente lite* obligation downward by an amount sufficient for the obligor to retain the SSR amount.
- (iv) **Action with Child Support and Spousal Support or Alimony Pendente Lite.**
  - (A) The trier-of-fact shall calculate the spousal support or alimony *pendente lite* obligation as provided in Pa.R.Civ.P. 1910.16-4.
  - (B) The trier-of-fact shall subtract the calculated spousal support or alimony *pendente lite* obligation from the obligor's monthly net income to determine the obligor's adjusted monthly net income.
  - (C) **[When]** If the obligor's adjusted monthly net income and the number of children in the action intersect in the Basic Child Support Schedule's shaded area as set forth in Pa.R.Civ.P. 1910.16-3, the trier-of-fact:
    - (I) shall not award spousal support or alimony *pendente lite*; and
    - (II) shall calculate child support as provided in subdivision (e)(1)(ii).
  - (D) **[When]** If the obligor's monthly net income and the number of children in the action do not intersect in the Basic Child Support Schedule's shaded area as set forth in Pa.R.Civ.P. 1910.16-3, the trier-of-fact shall calculate child support consistent with Pa.R.Civ.P. 1910.16-4.
    - (I) The combined spousal support or alimony *pendente lite* and basic child support obligations shall not reduce the obligor's remaining monthly net income below the SSR.
    - (II) If the obligor's monthly net income after subtracting the spousal support or alimony *pendente lite* and basic child support obligations is less than the SSR, the trier-of-fact shall adjust the support obligation downward by an amount sufficient for the obligor to retain the SSR amount.
- (2) **High-Income Cases.** If the parties' combined monthly net income exceeds \$30,000, the trier-of-fact shall calculate child support, spousal support, or alimony *pendente lite* pursuant to Pa.R.Civ.P. 1910.16-3.1.
- (f) **Child Tax Credit.** In order to maximize the total income available to the parties and children, the trier-of-fact may award, as appropriate, the federal child tax credit to the non-custodial parent, or to either parent in cases of equally shared custody, and require the other party to execute the waiver required by the Internal Revenue Code, 26 U.S.C. § 152(e). The trier-of-fact shall consider the tax consequences associated with the federal child tax credit in calculating the party's monthly net income available for support.

**Comment:** Concerning subdivision (a)(7), in determining the appropriateness of including alimony in gross income, the trier-of-fact shall consider whether the party receiving the alimony must include the amount received as gross income when filing federal income taxes. If the alimony is not includable in the party's gross income for federal income tax purposes, the trier-of-fact may include in the party's monthly net income the alimony received, as appropriate. See Pa.R.Civ.P. 1910.16-2(c)(2)(ii).

Since the reasons for ordering payment of alimony vary, the appropriateness of including it in the recipient's gross income **[must] will** also vary. For example, if the obligor is paying \$1,000 per month in alimony for the express purpose of financing the obligee's college education, it would be inappropriate to consider that alimony as income from which the obligee could provide child support. However, if alimony is intended to finance the obligee's general living expenses, inclusion of the alimony as income is appropriate.

Concerning subdivision (a)(8), the trier-of-fact determines the most appropriate method for imputing lump-sum awards as income for purposes of establishing or modifying the party's support obligation. These awards may be annualized or averaged over a shorter or longer period depending on the case's circumstances. The trier-of-fact may require all or part of the lump sum award escrowed to secure the support obligation during that period.

The trier-of-fact shall not include income tax refunds in a party's income, if the trier-of-fact factored in the tax refund when calculating the party's actual tax obligation and monthly net income.

Concerning subdivision (b), care **[must] should** be taken to distinguish Social Security from Supplemental Security Income (SSI) benefits. Social Security benefits are income pursuant to subdivision (a).

Subdivision (b) Example 1. The obligor has monthly net income of \$2,000. The obligee's monthly net income is \$1,500 and the obligee, as primary custodial parent of the parties' two children, receives \$700 per month in Social Security derivative benefits on behalf of the children as a result of the obligor's disability. Add the children's benefit to the obligee's income, which now is \$2,200 per month. At the parties' combined monthly net income of \$4,200, the basic child support obligation for two children is **[\$1,372] \$1,445**. As the obligor's income is 48% of the parties' combined monthly net income, the obligor's preliminary share of the basic child support obligation is **[\$659] \$694**. However, because the obligor's disability created the children's Social Security derivative benefits that the obligee is receiving, the obligor's obligation is reduced by the amount of the benefit, \$700. As the support obligation cannot be less than zero, the obligor's basic child support obligation is \$0 per month. If it were the obligee's disability that created the benefit, the obligor's basic child support obligation would remain **[\$659] \$694**. If the obligor were receiving the children's benefit as a result of the obligor's retirement or disability, the obligor's monthly net income would include the amount of the benefit and total \$2,700, or 64% of the parties' combined monthly net income. The obligor's share of the basic child support obligation would then be **[\$878] \$925** and would not be reduced by the amount of the children's benefit because the obligor, not the obligee, is receiving the benefit. Therefore, the obligor's basic child support obligation is less if the obligee is receiving the benefit created by the obligor.

Subdivision (b) Example 2. Two children live with Grandmother who receives \$800 per month in Social Security death benefits for the children as a result of Father's death. Grandmother also receives \$500 per month from a trust established by Father for the benefit of the children. Grandmother is employed and earns \$2,000 net per month. Grandmother seeks support from the children's mother, who earns \$2,000 net per month. For purposes of calculating Mother's basic child support obligation, Grandmother's income will be \$1,300, the amount she receives on the children's behalf in Social Security derivative benefits and the trust income. (If Mother were receiving the benefit on the children's behalf, the benefit would be added to Mother's monthly net income and would be \$2,800. Grandmother's monthly net income would be \$500.) Therefore, Mother's and Grandmother's combined monthly net income totals \$3,300. The basic child support obligation at the \$3,300 monthly net income level for two children is **[\$1,137] \$1,156**. As Mother's monthly net income of \$2,000 is 61% of the parties' combined monthly net income of \$3,300, Mother's basic child support obligation is **[\$694] \$705**. Since Mother's retirement or disability did not generate the child's derivative benefit, the benefit amount is not subtracted from Mother's basic child support obligation, and Mother owes Grandmother **[\$694] \$705**. If Grandmother was not receiving the children's derivative benefits or trust income, Grandmother's monthly net income for purposes of calculating Mother's basic child support obligation would be zero, and Mother would pay 100% of the basic child support obligation because Grandmother has no duty to support the children.

Concerning subdivision (c)(1)(v), because the reasons for ordering payment of alimony vary, the appropriateness of including it in the recipient's monthly net income **[must] will** also vary. For example, if the obligor is paying \$1,000 per month in alimony for the express purpose of financing the obligee's college education, it would be inappropriate to consider that alimony as income from which the obligee could provide child support. However, if alimony is intended to finance the obligee's general living expenses, inclusion of the alimony as income is appropriate.

**Concerning subdivision (d)(2)(i) and the inclusion of "incarceration," see 45 C.F.R. § 302.56(c)(3) ("[I]ncarceration may not be treated as voluntary unemployment in establishing or modifying support orders.")**

**Concerning subdivision (d)(4), a party's earning capacity may be determined to be \$0.00 in appropriate cases.**

The consideration of child care expenses if the party were employed in subdivision (d)(4)(i)(D) is not for purposes of reducing imputed income when calculating the party's basic child support obligation. The child care expenses that would be payable if a party were employed are subject to discretionary allocation pursuant to Pa.R.Civ.P. 1910.16-6(a)(1)(ii).

Concerning subdivision (d)(4)(ii), see 45 C.F.R. § 302.56(c)(1)(iii) regarding earning capacity factors.

**Concerning subdivision (d)(4)(ii)(A), the trier-of-fact shall consider an unemployed or underemployed parent's child care responsibilities and expenses when determining that parent's earning capacity. The trier-of-fact should consider whether child care is available and appropriate considering the child's needs. Assuming child care is available and appropriate, the trier-of-fact should next consider the child care expenses that the parent would actually pay if employed. This excludes child care provided at no cost to the parent by a family member or other responsible person. Additionally, any portion of a child care expense that would be eligible for subsidization by a third party or through a government program should not be included. If the unallocated hypothetical child care expenses are equal to or exceed the parent's earning capacity, then no income should be imputed for that parent, e.g., earning capacity is \$0.00. If the unallocated hypothetical child care expenses**

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### are less than the parent's earning capacity, then the hypothetical child care expenses that would be actually paid by the parent, if employed, may be allocated pursuant to Pa.R.Civ.P. 1910.16-6(a)(1)(ii).

Subdivision (e)(1)(ii) Example: The parties have two children. The obligee has monthly net income of \$2,500. The obligor has monthly net income of \$1,500, which falls into the shaded area of the schedule for two children. The initial calculation is made using only the obligor's monthly net income. The basic child support obligation for two children would be **[\$397] \$223**. The second calculation uses the parties' combined monthly net income. The parties' combined monthly net income is \$4,000. The basic child support obligation for two children is **[\$1,340] \$1,377**. The obligor's proportionate share of the parties' combined monthly net income is 38% with a basic child support obligation of **[\$509] \$523**. The obligor's basic child support obligation using only the obligor's monthly net income is less than the calculated amount using the parties' combined monthly net income. As a result, the trier-of-fact should award the lesser amount, and the obligor's basic child support obligation is **[\$397] \$223**.

Subdivision (e)(1)(iii) Example: The obligor has **[\$1,200] \$1,500** monthly net income, and the obligee has \$300 monthly net income. The formula in Pa.R.Civ.P. 1910.16-4(a)(1)(Part B) would result in a monthly spousal support obligation of **[\$276] \$375** (**[\$1,200] \$1,500 x 33% = [\$396] \$495**) minus (\$300 x 40% = \$120) for a total of **[\$276] \$375**). Since this amount leaves the obligor with only **[\$924] \$1,125** per month, the trier-of-fact should adjust the support obligation so the obligor retains at least **[\$1,063] \$1,255** per month. Therefore, the spousal support obligation is **[\$137] \$245** per month (**[\$1,200 - \$1,063] (\$1,500 - \$1,255)**).

Subdivision (e)(1)(iv) Example: Obligor and obligee have monthly net incomes of \$2,000 and \$165, respectively, and have two children. Calculating spousal support under subdivision (e)(1)(iv)(A) results in a spousal support obligation of \$450 (\$2,000 x 25% minus \$165 x 30%). Obligor's adjusted monthly net income (\$2,000 minus \$450) is \$1,550. Obligor's adjusted monthly net income of \$1,550 with two children is in the shaded area of the Basic Child Support Schedule, and as a result, the trier-of-fact shall not award spousal support. Instead, the trier-of-fact should award child support only as provided in subdivision (e)(1)(ii).

Concerning subdivision (e)(2), see *Hanraban v. Bakker*, 186 A.3d 958 (Pa. 2018).

#### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

#### Explanatory Comment—2010

Subdivision (a) addresses gross income for purposes of calculating the support obligation by reference to the statutory definition at 23 Pa.C.S. § 4322. Subdivision (b) provides for the treatment of public assistance, SSI benefits, Social Security derivative benefits, and foster care payments.

Subdivision (c) sets forth the exclusive list of the deductions that may be taken from gross income in arriving at a party's net income. When the cost of health insurance premiums is treated as an additional expense subject to allocation between the parties under Pa.R.C.P. No. 1910.16-6, it is not deductible from gross income. However, part or all of the cost of health insurance premiums may be deducted from the obligor's gross income pursuant to Pa.R.C.P. No. 1910.16-6(b) in cases in which the obligor is paying the premiums and the obligee has no income or minimal income. Subdivision (c) relates to spousal support or alimony *pendente lite* awards when there are multiple families. In these cases, a party's monthly net income must be reduced to account for his or her child support obligations, as well as any pre-existing spousal support, alimony *pendente lite* or alimony obligations being paid to former spouses who are not the subject of the support action.

Subdivision (d) has been amended to clarify the distinction between voluntary and involuntary changes in income and the imputing of earning capacity. Statutory provisions at 23 Pa.C.S. § 4322, as well as case law, are clear that a support obligation is based upon the ability of a party to pay, and that the concept of an earning capacity is intended to reflect a realistic, rather than a theoretical, ability to pay support. Amendments to subdivision (d) are intended to clarify when imposition of an earning capacity is appropriate.

Subdivision (e) has been amended to reflect the updated schedule in Pa.R.C.P. No. 1910.16-3 and the increase in the Self-Support Reserve ("SSR"). The schedule now applies to all cases in which the parties' combined monthly net income is \$30,000 or less. The upper income limit of the prior schedule was only \$20,000. The support amount at each income level of the schedule also has changed, so the examples in Pa.R.C.P. No. 1910.16-2 were revised to be consistent with the new support amounts.

The SSR is intended to assure that obligors with low incomes retain sufficient income to meet their basic needs and to maintain the incentive to continue employment. When the obligor's monthly net income or earning capacity falls into the shaded area of the schedule, the basic child support obligation can be derived directly from the schedule in Pa.R.C.P. No. 1910.16-3. There is no need to use the formula in Pa.R.C.P. No. 1910.16-4 to calculate the obligor's support obligation because the SSR keeps the amount of the obligation the same regardless of the obligee's income. The obligee's income may be a relevant factor, however, in determining whether to deviate from the basic guideline obligation pursuant to Pa.R.C.P. No. 1910.16-5 and in considering whether to require the obligor to contribute to any additional expenses under Pa.R.C.P. No. 1910.16-6.

Since the schedule in Pa.R.C.P. No. 1910.16-3 sets forth basic child support only, subdivision (e)(1)(ii) is necessary to reflect the operation of the SSR in spousal support and alimony *pendente lite* cases. It adjusts the basic guideline obligation, which would otherwise be calculated under the formula in Pa.R.C.P. No. 1910.16-4, so that the obligor's income does not fall below the SSR amount in these cases.

Previously, the SSR required that the obligor retain at least \$748 per month. The SSR now requires that the obligor retain income of at least \$867 per month, an amount equal to the 2008 federal poverty level for one person. When the obligor's monthly net income is less than \$867, subdivision (e)(1)(iii) provides that the trier-of-fact must consider the parties' actual living expenses before awarding support. The guidelines assume that at this income level the obligor is barely able to meet basic personal needs. In these cases, therefore, entry of a minimal order may be appropriate. In some cases, it may not be appropriate to order support at all.

The schedule at Pa.R.C.P. No. 1910.16-3 sets forth the presumptive amount of basic child support to be awarded. If the circumstances warrant, the trier-of-fact may deviate from that amount under Pa.R.C.P. No. 1910.16-5 and may also consider a party's contribution to additional expenses, which are typically added to the basic amount of support under Pa.R.C.P. No. 1910.16-6. If, for example, the obligor earns only \$900 per month but is living with his or her parents, or has remarried and is living with a fully-employed spouse, the trier-of-fact may consider an upward deviation under Pa.R.C.P. No. 1910.16-5(b)(3) or may order the party to contribute to the addi-

tional expenses under Pa.R.C.P. No. 1910.16-6. Consistent with the goals of the SSR, however, the trier-of-fact should ensure that the overall support obligation leaves the obligor with sufficient income to meet basic personal needs and to maintain the incentive to continue working so that support can be paid.

Subdivision (e) also has been amended to eliminate the application of *Melzer v. Witsberger*, 480 A.2d 991 (Pa. 1984), in high-income child support cases. In cases in which the parties' combined net monthly income exceeds \$30,000, child support will be calculated in accordance with the three-step process in Pa.R.C.P. No. 1910.16-3.1(a).

#### Explanatory Comment—2013

The SSR has been increased to \$931, the 2012 federal poverty level for one person. Subdivision (e) has been amended to require that when the obligor's income falls into the shaded area of the basic child support schedule in Pa.R.C.P. No. 1910.16-3, two calculations must be performed. One calculation uses only the obligor's income and the other is a regular calculation using both parties' incomes, awarding the lower amount to the obligee. The two-step process is intended to address those cases in which the obligor has minimal income and the obligee's income is substantially greater.

#### Explanatory Comment—2015

The rule has been amended to provide that a party's support obligation will be reduced by the child's Social Security derivative benefit amount if that party's retirement or disability created the benefit and the benefit is being paid to the household in which the child primarily resides or the obligee in cases of equally shared custody. In most cases, payment of the benefit to the obligee's household will increase the resources available to the child and the parties. The rule is intended to encourage parties to direct that the child's benefits be paid to the obligee.

#### Explanatory Comment—2021

The Self-Support Reserve is determined by the Federal Poverty Guideline for one person converted to a monthly amount—currently \$1,063—for the year the Basic Child Support Schedule was derived.

Subdivision (e)(1) addresses low-income cases and has been completely rewritten and identifies the current monthly Self-Support Reserve (SSR) amount as \$1,063. The SSR is the amount of the obligor's monthly net income that is reserved to meet the obligor's basic needs. Subdivisions (e)(1)(ii)–(iv) adjust the methodology for calculating support when the obligor's monthly net income is at or near the SSR amount.

#### Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule.

The following schedule represents the amounts spent on children of intact families by combined monthly net income and number of children. Combined monthly net income is on the schedule's vertical axis, and the number of children is on the schedule's horizontal axis. This schedule determines the basic child support obligation. Unless these rules provide otherwise, the obligor's basic child support obligation shall be computed using either the formula set forth in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-4(a)(1)(Part C) or (a)(2)(Part I).

<The following schedule is to be deleted.>

Combined Adjusted Net Income	Basic Child Support Schedule					
	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
1100	33	33	34	34	34	35
1150	78	79	80	81	81	82
1200	123	124	126	127	128	130
1250	168	170	172	174	175	177
1300	213	215	218	220	222	225
1350	258	261	264	267	269	272
1400	303	306	310	313	316	320
1450	334	352	356	360	363	367
1500	346	397	402	406	410	415
1550	357	443	448	453	457	462
1600	369	488	494	499	504	510
1650	380	534	540	546	551	557
1700	392	579	586	592	598	605
1750	403	614	632	639	645	652
1800	415	632	678	685	692	700
1850	426	649	724	732	739	747
1900	438	667	770	778	786	795
1950	449	684	816	825	833	842
2000	461	702	848	871	880	890
2050	472	719	869	918	927	937
2100	484	737	891	964	974	985
2150	495	754	912	1011	1021	1032
2200	507	772	933	1042	1068	1080
2250	518	789	954	1066	1115	1127
2300	530	807	976	1090	1162	1175
2350	541	825	997	1113	1209	1222
2400	553	842	1018	1137	1251	1270

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Combined Adjusted Net Income	Basic Child Support Schedule						Combined Adjusted Net Income	Basic Child Support Schedule					
	One Child	Two Children	Three Children	Four Children	Five Children	Six Children		One Child	Two Children	Three Children	Four Children	Five Children	Six Children
2450	565	860	1039	1161	1277	<b>1317</b>	5300	1032	1549	1845	2061	2267	2464
2500	576	877	1060	1184	1303	<b>1365</b>	5350	1036	1553	1849	2065	2272	2469
2550	588	895	1082	1208	1329	<b>1412</b>	5400	1040	1558	1853	2069	2276	2474
2600	599	912	1103	1232	1355	<b>1460</b>	5450	1044	1562	1856	2073	2281	2479
2650	611	930	1124	1255	1381	1501	5500	1048	1567	1860	2078	2285	2484
2700	622	947	1145	1279	1407	1530	5550	1052	1571	1864	2082	2290	2489
2750	634	965	1166	1303	1433	1558	5600	1056	1576	1867	2086	2294	2494
2800	645	980	1184	1322	1455	1581	5650	1060	1581	1871	2090	2299	2499
2850	657	995	1201	1342	1476	1604	5700	1064	1585	1875	2094	2304	2504
2900	668	1010	1219	1361	1497	1628	5750	1069	1592	1881	2101	2312	2513
2950	680	1026	1236	1381	1519	1651	5800	1074	1599	1889	2110	2321	2523
3000	691	1041	1253	1400	1540	1674	5850	1080	1606	1896	2118	2330	2532
3050	703	1056	1271	1420	1562	1697	5900	1085	1614	1903	2126	2339	2542
3100	714	1071	1288	1439	1583	1721	5950	1091	1621	1911	2134	2348	2552
3150	726	1086	1306	1458	1604	1744	6000	1097	1628	1918	2143	2357	2562
3200	737	1103	1325	1479	1627	1769	6050	1102	1636	1926	2151	2366	2572
3250	747	1120	1345	1502	1652	1796	6100	1108	1643	1933	2159	2375	2582
3300	758	1137	1365	1524	1677	1823	6150	1114	1651	1942	2169	2386	2594
3350	768	1154	1385	1547	1702	1850	6200	1122	1663	1955	2184	2402	2611
3400	778	1171	1405	1569	1726	1876	6250	1131	1675	1968	2198	2418	2628
3450	789	1188	1425	1592	1751	1903	6300	1139	1686	1981	2212	2434	2645
3500	799	1205	1445	1614	1776	1930	6350	1147	1698	1993	2227	2449	2662
3550	810	1222	1465	1637	1800	1957	6400	1155	1709	2006	2241	2465	2680
3600	820	1238	1485	1659	1825	1983	6450	1164	1721	2019	2255	2481	2697
3650	828	1251	1500	1676	1843	2003	6500	1172	1733	2032	2270	2497	2714
3700	837	1264	1515	1692	1862	2023	6550	1180	1744	2045	2284	2512	2731
3750	845	1276	1530	1709	1880	2044	6600	1188	1756	2058	2298	2528	2748
3800	854	1289	1545	1726	1898	2064	6650	1197	1767	2070	2313	2544	2765
3850	862	1302	1560	1743	1917	2084	6700	1205	1779	2083	2327	2560	2783
3900	871	1314	1575	1759	1935	2104	6750	1213	1791	2096	2341	2576	2800
3950	879	1327	1590	1776	1954	2124	6800	1220	1801	2109	2356	2591	2817
4000	888	1340	1605	1793	1972	2144	6850	1226	1811	2122	2370	2607	2834
4050	894	1349	1616	1805	1986	2159	6900	1232	1821	2135	2385	2623	2851
4100	900	1357	1625	1815	1996	2170	6950	1238	1831	2148	2399	2639	2869
4150	905	1364	1633	1824	2007	2181	7000	1244	1841	2161	2414	2655	2886
4200	910	1372	1642	1834	2017	2193	7050	1250	1851	2174	2428	2671	2903
4250	915	1379	1650	1843	2028	2204	7100	1256	1861	2187	2443	2687	2921
4300	920	1387	1659	1853	2038	2215	7150	1262	1871	2200	2457	2703	2938
4350	926	1394	1667	1862	2048	2227	7200	1268	1881	2213	2472	2719	2955
4400	931	1402	1676	1872	2059	2238	7250	1274	1891	2226	2486	2735	2972
4450	936	1409	1684	1881	2069	2249	7300	1281	1901	2239	2500	2750	2990
4500	941	1414	1688	1886	2074	2255	7350	1287	1911	2251	2515	2766	3007
4550	945	1420	1692	1890	2079	2260	7400	1293	1921	2264	2529	2782	3024
4600	950	1425	1697	1895	2085	2266	7450	1297	1928	2272	2538	2792	3035
4650	955	1431	1701	1900	2090	2272	7500	1302	1934	2279	2546	2801	3044
4700	960	1436	1706	1905	2096	2278	7550	1307	1941	2287	2554	2809	3054
4750	964	1441	1710	1910	2101	2284	7600	1312	1947	2294	2562	2818	3064
4800	969	1447	1714	1915	2107	2290	7650	1316	1954	2301	2570	2827	3073
4850	974	1452	1719	1920	2112	2296	7700	1321	1960	2308	2578	2836	3083
4900	980	1461	1730	1933	2126	2311	7750	1326	1967	2315	2586	2845	3092
4950	986	1473	1745	1949	2144	2330	7800	1330	1973	2322	2594	2854	3102
5000	993	1484	1759	1965	2162	2350	7850	1335	1980	2330	2602	2862	3111
5050	999	1495	1774	1982	2180	2370	7900	1340	1987	2337	2610	2871	3121
5100	1006	1506	1789	1998	2198								

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Combined Adjusted Net Income	Basic Child Support Schedule						Combined Adjusted Net Income	Basic Child Support Schedule					
	One Child	Two Children	Three Children	Four Children	Five Children	Six Children		One Child	Two Children	Three Children	Four Children	Five Children	Six Children
8150	1366	2023	2375	2653	2918	3172	11000	1702	2491	2891	3230	3553	3862
8200	1372	2031	2384	2662	2929	3183	11050	1708	2499	2899	3239	3562	3872
8250	1379	2039	2392	2672	2939	3194	11100	1713	2507	2907	3247	3572	3883
8300	1385	2047	2400	2681	2949	3206	11150	1719	2514	2915	3256	3581	3893
8350	1391	2055	2408	2690	2959	3217	11200	1725	2522	2922	3264	3591	3903
8400	1397	2063	2417	2699	2969	3228	11250	1730	2529	2930	3273	3600	3913
8450	1403	2071	2425	2709	2980	3239	11300	1736	2537	2938	3282	3610	3924
8500	1409	2079	2433	2718	2990	3250	11350	1742	2544	2946	3290	3619	3934
8550	1415	2087	2442	2727	3000	3261	11400	1747	2552	2953	3299	3629	3944
8600	1421	2095	2450	2737	3010	3272	11450	1753	2559	2961	3307	3638	3955
8650	1427	2103	2458	2746	3020	3283	11500	1759	2567	2969	3316	3648	3965
8700	1433	2111	2466	2755	3031	3294	11550	1764	2574	2976	3325	3657	3975
8750	1439	2119	2475	2764	3041	3305	11600	1770	2582	2984	3333	3667	3986
8800	1445	2127	2483	2774	3051	3316	11650	1776	2589	2992	3342	3676	3996
8850	1451	2135	2491	2783	3061	3327	11700	1782	2597	3000	3350	3686	4006
8900	1457	2143	2499	2791	3070	3337	11750	1787	2604	3007	3359	3695	4016
8950	1461	2147	2503	2796	3076	3343	11800	1793	2612	3015	3368	3704	4027
9000	1465	2152	2508	2801	3082	3350	11850	1799	2619	3023	3376	3714	4037
9050	1468	2157	2513	2807	3087	3356	11900	1804	2627	3030	3385	3723	4047
9100	1472	2162	2517	2812	3093	3362	11950	1810	2634	3038	3394	3733	4058
9150	1476	2167	2522	2817	3099	3368	12000	1816	2642	3046	3402	3742	4068
9200	1480	2172	2526	2822	3104	3374	12050	1821	2649	3053	3411	3752	4078
9250	1484	2177	2531	2827	3110	3381	12100	1827	2657	3061	3419	3761	4089
9300	1488	2181	2536	2832	3116	3387	12150	1833	2664	3069	3428	3771	4099
9350	1492	2186	2540	2838	3121	3393	12200	1838	2672	3077	3437	3780	4109
9400	1495	2191	2545	2843	3127	3399	12250	1844	2679	3084	3445	3790	4119
9450	1499	2196	2550	2848	3133	3405	12300	1850	2687	3092	3454	3799	4130
9500	1503	2201	2554	2853	3138	3412	12350	1855	2695	3100	3462	3809	4140
9550	1507	2206	2559	2858	3144	3418	12400	1861	2702	3107	3471	3818	4150
9600	1511	2210	2564	2864	3150	3424	12450	1867	2710	3115	3480	3828	4161
9650	1515	2215	2568	2869	3156	3430	12500	1873	2717	3123	3488	3837	4171
9700	1519	2220	2573	2874	3161	3436	12550	1878	2725	3131	3497	3847	4181
9750	1524	2227	2580	2882	3170	3446	12600	1884	2732	3138	3505	3856	4191
9800	1531	2238	2593	2896	3186	3463	12650	1890	2740	3146	3514	3865	4202
9850	1538	2248	2605	2910	3201	3479	12700	1895	2747	3154	3523	3875	4213
9900	1545	2259	2618	2924	3216	3496	12750	1900	2756	3166	3536	3890	4228
9950	1552	2269	2630	2938	3231	3513	12800	1905	2764	3177	3549	3904	4244
10000	1559	2280	2642	2952	3247	3529	12850	1910	2773	3189	3562	3918	4259
10050	1566	2290	2655	2966	3262	3546	12900	1915	2782	3200	3575	3932	4274
10100	1573	2301	2667	2979	3277	3562	12950	1920	2790	3212	3588	3947	4290
10150	1581	2312	2680	2993	3293	3579	13000	1925	2799	3224	3601	3961	4305
10200	1588	2322	2692	3007	3308	3596	13050	1930	2807	3235	3614	3975	4321
10250	1595	2333	2705	3021	3323	3612	13100	1935	2816	3247	3627	3989	4336
10300	1602	2343	2717	3035	3339	3629	13150	1940	2825	3258	3640	4004	4352
10350	1609	2354	2730	3049	3354	3646	13200	1945	2833	3270	3652	4018	4367
10400	1616	2365	2742	3063	3369	3662	13250	1950	2842	3281	3665	4032	4383
10450	1623	2375	2754	3077	3384	3679	13300	1955	2850	3293	3678	4046	4398
10500	1631	2386	2767	3091	3400	3695	13350	1960	2859	3305	3691	4060	4414
10550	1638	2396	2779	3105	3415	3712	13400	1965	2868	3316	3704	4075	4429
10600	1645	2407	2792	3118	3430	3729	13450	1970	2876	3328	3717	4089	4445
10650	1652	2417	2804	3132	3446	3745	13500	1975	2885	3339	3730	4103	4460
10700	1659	2428	2817	3146	3461	3762	13550	1980	2893	3351	3743	4117	4476
10750	1666	2439	2829	3160	3476	3779	1						

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Combined Adjusted Net Income	Basic Child Support Schedule						Combined Adjusted Net Income	Basic Child Support Schedule					
	One Child	Two Children	Three Children	Four Children	Five Children	Six Children		One Child	Two Children	Three Children	Four Children	Five Children	Six Children
13850	2010	2945	3420	3821	4203	4568	16700	2301	3400	3987	4453	4899	5325
13900	2015	2953	3432	3834	4217	4584	16750	2306	3407	3995	4463	4909	5336
13950	2020	2962	3444	3847	4231	4599	16800	2311	3415	4004	4472	4919	5347
14000	2025	2971	3455	3859	4245	4615	16850	2316	3422	4012	4482	4930	5359
14050	2030	2979	3467	3872	4260	4630	16900	2321	3430	4021	4491	4940	5370
14100	2035	2988	3478	3885	4274	4646	16950	2327	3437	4029	4500	4950	5381
14150	2040	2996	3490	3898	4288	4661	17000	2332	3445	4037	4510	4961	5392
14200	2045	3005	3502	3911	4302	4677	17050	2337	3452	4046	4519	4971	5403
14250	2050	3014	3513	3924	4317	4692	17100	2342	3459	4054	4528	4981	5415
14300	2055	3022	3525	3937	4331	4708	17150	2347	3467	4062	4538	4992	5426
14350	2060	3031	3536	3950	4345	4723	17200	2352	3474	4071	4547	5002	5437
14400	2065	3039	3548	3963	4359	4738	17250	2358	3482	4079	4557	5012	5448
14450	2070	3048	3559	3976	4373	4754	17300	2363	3489	4088	4566	5023	5459
14500	2075	3056	3571	3989	4388	4769	17350	2368	3496	4096	4575	5033	5471
14550	2080	3065	3583	4002	4402	4785	17400	2373	3504	4104	4585	5043	5482
14600	2085	3074	3594	4015	4416	4800	17450	2378	3511	4113	4594	5053	5493
14650	2090	3082	3606	4028	4430	4816	17500	2384	3519	4121	4603	5064	5504
14700	2095	3091	3617	4041	4445	4831	17550	2389	3526	4130	4613	5074	5515
14750	2100	3099	3629	4053	4459	4847	17600	2394	3534	4138	4622	5084	5527
14800	2105	3108	3640	4066	4473	4862	17650	2399	3541	4146	4632	5095	5538
14850	2110	3117	3652	4079	4487	4878	17700	2404	3548	4155	4641	5105	5549
14900	2115	3125	3664	4092	4502	4893	17750	2410	3556	4163	4650	5115	5560
14950	2120	3134	3675	4105	4516	4909	17800	2415	3563	4172	4660	5126	5572
15000	2125	3142	3687	4118	4530	4924	17850	2420	3571	4180	4669	5136	5583
15050	2130	3151	3698	4131	4544	4940	17900	2425	3578	4188	4678	5146	5594
15100	2135	3160	3710	4144	4558	4955	17950	2430	3585	4197	4688	5157	5605
15150	2140	3168	3722	4157	4573	4970	18000	2435	3593	4205	4697	5167	5616
15200	2145	3177	3733	4170	4587	4986	18050	2441	3600	4214	4706	5177	5628
15250	2150	3185	3744	4182	4600	5000	18100	2446	3608	4222	4716	5187	5639
15300	2155	3192	3752	4191	4610	5011	18150	2451	3615	4230	4725	5198	5650
15350	2161	3200	3760	4200	4620	5022	18200	2456	3623	4239	4735	5208	5661
15400	2166	3207	3769	4210	4631	5034	18250	2461	3630	4247	4744	5218	5672
15450	2171	3215	3777	4219	4641	5045	18300	2467	3637	4255	4753	5229	5684
15500	2176	3222	3786	4229	4651	5056	18350	2472	3645	4264	4763	5239	5695
15550	2181	3229	3794	4238	4662	5067	18400	2477	3652	4272	4772	5249	5706
15600	2186	3237	3802	4247	4672	5078	18450	2482	3660	4281	4781	5260	5717
15650	2192	3244	3811	4257	4682	5090	18500	2487	3667	4289	4791	5270	5728
15700	2197	3252	3819	4266	4693	5101	18550	2493	3674	4297	4800	5280	5740
15750	2202	3259	3828	4275	4703	5112	18600	2498	3682	4306	4810	5291	5751
15800	2207	3266	3836	4285	4713	5123	18650	2503	3689	4314	4819	5301	5762
15850	2212	3274	3844	4294	4724	5135	18700	2508	3697	4323	4828	5311	5773
15900	2218	3281	3853	4304	4734	5146	18750	2513	3704	4331	4838	5321	5784
15950	2223	3289	3861	4313	4744	5157	18800	2519	3712	4339	4847	5332	5796
16000	2228	3296	3870	4322	4754	5168	18850	2524	3719	4348	4856	5342	5807
16050	2233	3304	3878	4332	4765	5179	18900	2529	3726	4356	4866	5352	5818
16100	2238	3311	3886	4341	4775	5191	18950	2534	3734	4365	4875	5363	5829
16150	2244	3318	3895	4350	4785	5202	19000	2539	3741	4373	4885	5373	5840
16200	2249	3326	3903	4360	4796	5213	19050	2544	3749	4381	4894	5383	5852
16250	2254	3333	3911	4369	4806	5224	19100	2550	3756	4390	4903	5394	5863
16300	2259	3341	3920	4378	4816	5235	19150	2555	3763	4398	4913	5404	5874
16350	2264	3348	3928	4388	4827	5247	19200	2560	3771	4406	4922	5414	5885
16400	2269	3355	3937	4397	4837	5258	19250	2565	3778	4415	4931	5425	5896
16450	2275	3363	3										

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	One Child	Two Children	Three Children	Four Children	Five Children	Six Children		One Child	Two Children	Three Children	Four Children	Five Children	Six Children
19550	2596	3823	4465	4988	5486	5964	22350	2883	4177	4866	5435	5979	6499
19600	2602	3830	4474	4997	5497	5975	22400	2888	4178	4867	5436	5980	6500
19650	2607	3838	4482	5006	5507	5986	22450	2892	4178	4867	5437	5980	6501
19700	2612	3845	4490	5016	5517	5997	22500	2897	4179	4868	5437	5981	6501
19750	2617	3852	4499	5025	5528	6009	22550	2902	4179	4868	5438	5982	6502
19800	2622	3860	4507	5034	5538	6020	22600	2907	4179	4869	5439	5982	6503
19850	2627	3867	4516	5044	5548	6031	22650	2911	4180	4869	5439	5983	6504
19900	2633	3875	4524	5053	5559	6042	22700	2916	4180	4870	5440	5984	6504
19950	2638	3882	4532	5063	5569	6053	22750	2921	4181	4871	5440	5984	6505
20000	2643	3890	4541	5072	5579	6065	22800	2926	4181	4871	5441	5985	6506
20050	2648	3897	4549	5081	5589	6076	22850	2930	4182	4872	5442	5986	6507
20100	2653	3904	4557	5091	5600	6087	22900	2935	4182	4872	5442	5986	6507
20150	2659	3912	4566	5100	5610	6098	22950	2940	4183	4873	5443	5987	6508
20200	2664	3919	4574	5109	5620	6109	23000	2945	4183	4873	5443	5988	6509
20250	2669	3927	4583	5119	5631	6121	23050	2949	4184	4874	5444	5989	6510
20300	2674	3934	4591	5128	5641	6132	23100	2954	4184	4874	5445	5989	6510
20350	2679	3941	4599	5138	5651	6143	23150	2959	4185	4875	5445	5990	6511
20400	2685	3949	4608	5147	5662	6154	23200	2963	4185	4876	5446	5991	6512
20450	2690	3956	4616	5156	5672	6165	23250	2968	4186	4876	5447	5991	6513
20500	2695	3964	4625	5166	5682	6177	23300	2973	4186	4877	5447	5992	6513
20550	2700	3971	4633	5175	5693	6188	23350	2978	4187	4877	5448	5993	6514
20600	2705	3979	4641	5184	5703	6199	23400	2982	4187	4878	5448	5993	6515
20650	2710	3986	4650	5194	5713	6210	23450	2987	4188	4878	5449	5994	6515
20700	2716	3993	4658	5203	5723	6221	23500	2992	4188	4879	5450	5995	6516
20750	2721	4001	4667	5213	5734	6233	23550	2997	4189	4879	5450	5995	6517
20800	2726	4008	4675	5222	5744	6244	23600	3001	4189	4880	5451	5996	6518
20850	2731	4016	4683	5231	5754	6255	23650	3006	4189	4881	5452	5997	6518
20900	2736	4023	4692	5241	5765	6266	23700	3011	4190	4881	5452	5997	6519
20950	2742	4030	4700	5250	5775	6277	23750	3016	4190	4882	5453	5998	6520
21000	2747	4038	4709	5259	5785	6289	23800	3020	4191	4882	5453	5999	6521
21050	2752	4045	4717	5269	5796	6300	23850	3025	4191	4883	5454	5999	6521
21100	2757	4053	4725	5278	5806	6311	23900	3030	4192	4883	5455	6000	6522
21150	2762	4060	4734	5288	5816	6322	23950	3035	4192	4884	5455	6001	6523
21200	2768	4068	4742	5297	5827	6333	24000	3039	4193	4884	5456	6002	6524
21250	2773	4075	4750	5306	5837	6345	24050	3044	4193	4885	5457	6002	6524
21300	2778	4082	4759	5316	5847	6356	24100	3049	4194	4886	5457	6003	6525
21350	2783	4090	4767	5325	5858	6367	24150	3054	4194	4886	5458	6004	6526
21400	2788	4097	4776	5334	5868	6378	24200	3058	4195	4887	5458	6004	6527
21450	2793	4105	4784	5344	5878	6390	24250	3063	4195	4887	5459	6005	6527
21500	2799	4112	4792	5353	5888	6401	24300	3068	4196	4888	5460	6006	6528
21550	2804	4119	4801	5362	5899	6412	24350	3072	4196	4888	5460	6006	6529
21600	2809	4127	4809	5372	5909	6423	24400	3077	4197	4889	5461	6007	6530
21650	2814	4134	4818	5381	5919	6434	24450	3082	4197	4889	5462	6008	6530
21700	2819	4142	4826	5391	5930	6446	24500	3087	4198	4890	5462	6008	6531
21750	2825	4149	4834	5400	5940	6457	24550	3091	4198	4891	5463	6009	6532
21800	2830	4157	4843	5409	5950	6468	24600	3096	4199	4891	5463	6010	6533
21850	2835	4164	4851	5419	5961	6479	24650	3101	4199	4892	5464	6010	6533
21900	2840	4171	4860	5428	5971	6490	24700	3106	4200	4892	5465	6011	6534
21950	2845	4173	4862	5430	5974	6493	24750	3110	4200	4893	5465	6012	6535
22000	2850	4174	4862	5431	5974	6494	24800	3115	4200	4893	5466	6012	6536
22050	2854	4174	4863	5432	5975	6495	24850	3120	4201	4894	5466	6013	6536
22100	2859	4175	4863	5432	5976	6495	24900	3125	4201	4894	5467	6014	6537
22150	2864	4175											

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	One Child	Two Children	Three Children	Four Children	Five Children	Six Children		One Child	Two Children	Three Children	Four Children	Five Children	Six Children
25150	3148	4204	4897	5470	6017	6541	28000	3418	4231	4929	5506	6056	6583
25200	3153	4204	4898	5471	6018	6541	28050	3423	4231	4929	5506	6057	6584
25250	3158	4205	4898	5471	6019	6542	28100	3428	4232	4930	5507	6058	6585
25300	3162	4205	4899	5472	6019	6543	28150	3433	4232	4931	5507	6058	6585
25350	3167	4206	4899	5473	6020	6544	28200	3437	4233	4931	5508	6059	6586
25400	3172	4206	4900	5473	6021	6544	28250	3442	4233	4932	5509	6060	6587
25450	3177	4207	4901	5474	6021	6545	28300	3447	4234	4932	5509	6060	6587
25500	3181	4207	4901	5475	6022	6546	28350	3452	4234	4933	5510	6061	6588
25550	3186	4208	4902	5475	6023	6547	28400	3456	4235	4933	5511	6062	6589
25600	3191	4208	4902	5476	6023	6547	28450	3461	4235	4934	5511	6062	6590
25650	3196	4209	4903	5476	6024	6548	28500	3466	4236	4934	5512	6063	6590
25700	3200	4209	4903	5477	6025	6549	28550	3471	4236	4935	5512	6064	6591
25750	3205	4210	4904	5478	6025	6550	28600	3475	4237	4936	5513	6064	6592
25800	3210	4210	4904	5478	6026	6550	28650	3480	4237	4936	5514	6065	6593
25850	3215	4210	4905	5479	6027	6551	28700	3485	4238	4937	5514	6066	6593
25900	3219	4211	4906	5480	6027	6552	28750	3489	4238	4937	5515	6066	6594
25950	3224	4211	4906	5480	6028	6553	28800	3494	4239	4938	5516	6067	6595
26000	3229	4212	4907	5481	6029	6553	28850	3499	4239	4938	5516	6068	6596
26050	3234	4212	4907	5481	6030	6554	28900	3504	4240	4939	5517	6068	6596
26100	3238	4213	4908	5482	6030	6555	28950	3508	4240	4939	5517	6069	6597
26150	3243	4213	4908	5483	6031	6556	29000	3513	4241	4940	5518	6070	6598
26200	3248	4214	4909	5483	6032	6556	29050	3518	4241	4941	5519	6070	6599
26250	3253	4214	4909	5484	6032	6557	29100	3523	4242	4941	5519	6071	6599
26300	3257	4215	4910	5484	6033	6558	29150	3527	4242	4942	5520	6072	6600
26350	3262	4215	4911	5485	6034	6559	29200	3532	4242	4942	5520	6073	6601
26400	3267	4216	4911	5486	6034	6559	29250	3537	4243	4943	5521	6073	6602
26450	3271	4216	4912	5486	6035	6560	29300	3542	4243	4943	5522	6074	6602
26500	3276	4217	4912	5487	6036	6561	29350	3546	4244	4944	5522	6075	6603
26550	3281	4217	4913	5488	6036	6562	29400	3551	4244	4944	5523	6075	6604
26600	3286	4218	4913	5488	6037	6562	29450	3556	4245	4945	5524	6076	6605
26650	3290	4218	4914	5489	6038	6563	29500	3561	4245	4946	5524	6077	6605
26700	3295	4219	4914	5489	6038	6564	29550	3565	4246	4946	5525	6077	6606
26750	3300	4219	4915	5490	6039	6564	29600	3570	4246	4947	5525	6078	6607
26800	3305	4220	4916	5491	6040	6565	29650	3575	4247	4947	5526	6079	6608
26850	3309	4220	4916	5491	6040	6566	29700	3580	4247	4948	5527	6079	6608
26900	3314	4221	4917	5492	6041	6567	29750	3584	4248	4948	5527	6080	6609
26950	3319	4221	4917	5493	6042	6567	29800	3589	4248	4949	5528	6081	6610
27000	3324	4221	4918	5493	6042	6568	29850	3594	4249	4949	5529	6081	6611
27050	3328	4222	4918	5494	6043	6569	29900	3598	4249	4950	5529	6082	6611
27100	3333	4222	4919	5494	6044	6570	29950	3603	4250	4951	5530	6083	6612
27150	3338	4223	4919	5495	6045	6570	30000	3608	4250	4951	5530	6083	6613
27200	3343	4223	4920	5496	6045	6571							
27250	3347	4224	4921	5496	6046	6572							
27300	3352	4224	4921	5497	6047	6573							
27350	3357	4225	4922	5498	6047	6573							
27400	3362	4225	4922	5498	6048	6574							
27450	3366	4226	4923	5499	6049	6575							
27500	3371	4226	4923	5499	6049	6576							
27550	3376	4227	4924	5500	6050	6576							
27600	3380	4227	4924	5501	6051	6577	1300	41	41	41	42	42	43
27650	3385	4228	4925	5501	6051	6578	1350	86	86	87	88	89	90
27700	3390	4228	4926	5502	6052	6579	1400	131	132	133	135	136	138
27750	3395	4229	4926	5502	6053	6579	1450	176	177	179	181	183	185
27800	3399	4229	4927	5503	6053	6580	1500	221	223	225	228	230	233
27850	3404	4230	4927	5504	6054	6581	1550	266	268	271	274		

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Combined Adjusted Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Combined Adjusted Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
1700	392	405	409	414	418	423	4600	1028	1552	1860	2077	2285	2484
1750	403	450	455	460	465	470	4650	1037	1565	1875	2094	2303	2504
1800	415	496	501	507	512	518	4700	1045	1577	1890	2111	2322	2524
1850	426	541	547	553	559	565	4750	1054	1590	1905	2128	2340	2544
1900	438	587	593	600	606	613	4800	1060	1599	1915	2139	2353	2557
1950	449	632	639	646	653	660	4850	1065	1606	1923	2148	2363	2569
2000	461	678	685	693	700	708	4900	1070	1614	1932	2158	2374	2580
2050	472	719	731	739	747	755	4950	1075	1621	1940	2167	2384	2591
2100	484	737	777	786	794	803	5000	1080	1629	1949	2177	2394	2603
2150	495	754	823	832	841	850	5050	1086	1636	1957	2186	2405	2614
2200	507	772	869	879	888	898	5100	1091	1644	1966	2196	2415	2625
2250	518	789	915	925	935	945	5150	1096	1651	1974	2205	2426	2637
2300	530	807	961	972	982	993	5200	1101	1659	1983	2215	2436	2648
2350	541	825	997	1018	1029	1040	5250	1107	1666	1991	2224	2447	2660
2400	553	842	1018	1065	1076	1088	5300	1111	1672	1997	2230	2453	2667
2450	565	860	1039	1111	1123	1135	5350	1116	1677	2001	2235	2459	2673
2500	576	877	1060	1158	1170	1183	5400	1121	1683	2006	2240	2464	2679
2550	588	895	1082	1204	1217	1230	5450	1126	1688	2010	2245	2470	2684
2600	599	912	1103	1232	1264	1278	5500	1130	1694	2014	2250	2475	2690
2650	611	930	1124	1255	1311	1325	5550	1135	1699	2019	2255	2480	2696
2700	622	947	1145	1279	1358	1373	5600	1140	1704	2023	2260	2486	2702
2750	634	965	1166	1303	1405	1420	5650	1144	1710	2028	2265	2491	2708
2800	645	982	1188	1327	1452	1468	5700	1149	1715	2032	2270	2497	2714
2850	657	1000	1209	1350	1485	1515	5750	1154	1721	2036	2275	2502	2720
2900	668	1017	1230	1374	1511	1563	5800	1160	1730	2048	2288	2517	2736
2950	680	1035	1251	1398	1537	1610	5850	1166	1741	2063	2304	2535	2755
3000	691	1053	1272	1421	1563	1658	5900	1173	1752	2078	2321	2553	2775
3050	703	1070	1294	1445	1589	1705	5950	1180	1763	2092	2337	2571	2794
3100	714	1088	1315	1469	1616	1753	6000	1186	1774	2107	2353	2589	2814
3150	726	1105	1336	1492	1642	1784	6050	1193	1785	2121	2370	2607	2833
3200	737	1123	1357	1516	1668	1813	6100	1199	1797	2136	2386	2625	2853
3250	749	1140	1378	1540	1694	1841	6150	1206	1808	2151	2402	2643	2873
3300	760	1156	1396	1560	1716	1865	6200	1212	1819	2165	2419	2661	2892
3350	772	1171	1414	1579	1737	1888	6250	1219	1830	2180	2435	2679	2912
3400	783	1186	1431	1599	1759	1912	6300	1224	1836	2187	2443	2687	2921
3450	795	1201	1449	1618	1780	1935	6350	1228	1841	2191	2447	2692	2926
3500	806	1217	1466	1638	1801	1958	6400	1232	1845	2195	2451	2696	2931
3550	818	1232	1484	1657	1823	1981	6450	1236	1850	2198	2455	2701	2936
3600	829	1247	1501	1677	1844	2005	6500	1240	1855	2202	2460	2706	2941
3650	841	1262	1518	1696	1866	2028	6550	1244	1859	2206	2464	2710	2946
3700	853	1277	1536	1715	1887	2051	6600	1248	1864	2209	2468	2715	2951
3750	864	1293	1553	1735	1908	2074	6650	1252	1868	2213	2472	2719	2956
3800	875	1309	1573	1757	1932	2101	6700	1256	1873	2217	2476	2724	2961
3850	885	1326	1593	1779	1957	2127	6750	1260	1877	2221	2480	2728	2966
3900	895	1343	1613	1802	1982	2154	6800	1265	1884	2227	2487	2736	2974
3950	906	1360	1633	1824	2007	2181	6850	1270	1891	2234	2496	2745	2984
4000	916	1377	1653	1847	2031	2208	6900	1276	1898	2242	2504	2754	2994
4050	927	1394	1673	1869	2056	2235	6950	1281	1906	2249	2512	2763	3004
4100	937	1411	1693	1892	2081	2262	7000	1287	1913	2256	2520	2772	3014
4150	948	1428	1713	1914	2105	2289	7050	1293	1920	2264	2529	2781	3023
4200	958	1445	1734	1936	2130	2315	7100	1298	1928	2271	2537	2791	3033
4250	968	1462	1754	1959	2155	2342	7150	1304	1935	2278	2545	2800	3043
4300	977	1476	1770	1977	2174	2364	7200	1309	1942	2286	2553	2809	3053
4350	986	1489	1785	1994	2193	2384	7250	1315	1950	2293	2562	2818	3063
4400	994	1501	1800	2010	2211	2404	7300	1322					

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Basic Child Support Schedule							Basic Child Support Schedule						
Combined Adjusted Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Combined Adjusted Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
7500	1355	2006	2356	2631	2894	3146	10400	1709	2516	2937	3281	3609	3923
7550	1363	2018	2368	2646	2910	3163	10450	1715	2524	2946	3290	3619	3934
7600	1372	2029	2381	2660	2926	3180	10500	1721	2532	2954	3299	3629	3945
7650	1380	2041	2394	2674	2942	3198	10550	1726	2539	2960	3307	3637	3954
7700	1388	2052	2407	2689	2958	3215	10600	1730	2543	2965	3312	3643	3960
7750	1396	2064	2420	2703	2973	3232	10650	1734	2548	2970	3317	3649	3966
7800	1405	2076	2433	2717	2989	3249	10700	1738	2553	2974	3322	3654	3972
7850	1413	2087	2446	2732	3005	3266	10750	1742	2558	2979	3327	3660	3979
7900	1421	2099	2458	2746	3021	3283	10800	1745	2563	2984	3333	3666	3985
7950	1430	2110	2471	2760	3036	3301	10850	1749	2568	2988	3338	3672	3991
8000	1438	2122	2484	2775	3052	3318	10900	1753	2573	2993	3343	3677	3997
8050	1445	2133	2497	2789	3068	3335	10950	1757	2577	2997	3348	3683	4003
8100	1451	2143	2510	2804	3084	3352	11000	1761	2582	3002	3353	3689	4010
8150	1457	2153	2523	2818	3100	3370	11050	1765	2587	3007	3358	3694	4016
8200	1463	2162	2536	2833	3116	3387	11100	1769	2592	3011	3364	3700	4022
8250	1469	2172	2549	2847	3132	3404	11150	1772	2597	3016	3369	3706	4028
8300	1475	2182	2562	2861	3148	3421	11200	1776	2602	3021	3374	3711	4034
8350	1481	2192	2575	2876	3163	3439	11250	1780	2606	3025	3379	3717	4041
8400	1487	2202	2588	2890	3179	3456	11300	1784	2611	3030	3384	3723	4047
8450	1493	2212	2601	2905	3195	3473	11350	1788	2616	3035	3390	3729	4053
8500	1499	2222	2613	2919	3211	3491	11400	1792	2621	3039	3395	3734	4059
8550	1505	2232	2626	2934	3227	3508	11450	1796	2626	3044	3400	3740	4065
8600	1511	2242	2639	2948	3243	3525	11500	1799	2631	3048	3405	3746	4071
8650	1517	2252	2652	2963	3259	3542	11550	1805	2638	3057	3414	3756	4082
8700	1523	2262	2665	2977	3275	3560	11600	1812	2649	3069	3428	3771	4099
8750	1529	2272	2678	2992	3291	3577	11650	1819	2659	3081	3442	3786	4116
8800	1535	2280	2688	3002	3303	3590	11700	1826	2670	3094	3456	3801	4132
8850	1539	2286	2695	3010	3311	3599	11750	1833	2680	3106	3470	3817	4149
8900	1544	2293	2702	3018	3320	3609	11800	1840	2691	3119	3484	3832	4165
8950	1549	2300	2709	3026	3329	3619	11850	1848	2702	3131	3498	3847	4182
9000	1553	2306	2717	3034	3338	3628	11900	1855	2712	3144	3511	3863	4199
9050	1558	2313	2724	3042	3347	3638	11950	1862	2723	3156	3525	3878	4215
9100	1563	2319	2731	3050	3355	3647	12000	1869	2733	3169	3539	3893	4232
9150	1567	2326	2738	3058	3364	3657	12050	1876	2744	3181	3553	3909	4249
9200	1572	2332	2745	3066	3373	3667	12100	1883	2754	3193	3567	3924	4265
9250	1577	2339	2752	3075	3382	3676	12150	1890	2765	3206	3581	3939	4282
9300	1582	2345	2760	3083	3391	3686	12200	1897	2776	3218	3595	3954	4298
9350	1586	2352	2767	3091	3400	3695	12250	1905	2786	3231	3609	3970	4315
9400	1591	2359	2774	3099	3408	3705	12300	1912	2797	3243	3623	3985	4332
9450	1596	2365	2781	3107	3417	3715	12350	1919	2807	3256	3637	4000	4348
9500	1600	2372	2788	3115	3426	3724	12400	1926	2818	3268	3651	4016	4365
9550	1606	2379	2796	3123	3436	3735	12450	1933	2829	3281	3664	4031	4382
9600	1612	2387	2804	3133	3446	3746	12500	1940	2839	3293	3678	4046	4398
9650	1618	2395	2813	3142	3456	3757	12550	1947	2850	3305	3692	4061	4415
9700	1624	2403	2821	3151	3466	3768	12600	1955	2860	3318	3706	4077	4431
9750	1630	2411	2829	3160	3476	3779	12650	1962	2871	3330	3720	4092	4448
9800	1636	2419	2838	3170	3487	3790	12700	1969	2881	3343	3734	4107	4465
9850	1642	2427	2846	3179	3497	3801	12750	1976	2892	3355	3748	4123	4481
9900	1648	2435	2854	3188	3507	3812	12800	1983	2903	3368	3762	4138	4498
9950	1654	2443	2863	3197	3517	3823	12850	1990	2913	3380	3776	4153	4515
10000	1661	2452	2871	3207	3527	3834	12900	1997	2924	3393	3790	4169	4531
10050	1667	2460	2879	3216	3538	3845	12950	2004	2934	3405	3803	4184	4548
10100	1673	2468	2887	3225	3548	3856	13000	2012	2945	3418	3817		

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Basic Child Support Schedule							Basic Child Support Schedule						
Combined Adjusted Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Combined Adjusted Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
13300	2047	2992	3467	3872	4260	4630	16200	2360	3453	4004	4472	4920	5348
13350	2052	2999	3474	3881	4269	4640	16250	2365	3461	4016	4485	4934	5363
13400	2058	3007	3482	3890	4279	4651	16300	2370	3470	4027	4498	4948	5379
13450	2064	3014	3490	3898	4288	4661	16350	2375	3479	4039	4511	4962	5394
13500	2069	3022	3498	3907	4297	4671	16400	2380	3487	4050	4524	4977	5410
13550	2075	3029	3505	3915	4307	4682	16450	2385	3496	4062	4537	4991	5425
13600	2081	3037	3513	3924	4316	4692	16500	2390	3504	4073	4550	5005	5440
13650	2086	3044	3521	3933	4326	4702	16550	2395	3513	4085	4563	5019	5456
13700	2092	3052	3528	3941	4335	4713	16600	2400	3522	4097	4576	5034	5471
13750	2098	3060	3536	3950	4345	4723	16650	2405	3530	4108	4589	5048	5487
13800	2104	3067	3544	3958	4354	4733	16700	2410	3539	4120	4602	5062	5502
13850	2109	3075	3552	3967	4364	4743	16750	2415	3547	4131	4615	5076	5518
13900	2115	3082	3559	3976	4373	4754	16800	2420	3556	4143	4628	5090	5533
13950	2121	3090	3567	3984	4383	4764	16850	2425	3564	4155	4641	5105	5549
14000	2126	3097	3575	3993	4392	4774	16900	2430	3573	4166	4654	5119	5564
14050	2132	3105	3582	4002	4402	4785	16950	2435	3582	4178	4666	5133	5580
14100	2138	3112	3590	4010	4411	4795	17000	2440	3590	4189	4679	5147	5595
14150	2143	3120	3598	4019	4421	4805	17050	2445	3599	4201	4692	5162	5611
14200	2149	3127	3606	4027	4430	4815	17100	2450	3607	4212	4705	5176	5626
14250	2155	3135	3613	4036	4440	4826	17150	2455	3616	4224	4718	5190	5642
14300	2160	3142	3621	4045	4449	4836	17200	2460	3625	4236	4731	5204	5657
14350	2166	3150	3629	4053	4458	4846	17250	2465	3633	4247	4744	5218	5672
14400	2172	3157	3636	4062	4468	4857	17300	2470	3642	4259	4757	5233	5688
14450	2177	3165	3644	4070	4477	4867	17350	2475	3650	4270	4770	5247	5703
14500	2183	3172	3652	4079	4487	4877	17400	2480	3659	4282	4783	5261	5719
14550	2189	3180	3659	4088	4496	4888	17450	2485	3668	4293	4796	5275	5734
14600	2195	3187	3667	4096	4506	4898	17500	2490	3676	4305	4809	5290	5750
14650	2200	3195	3675	4105	4515	4908	17550	2495	3685	4317	4822	5304	5765
14700	2206	3202	3683	4113	4525	4918	17600	2500	3693	4328	4835	5318	5781
14750	2212	3210	3690	4122	4534	4929	17650	2505	3702	4340	4848	5332	5796
14800	2217	3217	3698	4131	4544	4939	17700	2510	3710	4351	4860	5347	5812
14850	2223	3225	3706	4139	4553	4949	17750	2515	3719	4363	4873	5361	5827
14900	2229	3232	3713	4148	4563	4960	17800	2520	3728	4375	4886	5375	5843
14950	2234	3240	3721	4157	4572	4970	17850	2525	3736	4386	4899	5389	5858
15000	2240	3247	3729	4165	4582	4980	17900	2530	3745	4398	4912	5403	5874
15050	2246	3255	3738	4175	4592	4992	17950	2535	3753	4409	4925	5418	5889
15100	2251	3264	3749	4188	4607	5007	18000	2540	3762	4421	4938	5432	5904
15150	2256	3272	3761	4201	4621	5023	18050	2545	3770	4432	4951	5446	5919
15200	2261	3281	3772	4214	4635	5038	18100	2551	3778	4440	4960	5456	5931
15250	2266	3290	3784	4227	4649	5054	18150	2556	3785	4449	4969	5466	5942
15300	2271	3298	3796	4240	4664	5069	18200	2561	3793	4457	4979	5477	5953
15350	2276	3307	3807	4253	4678	5085	18250	2566	3800	4466	4988	5487	5964
15400	2281	3315	3819	4265	4692	5100	18300	2571	3808	4474	4997	5497	5975
15450	2286	3324	3830	4278	4706	5116	18350	2577	3815	4482	5007	5507	5987
15500	2290	3333	3842	4291	4720	5131	18400	2582	3822	4491	5016	5518	5998
15550	2295	3341	3853	4304	4735	5147	18450	2587	3830	4499	5026	5528	6009
15600	2300	3350	3865	4317	4749	5162	18500	2592	3837	4508	5035	5538	6020
15650	2305	3358	3877	4330	4763	5178	18550	2597	3845	4516	5044	5549	6031
15700	2310	3367	3888	4343	4777	5193	18600	2602	3852	4524	5054	5559	6043
15750	2315	3376	3900	4356	4792	5208	18650	2608	3859	4533	5063	5569	6054
15800	2320	3384	3911	4369	4806	5224	18700	2613	3867	4541	5072	5580	6065
15850	2325	3393	3923	4382	4820	5239	18750	2618	3874	4549	5082	5590	6076
15900	2330	3401	3934	4395	4834								

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Basic Child Support Schedule							Basic Child Support Schedule						
Combined Adjusted Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Combined Adjusted Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
19100	2654	3926	4608	5147	5662	6155	22000	2955	4356	5095	5691	6260	6805
19150	2660	3934	4617	5157	5672	6166	22050	2960	4364	5103	5700	6270	6816
19200	2665	3941	4625	5166	5683	6177	22100	2966	4371	5112	5710	6281	6827
19250	2670	3948	4633	5176	5693	6188	22150	2971	4379	5120	5719	6291	6838
19300	2675	3956	4642	5185	5703	6200	22200	2976	4386	5128	5728	6301	6849
19350	2680	3963	4650	5194	5714	6211	22250	2981	4393	5137	5738	6312	6861
19400	2685	3971	4659	5204	5724	6222	22300	2986	4401	5145	5747	6322	6872
19450	2691	3978	4667	5213	5734	6233	22350	2992	4408	5154	5757	6332	6883
19500	2696	3986	4675	5222	5745	6244	22400	2997	4416	5162	5766	6342	6894
19550	2701	3993	4684	5232	5755	6256	22450	3002	4423	5170	5775	6353	6905
19600	2706	4000	4692	5241	5765	6267	22500	3007	4431	5179	5785	6363	6917
19650	2711	4008	4701	5250	5776	6278	22550	3012	4438	5187	5794	6373	6928
19700	2717	4015	4709	5260	5786	6289	22600	3018	4445	5196	5803	6384	6939
19750	2722	4023	4717	5269	5796	6300	22650	3023	4453	5204	5813	6394	6950
19800	2727	4030	4726	5279	5806	6312	22700	3028	4460	5212	5822	6404	6962
19850	2732	4037	4734	5288	5817	6323	22750	3033	4468	5221	5832	6415	6973
19900	2737	4045	4742	5297	5827	6334	22800	3038	4475	5229	5841	6425	6984
19950	2743	4052	4751	5307	5837	6345	22850	3043	4483	5237	5850	6435	6995
20000	2748	4060	4759	5316	5848	6356	22900	3049	4490	5246	5860	6446	7006
20050	2753	4067	4768	5325	5858	6368	22950	3054	4497	5254	5869	6456	7018
20100	2758	4075	4776	5335	5868	6379	23000	3059	4505	5263	5878	6466	7029
20150	2763	4082	4784	5344	5879	6390	23050	3064	4512	5271	5888	6477	7040
20200	2769	4089	4793	5354	5889	6401	23100	3069	4520	5279	5897	6487	7051
20250	2774	4097	4801	5363	5899	6412	23150	3075	4527	5288	5906	6497	7062
20300	2779	4104	4810	5372	5910	6424	23200	3080	4534	5296	5916	6507	7074
20350	2784	4112	4818	5382	5920	6435	23250	3085	4542	5305	5925	6518	7085
20400	2789	4119	4826	5391	5930	6446	23300	3090	4549	5313	5935	6528	7096
20450	2794	4126	4835	5400	5940	6457	23350	3095	4557	5321	5944	6538	7107
20500	2800	4134	4843	5410	5951	6468	23400	3101	4564	5330	5953	6549	7118
20550	2805	4141	4852	5419	5961	6480	23450	3106	4572	5338	5963	6559	7130
20600	2810	4149	4860	5429	5971	6491	23500	3111	4579	5347	5972	6569	7141
20650	2815	4156	4868	5438	5982	6502	23550	3116	4586	5355	5981	6580	7152
20700	2820	4164	4877	5447	5992	6513	23600	3121	4594	5363	5991	6590	7163
20750	2826	4171	4885	5457	6002	6525	23650	3126	4601	5372	6000	6600	7174
20800	2831	4178	4893	5466	6013	6536	23700	3132	4609	5380	6010	6611	7186
20850	2836	4186	4902	5475	6023	6547	23750	3137	4616	5388	6019	6621	7197
20900	2841	4193	4910	5485	6033	6558	23800	3142	4623	5397	6028	6631	7208
20950	2846	4201	4919	5494	6044	6569	23850	3147	4631	5405	6038	6641	7219
21000	2852	4208	4927	5504	6054	6581	23900	3152	4638	5414	6047	6652	7230
21050	2857	4215	4935	5513	6064	6592	23950	3158	4646	5422	6056	6662	7242
21100	2862	4223	4944	5522	6074	6603	24000	3163	4653	5430	6066	6672	7253
21150	2867	4230	4952	5532	6085	6614	24050	3168	4661	5439	6075	6683	7264
21200	2872	4238	4961	5541	6095	6625	24100	3173	4668	5447	6085	6693	7275
21250	2877	4245	4969	5550	6105	6637	24150	3178	4675	5456	6094	6703	7286
21300	2883	4253	4977	5560	6116	6648	24200	3184	4683	5464	6103	6714	7298
21350	2888	4260	4986	5569	6126	6659	24250	3189	4690	5472	6113	6724	7309
21400	2893	4267	4994	5578	6136	6670	24300	3194	4698	5481	6122	6734	7320
21450	2898	4275	5003	5588	6147	6681	24350	3199	4705	5489	6131	6745	7331
21500	2903	4282	5011	5597	6157	6693	24400	3204	4712	5498	6141	6755	7343
21550	2909	4290	5019	5607	6167	6704	24450	3209	4720	5506	6150	6765	7354
21600	2914	4297	5028	5616	6178	6715	24500	3215	4727	5514	6160	6775	7365
21650	2919	4304	5036	5625	6188	6726	24550	3220	4735	5523	6169	6786	7376
21700	2924	4312	5044	5635	6198								

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## Basic Child Support Schedule

Combined Adjusted Net Income	Basic Child Support Schedule						Combined Adjusted Net Income	Basic Child Support Schedule					
	One Child	Two Children	Three Children	Four Children	Five Children	Six Children		One Child	Two Children	Three Children	Four Children	Five Children	Six Children
24900	3256	4787	5581	6234	6858	7455	27800	3540	4960	5778	6454	7100	7718
24950	3261	4794	5590	6244	6868	7466	27850	3545	4961	5779	6455	7101	7718
25000	3267	4801	5598	6253	6879	7477	27900	3550	4961	5780	6456	7101	7719
25050	3272	4809	5607	6263	6889	7488	27950	3555	4962	5780	6456	7102	7720
25100	3277	4816	5615	6272	6899	7499	28000	3559	4962	5781	6457	7103	7721
25150	3282	4824	5623	6281	6909	7511	28050	3564	4963	5781	6458	7103	7721
25200	3287	4831	5632	6291	6920	7522	28100	3569	4963	5782	6458	7104	7722
25250	3292	4839	5640	6300	6930	7533	28150	3574	4964	5782	6459	7105	7723
25300	3298	4846	5649	6309	6940	7544	28200	3578	4964	5783	6459	7105	7724
25350	3303	4853	5657	6319	6951	7555	28250	3583	4965	5783	6460	7106	7724
25400	3308	4861	5665	6328	6961	7567	28300	3588	4965	5784	6461	7107	7725
25450	3313	4868	5674	6338	6971	7578	28350	3593	4965	5785	6461	7107	7726
25500	3318	4876	5682	6347	6982	7589	28400	3597	4966	5785	6462	7108	7727
25550	3324	4883	5691	6356	6992	7600	28450	3602	4966	5786	6463	7109	7727
25600	3329	4890	5699	6366	7002	7611	28500	3607	4967	5786	6463	7109	7728
25650	3334	4898	5707	6375	7013	7623	28550	3612	4967	5787	6464	7110	7729
25700	3339	4905	5716	6384	7023	7634	28600	3616	4968	5787	6464	7111	7730
25750	3344	4913	5724	6394	7033	7645	28650	3621	4968	5788	6465	7112	7730
25800	3350	4920	5732	6403	7043	7656	28700	3626	4969	5788	6466	7112	7731
25850	3355	4928	5741	6413	7054	7667	28750	3631	4969	5789	6466	7113	7732
25900	3360	4935	5749	6422	7064	7679	28800	3635	4970	5790	6467	7114	7732
25950	3365	4942	5758	6431	7074	7690	28850	3640	4970	5790	6468	7114	7733
26000	3370	4943	5758	6432	7075	7691	28900	3645	4971	5791	6468	7115	7734
26050	3375	4944	5759	6433	7076	7692	28950	3649	4971	5791	6469	7116	7735
26100	3379	4944	5760	6433	7077	7692	29000	3654	4972	5792	6469	7116	7735
26150	3384	4944	5760	6434	7077	7693	29050	3659	4972	5792	6470	7117	7736
26200	3389	4945	5761	6435	7078	7694	29100	3664	4973	5793	6471	7118	7737
26250	3394	4945	5761	6435	7079	7695	29150	3668	4973	5793	6471	7118	7738
26300	3398	4946	5762	6436	7079	7695	29200	3673	4974	5794	6472	7119	7738
26350	3403	4946	5762	6436	7080	7696	29250	3678	4974	5795	6472	7120	7739
26400	3408	4947	5763	6437	7081	7697	29300	3683	4975	5795	6473	7120	7740
26450	3413	4947	5763	6438	7081	7698	29350	3687	4975	5796	6474	7121	7741
26500	3417	4948	5764	6438	7082	7698	29400	3692	4975	5796	6474	7122	7741
26550	3422	4948	5765	6439	7083	7699	29450	3697	4976	5797	6475	7122	7742
26600	3427	4949	5765	6440	7084	7700	29500	3702	4976	5797	6476	7123	7743
26650	3431	4949	5766	6440	7084	7701	29550	3706	4977	5798	6476	7124	7744
26700	3436	4950	5766	6441	7085	7701	29600	3711	4977	5798	6477	7125	7744
26750	3441	4950	5767	6441	7086	7702	29650	3716	4978	5799	6477	7125	7745
26800	3446	4951	5767	6442	7086	7703	29700	3721	4978	5800	6478	7126	7746
26850	3450	4951	5768	6443	7087	7704	29750	3725	4979	5800	6479	7127	7747
26900	3455	4952	5768	6443	7088	7704	29800	3730	4979	5801	6479	7127	7747
26950	3460	4952	5769	6444	7088	7705	29850	3735	4980	5801	6480	7128	7748
27000	3465	4953	5770	6445	7089	7706	29900	3740	4980	5802	6481	7129	7749
27050	3469	4953	5770	6445	7090	7706	29950	3744	4981	5802	6481	7129	7750
27100	3474	4954	5771	6446	7090	7707	30000	3749	4981	5803	6482	7130	7750
27150	3479	4954	5771	6446	7091	7708							
27200	3484	4954	5772	6447	7092	7709							
27250	3488	4955	5772	6448	7092	7709							
27300	3493	4955	5773	6448	7093	7710							
27350	3498	4956	5773	6449	7094	7711							
27400	3503	4956	5774	6450	7094	7712							
27450	3507	4957	5775	6450	7095	7712							
27500	3512	4957	5775	6451	7096	7713							
27550	3517	4958	5776	6451	7097	7714							
27600	3522	4958	5776	6452	7097	7715							
27650	3526	4959	5777	6453	7098	7715							
27700	3531	4959	5777	6453	7099	7716							
27750	3536	4960	5778	6454	7099	7717							

**Comment:** To the extent the parties share physical custody with the obligor having 40% or more of the annual overnights as set forth in Pa.R.Civ.P. 1910.16-4(c), the formula in Pa.R.Civ.P. 1910.16-4(a)(1)(Part D) or (a)(2)(Part II) should be used to calculate the appropriate shared custody adjustment.

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

### Explanatory Comment—2010

The basic child support schedule has been amended to reflect updated economic data. The schedule has been expanded to include all cases in which the parties' combined net monthly income is \$30,000 or less. It also reflects an increase in the Self-Support Reserve to \$867, the 2008 poverty level for one person. The schedule was further adjusted to incorporate an assumption that the children spend 30% of the time with the obligor.

### Explanatory Comment—2013

The basic child support schedule has been amended to reflect updated economic data. It also reflects an increase in the Self-Support Reserve to \$931, the 2012 poverty level for one person.

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### Explanatory Comment—2021

Previously, the Basic Child Support Schedule incorporated a 30% child custody presumption, which created approximately a 5% decrease in the basic child support obligation across all combined monthly net incomes regardless of the actual custody schedule. The new Basic Child Support Schedule reflects the actual expenses of an intact family living in a single household at the various combined monthly net incomes and the number of children with no shared custody adjustment.

To the extent the parties share physical custody with the obligor having 40% or more of the annual overnights as set forth in Pa.R.C.P. No. 1910.16-4(c), the formula in Pa.R.C.P. No. 1910.16-4(a)(1)(Part D) or (a)(2)(Part II) should be used to calculate the appropriate shared custody adjustment.

#### Rule 1910.16-3.1. Support Guidelines. High-Income Cases.

##### (a) Child Support.

###### (1) Presumptive Minimum Basic Child Support Obligation.

- (i) The presumptive minimum basic child support obligation is the support obligation that the trier-of-fact would have awarded if the parties' combined monthly net income was \$30,000.
- (ii) [When] If the parties' combined monthly net income exceeds \$30,000, the calculated support obligation shall not be less than the presumptive minimum basic child support obligation.

###### (2) High-Income Child Support Calculation. With the following three-step process, the trier-of-fact shall calculate the total child support obligation.

- (i) Preliminary Analysis. Using the following formula, the trier-of-fact shall:
  - (A) calculate the basic child support obligation based on the parties' combined monthly net income; and
  - (B) apportion the basic child support obligation based on the parties' respective monthly net incomes.

One child:	<del>\$3,608</del> \$3,749 + 4.0% of combined monthly net income above \$30,000.
Two children:	<del>\$4,250</del> \$4,981 + 4.0% of combined monthly net income above \$30,000.
Three children:	<del>\$4,951</del> \$5,803 + 4.7% of combined monthly net income above \$30,000.
Four children:	<del>\$5,530</del> \$6,482 + 5.3% of combined monthly net income above \$30,000.
Five children:	<del>\$6,083</del> \$7,130 + 5.8% of combined monthly net income above \$30,000.
Six children:	<del>\$6,613</del> \$7,750 + 6.3% of combined monthly net income above \$30,000.

- (ii) Substantial or Equally Shared Custody Adjustment. The trier-of-fact shall adjust the basic child support obligation calculated in subdivision (a)(2)(i) for substantial or equally shared custody as set forth in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-4(c).

###### (iii) Final Analysis—Reasonable Needs.

- (A) In determining the total child support obligation, the trier-of-fact shall consider the child's reasonable needs based on:
  - (I) the deviation factors in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-5;
  - (II) the additional expenses set forth in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-6; and
  - (III) the parties' expense statements required by [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.11(c)(2) and [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.27(c)(2)(B).
- (B) Subject to the presumptive minimum basic child support obligation, the trier-of-fact may upwardly or downwardly adjust the support obligation calculated in subdivisions (a)(2)(i) and (a)(2)(ii) based on the child's reasonable needs.

###### (3) Final Order. As part of the final order, the trier-of-fact shall state on the record or in writing:

- (i) findings of fact; and

- (ii) the reasons for awarding the total child support obligation, including:

- (A) a discussion of the child's reasonable needs; and
- (B) the adjustments or deviations made to the basic child support obligation.

###### (b) Spousal Support or Alimony Pendente Lite.

- (1) Preliminary Analysis. [When] If the parties' combined monthly net income exceeds \$30,000, the trier-of-fact shall apply the formula in either [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-4(a)(1)(Part B) or (a)(2)(Part IV) in calculating spousal support or alimony pendente lite.
- (2) Final Analysis. In determining the total spousal support or alimony pendente lite obligation, the trier-of-fact shall consider:

- (i) the deviation factors in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-5;
- (ii) the additional expenses set forth in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-6; and
- (iii) the parties' expense statements required by [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.11(c)(2) and [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.27(c)(2)(B).

- (3) Final Order. As part of the final order, the trier-of-fact shall state on the record or in writing:

- (i) findings of fact; and

- (ii) the reasons for awarding the final spousal support or alimony pendente lite obligation, including the adjustments or deviations made to the basic spousal support or alimony pendente lite obligation.

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

#### Explanatory Comment—2010

Pa.R.C.P. No. 1910.16-3.1 is intended to bring all child support cases under the guidelines and treat similarly situated parties similarly. Thus, high-income child support cases no longer will be decided pursuant to *Melzer v. Witsberger*, 480 A.2d 991 (Pa. 1984). Economic data support the basic child support schedule up to combined net incomes of \$30,000 per month. Above that amount, economic data are not readily available. Thus, for cases in which the parties' combined monthly net income is above \$30,000, the formula first applies a fixed percentage to calculate the support amount. The formula is an extrapolation of the available economic data to high-income cases. Spousal support and alimony pendente lite awards in high-income cases are preliminarily calculated pursuant to the formulas in either Pa.R.C.P. No. 1910.16-4(a)(1)(Part B) or (2)(Part IV). However, in both high-income child support and spousal support and high-income child support and alimony pendente lite cases, the trier-of-fact is required to consider the factors in Pa.R.C.P. No. 1910.16-5 before entering a final order and to make findings of fact on the record or in writing. Pursuant to Pa.R.C.P. No. 1910.11(c)(2), in all high-income cases, the parties must submit an Income Statement and the Expense Statement at Pa.R.C.P. No. 1910.27(c)(2)(B) to enable the trier-of-fact to consider the factors in Pa.R.C.P. No. 1910.16-5.

#### Explanatory Comment—2011

The rule has been amended to clarify that the provisions of Pa.R.C.P. No. 1910.16-4(c), regarding support adjustments if the obligor has substantial or shared custody, apply in high-income cases. Previously, when high-income cases were decided pursuant to *Melzer v. Witsberger*, 480 A.2d 991 (Pa. 1984), case law held that because the time and resources each parent provided to a child were factored into the Melzer formula, the substantial or shared parenting time reductions did not apply to cases decided pursuant to *Melzer*. See, e.g., *Sirio v. Sirio*, 951 A.2d 1188 (Pa. Super. 2008); *Bulgarelli v. Bulgarelli*, 934 A.2d 107 (Pa. Super. 2007). As *Melzer* no longer applies to calculate support in high-income cases, the prohibition against substantial or shared parenting time reductions in such cases is no longer applicable.

#### Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation[.]

##### Formula.

- (a) The trier-of-fact shall use either the subdivision (1) or subdivision (2) formula to calculate the obligor's share of basic child support, either from the schedule in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-3 or the formula in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-3.1(a), as well as spousal support and alimony pendente lite obligations. In high-income cases, the trier-of-fact shall use either the subdivision (1)(Part B) or subdivision (2)(Part IV) formula, as appropriate, as a preliminary analysis in the calculation of spousal support or alimony pendente lite obligations.
- (1) The formula in Parts A through E is for an order entered on or after January 1, 2019, or for a modification of an order entered before January 1, 2019 that includes spousal support or alimony pendente lite in which the amendments to the Internal Revenue Code made by Section 11051 of the Tax Cuts and Jobs Act of 2017 (Pub. L. No. 115-97) expressly apply.

[Note: Section 11051 of the Tax Cuts and Jobs Act of 2017 (Pub.L. No. 115-97) amended the Internal Revenue Code by repealing the alimony deduction—the amount of spousal support, alimony pendente lite, and alimony paid or received—from the payor's gross income and the alimony inclusion into the payee's gross income.

See subdivision (2) for a modification of an order entered before January 1, 2019 that includes spousal support or alimony pendente lite in which the amendments to the Internal Revenue Code made by Tax Cuts and Jobs Act of 2017 (Pub.L. No. 115-97) do not apply to the modification.]



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line 26f, if applicable)

(2) The formula in Parts I through IV is for a modification of an order entered before January 1, 2019 that includes spousal support or alimony *pendente lite*.

[Note: See subdivision (1) for an order entered on or after January 1, 2019, or for a modification of an order entered before January 1, 2019 that includes spousal support or alimony *pendente lite* in which the amendments to the Internal Revenue Code made by Tax Cuts and Jobs Act of 2017 (Pub.L. No. 115-97) expressly apply to the modification.]

### Part I. Basic Child Support

	Obligor	Obligee
1. Total Gross Income Per Pay Period (See [Pa.R.C.P. No.] <u>Pa.R.Civ.P.</u> 1910.16-2(a))	_____	_____
2. Deductions (See [Pa.R.C.P. No.] <u>Pa.R.Civ.P.</u> 1910.16-2(c))	(_____)	(_____)
3. Net Income (line 1 minus line 2)	_____	_____
4. Conversion to Monthly Net Income (if pay period is other than monthly)		
Include the child's monthly Social Security derivative benefit amount, if any, in the monthly net income of the party receiving the benefit pursuant to [Pa.R.C.P. No.] <u>Pa.R.Civ.P.</u> 1910.16-2(b)(2)(i) or (b)(2)(ii)	_____	_____
5. Combined Monthly Net Income (obligor's line 4 plus obligee's line 4)	_____	_____
6. Basic Child Support Obligation (determined from schedule at [Pa.R.C.P. No.] <u>Pa.R.Civ.P.</u> 1910.16-3 based on number of children and line 5)	_____	_____
7. Net Income Expressed as a Percentage of Combined Monthly Net Income (divide line 4 by line 5 and multiply by 100)	_____ %	_____ %
8. Preliminary Basic Child Support Obligation (multiply line 6 and 7)	_____	_____
9. Child's Social Security Derivative Disability or Retirement Benefit (if the benefits are paid to the obligee, enter the benefit amount on the line for the party whose retirement or disability created the child's benefit)	_____	_____
10. Adjusted Basic Child Support Obligation (line 8 minus line 9 - if the result is less than zero, enter a zero on line 10)	_____	_____

### Part II. Substantial or Shared Physical Custody Adjustment, If Applicable (See subdivision (c))

11. a.	Percentage of Time Obligor spends with Children (divide number of overnights with the obligor by 365 and multiply by 100) %	_____
b.	Subtract 30%	(_____)
c.	Obligor's Adjusted Percentage Share of the Basic Child Support Obligation (subtract result of calculation in line 11b from line 7)	_____ %

d. Obligor's Preliminary Adjusted  
Basic Child Support Obligation  
(multiply line 11c and line 6) \_\_\_\_\_

e. Further adjustment, if necessary under  
subdivision (c)(2) \_\_\_\_\_

f. Obligor's Adjusted Basic  
Child Support Obligation  
(Total of line 11d and line 11e) \_\_\_\_\_

### Part III. Additional Expenses (See [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-6)

12. a. Obligor's Share of Child Care Expenses \_\_\_\_\_

b. Obligor's Share of Health Insurance  
Premium (if the obligee is paying the premium) \_\_\_\_\_

c. Obligee's Share of the Health Insurance  
Premium (if the obligor is paying the premium) (\_\_\_\_\_)

d. Obligor's Share of Unreimbursed Medical  
Expenses \_\_\_\_\_

e. Other Additional Expenses \_\_\_\_\_

f. Total Additional Expenses  
(add lines 12a, b, d, and e,  
then subtract line 12c) \_\_\_\_\_

13. Obligor's Total Monthly Support Obligation  
(add line 10 or 11f and line 12f, if applicable) \_\_\_\_\_

### Part IV. Spousal Support or APL with [dependent children] Dependent Children

14. Obligor's Monthly Net Income (line 4) \_\_\_\_\_

15. Obligor's Support, Alimony  
*Pendente Lite*, or Alimony Obligations,  
to Children or Former Spouses who  
are not part of this action, if any  
(See [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-2(c)(2)) (\_\_\_\_\_)

16. Obligee's Monthly Net Income (line 4) (\_\_\_\_\_)

17. Difference  
(line 14 minus lines 15 and 16) \_\_\_\_\_

18. Obligor's Total Monthly Child  
Support Obligation without Part II Substantial  
or Shared Custody Adjustment, if any  
(Obligor's line 10 plus line 12f) (\_\_\_\_\_)

19. Difference  
(line 17 minus line 18) \_\_\_\_\_

20. Multiply by 30% x 30%

21. Monthly Spousal Support or  
Alimony *Pendente Lite* Obligation  
(line 19 multiplied by line 20) \_\_\_\_\_

### Without Dependent Children

22. Obligor's Monthly Net Income (line 4) \_\_\_\_\_

23. Obligor's Child and Spousal Support, Alimony  
*Pendente Lite* or Alimony Obligations  
to Children or Former Spouses who are not part of this action, if any  
([Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-2(c)(2)) (\_\_\_\_\_)

24. Obligee's Monthly Net Income (line 4) (\_\_\_\_\_)

25. Difference (line 22 minus lines 23 and 24) \_\_\_\_\_

26. Multiply by 40% x 40%

27. Preliminary Monthly Spousal Support  
or Alimony *Pendente Lite* Obligation  
(line 25 multiplied by line 26) \_\_\_\_\_

28. Adjustments for Other Expenses \_\_\_\_\_

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(See [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-6)  
(line 12f)

29. Total Monthly Spousal Support or  
Alimony *Pendente Lite* Obligation  
(line 27 plus or minus line 28, as appropriate)

(b) **Order For More Than Six Children.** [When] If there are more than six children who are the subject of a single support order, the trier-of-fact shall:

- (1) calculate the basic child support obligations for six children and five children;
- (2) subtract the basic child support obligation for five children from the basic child support obligation for six children;
- (3) multiply the difference from subdivision (b)(2) by the number of children in excess of six; and
- (4) add the amount from subdivision (b)(3) to the basic child support obligation for six children as determined in subdivision (b)(1).

(c) **Substantial or Equally Shared Physical Custody.**

- (1) **Substantial Physical Custody.** [When] If a child spends 40% or more of the annual overnights with the obligor, a rebuttable presumption arises that the obligor is entitled to a reduction in the basic child support obligation to reflect the obligor's increased direct spending on the child during the obligor's custodial time.
  - (i) This rebuttable presumption also applies in high income cases decided pursuant to [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-3.1.
  - (ii) Except as provided in subdivision (c)(2), the trier-of-fact shall calculate the adjustment pursuant to the formula set forth in subdivision (a)(1)(Part D) or (a)(2)(Part II).
- (2) **Equally Shared Physical Custody.** Without regard to which party initiated the support action, [when] if a child spends an equal number of annual overnights with the parties:
  - (i) The formula in subdivision (a)(1)(Part D) or (a)(2)(Part II) cannot be applied unless the obligor is the party with the higher monthly net income.
  - (ii) The trier-of-fact shall not require the party with the lower monthly net income to pay basic child support to the party with the higher monthly net income. However, this subdivision shall not preclude the entry of an order requiring the party with less monthly net income to contribute to additional expenses pursuant to [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-6.
  - (iii) Based upon the evidence presented, the trier-of-fact may enter a support order against either party.
  - (iv) If the support calculation results in the obligee receiving a larger share of the parties' combined monthly net income, the trier-of-fact:
    - (A) shall adjust the obligor's basic child support obligation so that the combined monthly net income is allocated equally between the two parties; and
    - (B) shall not award spousal support or alimony *pendente lite*.

**Example 1.** If the obligor and the obligee have monthly net incomes of \$5,000 and \$2,300, respectively, the basic child support obligation is \$1,901 for two children. Using the income shares formula in Part I, the obligor's basic child support obligation is 68%, or \$1,293. If the children spend 40% of the annual overnights with the obligor, the formula in Part D or Part II applies to reduce the obligor's basic child support obligation to 58%, or \$1,103. If the children spend 45% of the annual overnights with the obligor, the obligor's basic child support obligation is reduced to 53%, or \$1,008. If the children spend an equal number of the annual overnights with the obligor and obligee, the obligor's basic child support obligation is reduced to 48%, or \$912.

**Example 2.** Mother and Father have monthly net incomes of \$3,000 and \$2,700, respectively. Mother has filed for support for the parties' two children with whom the parties share time equally. As the parties have equal custody and Mother has the higher monthly net income, Mother cannot be the obligee. Although Mother initiated the support action, she would be the obligor. Pursuant to the Basic Child Support Schedule in Pa.R.C.P. No. 1910.16-3, the basic child support obligation for two children at the parties' combined monthly net income is \$1,585 per month. Mother's share is 53%, or \$840. Application of the Part II or Part D formula results in a 20% reduction in support when the obligor has 50% custody of the children. Mother's adjusted percentage share of the basic support obligation is 33% (53% - 20% = 33%) and the preliminary adjusted basic child support obligation is \$523

(33% of \$1,585). However, as this amount would result in Father having a greater share of the parties' combined monthly net income (\$3,223 vs. \$2,477), Mother's basic child support obligation would be adjusted to \$150 per month to allocate the parties' combined monthly net income equally between the two parties and would be the presumptive basic child support obligation payable to Father under these circumstances.

**Example 3.** If the obligor and the obligee have monthly net incomes of \$3,000 and \$2,500, respectively, the basic child support obligation for two children is \$1,567. The obligor's share is 55%, or \$862 (\$1,567 x 55%). If the children spend equal time with the parties, the formula in Part II or Part D results in a basic child support obligation of \$548 (\$1,567 x 35%) payable to the obligee. Since this amount results in the obligee having monthly net income of \$3,048 and the obligor having monthly net income of \$2,452, the obligor's basic child support obligation would be adjusted to \$250 to equalize the combined monthly net income between the parties and would be the presumptive basic child support obligation payable to the obligee under these circumstances.]

(d) **Divided or Split Physical Custody.** [When] If Each Party Owes Child Support to the Other Party. Varied Partial or Shared Custodial Schedules.

- (1) **Divided or Split Physical Custody.** [When] If Each Party Owes Child Support to the Other Party. When calculating a basic child support obligation and each party owes child support to the other party as a result of the custodial arrangement, the trier-of-fact shall offset the parties' respective basic child support obligations and award the net difference to the obligee as child support.

**Example 1.** If the parties have three children, one child resides with Mother and two children reside with Father, and the parties' monthly net incomes are \$4,000 and \$2,000 respectively, Mother's basic child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for two children at the parties' combined monthly net income of \$6,000. The basic child support obligation is \$1,628. As Mother's income is 67% of the parties' combined monthly net income, Mother's basic child support obligation for the two children living with Father is \$1,091. Father's basic child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined monthly net income of \$6,000. The basic child support obligation is \$1,097. Father's basic child support obligation for the child living with Mother is \$362. Subtracting \$362 from \$1,091 produces a basic child support obligation of \$729 payable to Father as child support.

**Example 2.** If the parties have two children, one child resides with Mother and the parties equally share custody (50% - 50%) of the other child, and the parties' monthly net incomes are as set forth in Example 1. The basic child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for the one child primarily residing with Mother at the parties' combined monthly net income of \$6,000, the basic child support obligation is \$1,097. Father's income is 33% of the parties' combined monthly net income, and the basic child support obligation for the child living with Mother is \$362. For Mother's obligation for the child with the equally shared custody arrangement, using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined monthly net income of \$6,000, the basic child support obligation is \$1,097. Mother's proportionate share of the combined monthly net incomes is 67%, but it is reduced to 47% after applying the shared parenting time adjustment for 50% custody under subdivision (c). Mother's basic child support obligation for the shared custody child is \$516 (\$1,097 x 47%). As Mother's obligation is greater than Father's obligation, Father is the obligee and receives the net of the two obligations by subtracting \$362 from \$516, or \$154.]

(2) **Varied Partial or Shared Physical Custodial Schedule.**

- (i) The trier-of-fact may reduce a party's basic child support obligation [when] if the parties have more than one child and each child spends either different amounts of:

- (A) partial or equally shared custodial time with the higher monthly net income party; or
- (B) partial custodial time with the lower monthly net income party.

- (ii) In determining whether a party is entitled to a reduction as provided in subdivision (d)(2)(i):

- (A) the trier-of-fact shall:

- (I) add the percentage of annual overnights each child spends with that party; and

- (II) divide by the number of children to determine the party's average percentage of custodial time.

- (B) If the average percentage of custodial time is 40% or more:

- (I) subdivision (c) applies; and

- (II) the trier-of-fact shall reduce the party's basic child support obligation accordingly.

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**Example 1.** The parties have two children and one child spends 50% of the annual overnights with Mother, who has the higher monthly net income, and the other child spends 20% of the annual overnights with Mother. Add those percentages together and divide by the number of children (50% plus 20% = 70% divided by 2 children = 35% average time with Mother). Pursuant to subdivision (d)(2)(ii)(B), Mother is not entitled to a reduction in the support order for substantial parenting time.

**Example 2.** The parties have three children. Two children spend 50% of the annual overnights with Mother, who has the higher monthly net income, and the third child spends 30% of the annual overnights with Mother. Add the percentages of custodial time for all three children together and divide by the number of children (50% plus 50% plus 30% = 130% divided by three children = 43.33% average percentage of time with Mother). Pursuant to subdivision (d)(2)(ii)(B), Mother is entitled to a reduction in the support order for substantial parenting time.

**Example 3.** The parties have three children, Mother has primary custody (60% - 40%) of one child, Father has primary custody (60% - 40%) of one child, and the parties share custody (50% - 50%) of the third child. The parties' monthly net incomes are \$2,500 (Mother) and \$2,000 (Father). As a result of the custodial arrangement, Father owes support for the child in the primary custody of Mother and Mother owes support for the child in the primary custody of Father and for the child shared equally between the parties. Father's basic child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined monthly net income of \$4,500. The basic child support obligation is \$941. Father's proportionate share of the combined monthly net incomes is 44%, but is reduced to 34% after applying the shared parenting time adjustment for 40% custody under subdivision (c). Father's basic child support obligation for this child is \$320 (\$941 x 34%). Mother's basic child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for two children at the parties' combined monthly net income of \$4,500. The basic child support obligation is \$1,414. Mother has varying partial or shared custody of the two children (40% and 50%). Under subdivision (d)(2), the custodial time is averaged or in this case 45%. Mother's proportionate share of the combined monthly net incomes is 56%, but it is reduced to 41% after applying the shared parenting time adjustment for 45% custody under subdivision (c). Mother's basic child support obligation for these children is \$580 (\$1,414 x 41%). Offsetting the support obligations consistent with subdivision (d)(1), Mother's obligation is greater than Father's obligation, and Father is the obligee receiving the net of the two obligations by subtracting \$320 from \$580, or \$260.

**Note:** In cases with more than one child and varied partial or shared custodial schedules, it is not appropriate to perform a separate calculation for each child and offset support amounts as that method does not consider the incremental increases in support for more than one child built into the schedule of basic child support.]

- (3) **Combined Child Support and Spousal Support or Alimony *Pendente Lite*. [When] If Each Party Owes Child Support to the Other Party.**
  - (i) **[When] If one or more children reside with each party, the trier-of-fact shall offset the obligor's combined spousal support or alimony *pendente lite* and basic child support obligations with the obligee's basic child support obligation.**
  - (ii) **The trier-of-fact shall award the net difference to the obligee as spousal support or alimony *pendente lite* and basic child support.**
- (e) **Support Obligations [When] If Custodial Parent Owes Spousal Support.** If a child is residing with the spouse (custodial parent) obligated to pay spousal support or alimony *pendente lite* and the other spouse (non-custodial parent) has a legal obligation to support the child, the guideline spousal support or alimony *pendente lite* obligation is determined by offsetting the non-custodial parent's basic child support obligation and the custodial parent's spousal support or alimony *pendente lite* obligation, and awarding the net difference either to the non-custodial parent as spousal support or alimony *pendente lite* or to the custodial parent as child support as the circumstances warrant. The calculation is a five-step process:
  - (1) **Calculate the custodial parent's spousal support or alimony *pendente lite* obligation to the non-custodial parent based on the parties' monthly net incomes using the "without dependent children" formula in either [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-4(a)(1)(Part B) or (a)(2)(Part IV), as appropriate.**
  - (2) **Recalculate the parties' monthly net incomes by adjusting for the spousal support or alimony *pendente lite* payment paid or received in subdivision (e)(1).**
  - (3) **Using the recomputed monthly net incomes from subdivision (e)(2), calculate the non-custodial parent's basic child support obligation to the custodial parent.**
  - (4) **The final support amount is the difference calculated in subdivision (e)(1) and (e)(3).**
    - (i) If the amount in subdivision (e)(1) is greater than the amount in subdivision (e)(3), the final amount is spousal support or alimony *pendente lite* payable to the non-custodial parent.

(ii) If the amount in subdivision (e)(1) is less than the amount in subdivision (e)(3), the final amount is basic child support payable to the custodial parent.

(5)

**If the proceeding is a modification of an order entered before January 1, 2019 that has federal tax consequences associated with spousal support or alimony *pendente lite* payments and the final order is spousal support or alimony *pendente lite* as in subdivision (e)(4)(i), the offset spousal support or alimony *pendente lite* amount is federally taxable, and the trier-of-fact may deviate the final order due to the tax effect, as appropriate.**

[Note: See Pa.R.C.P. No. 1910.19(h).]

**Comment:** Section 11051 of the Tax Cuts and Jobs Act of 2017, Pub. L. No. 115-97, amended the Internal Revenue Code by repealing the alimony deduction—the amount of spousal support, alimony *pendente lite*, and alimony paid or received—from the payor's gross income and the alimony inclusion into the payee's gross income. Subdivision (a)(1) governs an order entered on or after January 1, 2019, or for a modification of an order entered before January 1, 2019, that includes spousal support or alimony *pendente lite* in which the Act expressly applies to the modification. Subdivision (a)(2) governs a modification of an order entered before January 1, 2019 that includes spousal support or alimony *pendente lite* in which the Act does not apply to the modification.

**Subdivision (c) Example 1.** If the obligor and the obligee have monthly net incomes of \$5,000 and \$2,300, respectively, the basic child support obligation is \$1,960 for two children. Using the income shares formula in Part I, the obligor's basic child support obligation is 68%, or \$1,333. If the children spend 40% of the annual overnights with the obligor, the formula in Part D or Part II applies to reduce the obligor's basic child support obligation to 58%, or \$1,137. If the children spend 45% of the annual overnights with the obligor, the obligor's basic child support obligation is reduced to 53%, or \$1,039. If the children spend an equal number of the annual overnights with the obligor and obligee, the obligor's basic child support obligation is reduced to 48%, or \$941.

**Subdivision (c) Example 2.** Mother and Father have monthly net incomes of \$3,000 and \$2,700, respectively. Mother has filed for support for the parties' two children with whom the parties share time equally. As the parties have equal custody and Mother has the higher monthly net income, Mother cannot be the obligee. Although Mother initiated the support action, she would be the obligor. Pursuant to the Basic Child Support Schedule in Pa.R.Civ.P. 1910.16-3, the basic child support obligation for two children at the parties' combined monthly net income is \$1,715 per month. Mother's share is 53%, or \$909. Application of the Part II or Part D formula results in a 20% reduction in support when the obligor has 50% custody of the children. Mother's adjusted percentage share of the basic support obligation is 33% (53% - 20% = 33%) and the preliminary adjusted basic child support obligation is \$566 (33% of \$1,715). However, as this amount would result in Father having a greater share of the parties' combined monthly net income (\$3,266 vs. \$2,434), Mother's basic child support obligation would be adjusted to \$150 per month to allocate the parties' combined monthly net income equally between the two parties and would be the presumptive basic child support obligation payable to Father under these circumstances.

**Subdivision (c) Example 3.** If the obligor and the obligee have monthly net incomes of \$3,000 and \$2,500, respectively, the basic child support obligation for two children is \$1,694. The obligor's share is 55%, or \$932 (\$1,694 x 55%). If the children spend equal time with the parties, the formula in Part II or Part D results in a basic child support obligation of \$593 (\$1,694 x 35%) payable to the obligee. Since this amount results in the obligee having monthly net income of \$3,093 and the obligor having monthly net income of \$2,407, the obligor's basic child support obligation would be adjusted to \$250 to equalize the combined monthly net income between the parties and would be the presumptive basic child support obligation payable to the obligee under these circumstances.

**Subdivision (d)(1) Example 1:** If the parties have three children, one child resides with Mother and two children reside with Father, and the parties' monthly net incomes are \$4,000 and \$2,000 respectively, Mother's basic child support obligation is calculated using the schedule in Pa.R.Civ.P. 1910.16-3 for two children at the parties' combined monthly net income of \$6,000. The basic child support obligation is \$1,774. As Mother's income is 67% of the parties' combined monthly net income, Mother's basic child support obligation for the two children living with Father is \$1,189. Father's basic child support obligation is calculated using the schedule in Pa.R.Civ.P. 1910.16-3 for one child at the parties' combined monthly net income of \$6,000. The basic child support obligation is \$1,186. Father's basic child support obligation for the child living with Mother is \$392. Subtracting \$392 from \$1,189 produces a basic child support obligation of \$797 payable to Father as child support.

**Subdivision (d)(1) Example 2:** If the parties have two children, one child resides with Mother and the parties equally share custody (50% - 50%) of the other child, and the parties' monthly net incomes are as set forth in Subdivision (d)(1) Example 1. The basic child support obligation is calculated using the schedule in Pa.R.Civ.P. 1910.16-3 for the one child primarily residing with Mother at the parties' combined monthly net income of \$6,000, the basic child support obligation is \$1,186. Father's income is 33% of the parties' combined monthly net income, and the basic child support obligation for the child living with Mother is \$392. For Mother's obligation for the child with the equally shared custody arrangement, using the schedule in Pa.R.Civ.P. 1910.16-3 for one child at the parties' combined monthly net income of \$6,000, the basic child support obligation is \$1,186. Mother's proportionate share of the combined monthly net incomes is 67%, but it is reduced to 47% after applying the shared parenting time adjustment for 50% custody under subdivision (c). Mother's basic child support obligation for the shared custody child is \$557 (\$1,186 x 47%). As Mother's obligation is greater than Father's obligation, Father is the obligee and receives

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the net of the two obligations by subtracting \$392 from \$557, or \$165.

Subdivision (d)(2) Example 1: The parties have two children, and one child spends 50% of the annual overnights with Mother, who has the higher monthly net income, and the other child spends 20% of the annual overnights with Mother. Add those percentages together and divide by the number of children (50% plus 20% = 70% divided by 2 children = 35% average time with Mother). Pursuant to subdivision (d)(2)(ii)(B), Mother is not entitled to a reduction in the support order for substantial parenting time.

Subdivision (d)(2) Example 2: The parties have three children. Two children spend 50% of the annual overnights with Mother, who has the higher monthly net income, and the third child spends 30% of the annual overnights with Mother. Add the percentages of custodial time for all three children together and divide by the number of children (50% plus 50% plus 30% = 130% divided by three children = 43.33% average percentage of time with Mother). Pursuant to subdivision (d)(2)(ii)(B), Mother is entitled to a reduction in the support order for substantial parenting time.

Subdivision (d)(2) Example 3: The parties have three children, Mother has primary custody (60% - 40%) of one child, Father has primary custody (60% - 40%) of one child, and the parties share custody (50% - 50%) of the third child. The parties' monthly net incomes are \$2,500 (Mother) and \$2,000 (Father). As a result of the custodial arrangement, Father owes support for the child in the primary custody of Mother and Mother owes support for the child in the primary custody of Father and for the child shared equally between the parties. Father's basic child support obligation is calculated using the schedule in Pa.R.Civ.P. 1910.16-3 for one child at the parties' combined monthly net income of \$4,500. The basic child support obligation is \$1,011. Father's proportionate share of the combined monthly net incomes is 44% but is reduced to 34% after applying the shared parenting time adjustment for 40% custody under subdivision (c). Father's basic child support obligation for this child is \$344 (\$1,011 x 34%). Mother's basic child support obligation is calculated using the schedule in Pa.R.Civ.P. 1910.16-3 for two children at the parties' combined monthly net income of \$4,500. The basic child support obligation is \$1,527. Mother has varying partial or shared custody of the two children (40% and 50%). Under subdivision (d)(2), the custodial time is averaged or in this case 45%. Mother's proportionate share of the combined monthly net incomes is 56%, but it is reduced to 41% after applying the shared parenting time adjustment for 45% custody under subdivision (c). Mother's basic child support obligation for these children is \$626 (\$1,527 x 41%). Offsetting the support obligations consistent with subdivision (d)(1), Mother's obligation is greater than Father's obligation, and Father is the obligee receiving the net of the two obligations by subtracting \$344 from \$626, or \$282.

In cases with more than one child and varied partial or shared custodial schedules, it is not appropriate to perform a separate calculation for each child and offset support amounts as that method does not consider the incremental increases in support for more than one child built into the schedule of basic child support.

Concerning subdivision (e), see Pa.R.Civ.P. 1910.19(h).

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

#### Explanatory Comment—2005

Pa.R.C.P. No. 1910.16-4(a) sets forth the income shares formula used to establish the support obligation. Subdivision (b) provides the method for calculating support for seven or more children as the basic support schedule in Pa.R.C.P. No. 1910.16-3 sets forth the presumptive amount of support for up to six children.

Subdivision (c) sets forth the method for calculating the presumptive amount of support in cases where the children spend 40% or more of their time during the year with the obligor. When there is equal time sharing, subdivision (2) reduces the support obligation further so that the obligor does not pay more than is necessary to equalize the parties' combined monthly net income between the two households. Subdivision (3) expressly excludes SSR cases from the application of this rule. Since the SSR already reduces support to a minimal level, a further reduction should not be given for the amount of time spent with the children.

Subdivision (d) relates to the calculation of support in divided or split custody cases. It retains the existing method for offsetting the parties' respective support obligations when one or more of the children resides with each party. Subdivision (e) governs spousal support obligations when the custodial parent owes spousal support. It has not been amended, other than to update the example to be consistent with the new schedule at Pa.R.C.P. No. 1910.16-3.

#### Explanatory Comment—2010

The basic support schedule incorporates an assumption that the children spend 30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. Variable expenditures, such as food and entertainment, that fluctuate based upon parenting time were adjusted in the schedule to build in the assumption of 30% parenting time. Upward deviation should be considered in cases in which the obligor has little or no contact with the children. However, an upward deviation may not be appropriate if an obligor has infrequent overnight contact with the child, but provides meals and entertainment during daytime contact. Fluctuating expenditures should be considered rather than the extent of overnight time. A downward deviation may be appropriate when the obligor incurs substantial fluctuating expenditures during parenting time but has infrequent overnights with the children.

The calculation in Pa.R.C.P. No. 1910.16-4(c) reduces an obligor's support obligation further if the obligor spends significantly more time with the children. The obligor will receive

an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method still may result in a support obligation even if custody of the children is equally shared. In those cases, the rule provides for a maximum obligation so that the obligee does not receive a larger portion of the parties' combined monthly net income than the obligor.

#### Rule 1910.16-5. Support Guidelines. Deviation.

##### (a) Deviation.

- (1) The trier-of-fact may deviate from the basic child support, additional expenses, spousal support, or alimony *pendente lite* obligation.
- (2) If the trier-of-fact determines a deviation is appropriate based on the factors in subdivision (b), the trier-of-fact shall specify on the record or in writing:
  - (i) the calculated basic child support, additional expenses, spousal support, or alimony *pendente lite* obligation;
  - (ii) the reason for the deviation;
  - (iii) the findings of fact justifying the deviation;
  - (iv) the deviation amount; and
  - (v) in a spousal support or an alimony *pendente lite* action, the obligation's duration.

[Note: The deviation applies to the support obligation amount or duration, and not to the party's monthly net income.]

##### (b)

**Factors.** In deciding whether to deviate from the basic child support, additional expenses, spousal support, or alimony *pendente lite* obligation, the trier-of-fact shall consider:

- (1) unusual needs and unusual fixed obligations;
- (2) a party's other support obligations;
- (3) other household income;
- (4) the child's age;
- (5) the parties' relative assets and liabilities;
- (6) medical expenses not covered by insurance;
- (7) the parties' and the child's standard of living;
- (8) in a spousal support or alimony *pendente lite* case, the duration of the marriage from the date of marriage to the date of final separation; and
- (9) other relevant and appropriate factors, including the child's best interest.

**Comment:** The deviation applies to the total support obligation amount or duration, and not to the party's monthly net income.

Concerning subdivision (b)(9), "other relevant and appropriate factors," may include, but are not limited to, maintaining a self-support reserve.

For the expense statement to be completed if a deviation is sought, see Pa.R.Civ.P. 1910.11(c)(1)(ii)(A).

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

#### Explanatory Comment—2005

Rule 1910.16-5 sets forth the factors for deviation from the presumptive amount of support. Subdivision (c) and subsection (b)(8) permit the court to consider the length of the marriage in determining the amount and duration of a spousal support or alimony *pendente lite* award. The primary purpose of these provisions is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

#### Explanatory Comment—2010

The provisions of subdivision (c), which provided that the court must consider the duration of the parties' marriage in determining the duration of an award of spousal support or alimony *pendente lite*, were moved to new Rule 1910.16-1(c)(2). The duration of the marriage, from the date of marriage to the date of final separation, remains a factor to consider in determining whether or not deviation from the amount of the award is warranted.

#### Rule 1910.16-6. Support Guidelines. Basic Support Obligation Adjustments. Additional Expenses Allocation.

[The trier-of-fact may allocate between the parties the additional expenses in subdivisions (a)–(e).] Even [when] if a basic support order is inappropriate under the facts of the

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case, the trier-of-fact may shall determine whether to allocate between the parties the additional expenses as provided below.

Except for the subdivisions (b)(4) and (e) expenses, the trier-of-fact shall calculate the parties' proportionate share of the additional expenses after adjusting the parties' monthly net income by the spousal support or alimony *pendente lite* obligation received or paid, and dividing each party's adjusted monthly net income by the parties' combined monthly net income. However, the trier-of-fact shall not adjust the parties' monthly net incomes when [apportioning allocating] the expenses in child support only cases.

**(a) Child Care Expenses.**

**(1) The trier-of-fact:**

(i) shall allocate reasonable child care expenses paid by the parties, if necessary to maintain employment or appropriate education in pursuit of income.

(ii) may allocate reasonable child care expenses that would be paid by the parties when the trier-of-fact imputes an earning capacity to a party pursuant to Pa.R.Civ.P. 1910.16-2(d)(4)(i)(D).

(2) The trier-of-fact may require that the obligor's share be added to the basic child support obligation, paid directly to the service provider, or paid directly to the obligee.

(3) When a party is receiving a child care subsidy through the Department of Human Services, the expense allocated between the parties is the amount actually paid by the party receiving the subsidy.

(4) The party seeking allocation of child care expenses shall provide to the other party the expense's documentation, such as a receipt or an invoice, promptly after receipt unless the service provider invoices the parties separately, or a written proposal or estimate from the service provider for the imputation of earning capacity, for the party's proportionate share of the expense.

(5) The trier-of-fact shall have the discretion to not allocate expenses if documentation is not timely provided to the other party.

(6) Except as provided in subdivision (a)(7), the total child care expenses shall be reduced to reflect the federal child care tax credit available to the eligible party, regardless of whether the credit is actually claimed by that party, up to the maximum annual cost allowable under the Internal Revenue Code.

(7) If the eligible party is not qualified to receive the credit, the federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties.

**(b) Health Insurance Premium.**

(1) The trier-of-fact shall allocate the health insurance premium paid by the parties, including the premium attributable to the party paying the premium, provided that a statutory duty of support is owed to the party or child covered by the health insurance.

(i) If the party paying the health insurance premium is the obligor, the obligee's share is deducted from the obligor's basic support obligation.

(ii) If the obligee is paying the health insurance premium, the obligor's share is added to the obligor's basic support obligation.

(iii) A health insurance premium allocated between the parties shall also include health insurance that is provided and paid by a third-party resident of a party's household (e.g., step-parent) for a child who is the subject of the support order.

(2) The trier-of-fact shall not allocate an employer-paid premium or a premium paid for a party, person, or child to whom no statutory duty of support is owed.

(i) If the parties present evidence of the excluded premium's actual amount—the amount attributed to a party, person, or child not owed a statutory duty of support—the trier-of-fact shall deduct the actual amount excluded from the total premium before allocating the health insurance premium between the parties.

(ii) If the parties do not present evidence of the excluded premium's actual amount, the trier-of-fact shall calculate the excluded amount as follows:

(A) determine the premium's cost per person by dividing the total premium by the number of persons covered under the policy;

(B) multiply the cost per person by the number of persons who are not owed a statutory duty of support, or are not parties to, or the subject of, the support action; and

(C) the resulting amount is excluded from allocation.

(3) Pursuant to 23 Pa.C.S. § 4326(a), in every support proceeding, the trier-of-fact shall ascertain a parent's ability to provide medical support for the parties' child and the support "order shall include a requirement for medical support to be provided by either or both parents, provided that such medical support is accessible to the children."

(i) The obligor bears the initial responsibility of providing the child's health care coverage if it is available at a reasonable cost.

(A) "Reasonable cost" to an obligor shall be defined as an amount that does not exceed 5% of the obligor's monthly net income and, when added to the basic child support obligation plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor's monthly net income.

(B) If the obligee is providing the coverage, the "reasonable cost" of the obligor's share shall be defined as an amount that does not exceed 5% of the obligor's monthly net income and, when added to the basic child support obligation plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor's monthly net income.

(ii) Unless the child's health care coverage is provided by the obligee or a third party, the court shall issue the National Medical Support Notice required by 23 Pa.C.S. § 4326(d.1) to the obligor's employer in response to notification that the obligor is employed.

(A) The notice shall direct the employer to enroll the obligor's child who is the subject of the support proceeding if the coverage is available at a reasonable cost to the obligor.

(B) However, the notice shall direct that enrollment shall not occur earlier than 25 days from the date of the National Medical Support Notice to allow the obligor time to object.

(C) Concurrent with the issuance of the National Medical Support Notice, the court shall provide notice to the obligor setting forth the process to object to the enrollment based upon unreasonable cost, mistake of fact, or availability of alternative health care coverage for the child.

(D) If there is more than one employer-provided health care coverage option, the obligor shall select the coverage, subject to the obligee's right to seek a court order designating a different option.

(iii) Absent the availability of health care coverage to the obligor for the parties' child at a reasonable cost, the court shall order the obligee to provide health care coverage for the child if it is available at a reasonable cost. "Reasonable cost" to the obligee shall be defined as an amount not to exceed 5% of the obligee's monthly net income.

(iv) If health care coverage is not available to the parties at a reasonable cost, the court may order the party having primary custody to apply for government-sponsored coverage, such as the Children's Health Insurance Program ("CHIP"), with any co-premium or other cost [apportioned] allocated between the parties in proportion to the parties' respective monthly net incomes.

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(v) Within 30 days after the entry of the support order, the party ordered to provide health care coverage shall provide written proof to the other party that medical insurance has been obtained, including insurance cards and all other materials set forth in the form order in Pa.R.Civ.P. 1910.27(e). There shall be a continuing obligation to provide the other party and the domestic relations section with proof of any changes in coverage.

(vi) The trier-of-fact shall give preference to health care coverage that is readily accessible to the child, as defined by geographic coverage area, access to local treatment providers, or other relevant factors.

(4) If the obligor is paying for the health insurance, the obligee has no income or minimal income, and the obligor will bear 90% or more of the health insurance premium:

(i) the trier-of-fact may, as fairness requires, deduct part or all of the premium actually paid by the obligor to provide coverage for the other party or the child from the obligor's gross income to determine monthly net income for support purposes.

(ii) If such a deduction is taken from the obligor's gross income, the premium allocation as set forth in subdivision (b)(1) shall not be applied.

(c) **Reasonable Unreimbursed Medical Expenses.** The trier-of-fact shall allocate the obligee's or child's reasonable unreimbursed medical expenses. However, the trier-of-fact shall not allocate reasonable unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The trier-of-fact may require that the obligor's expense share be included in the basic support obligation, paid directly to the health care provider, or paid directly to the obligee.

(1) **Medical Expenses.**

(i) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person.

(ii) Medical expenses include insurance co-payments [and], deductibles, and all expenses reasonably incurred for necessary medical services and supplies, including but not limited to surgical, dental, and optical services, psychiatric and psychological services, and orthodontia.

(iii) Medical expenses do not include cosmetic, chiropractic, or other services unless specifically directed in the order of court.

(2) The trier-of-fact may impose an annual limitation when the burden on the obligor would otherwise be excessive.

(3) Annual expenses shall be calculated on a calendar year basis.

(i) In the year in which the initial support order is entered, or in any period in which support is being paid that is less than a full year, the \$250 threshold shall be pro-rated.

(ii) The party seeking allocation for an unreimbursed medical expense shall provide to the other party the expense's documentation, such as a receipt or an invoice, promptly upon receipt, but not later than March 31<sup>st</sup> of the year following the calendar year in which the final bill was received by the party seeking allocation.

(iii) For purposes of subsequent enforcement, unreimbursed medical bills need not be submitted to the domestic relations section prior to March 31<sup>st</sup>.

(iv) The trier-of-fact shall have the discretion to not allocate an expense if documentation is not timely provided to the other party.

(4) If the trier-of-fact determines that out-of-network unreimbursed medical expenses were not obtained due to medical emergency or other compelling factors, the trier-of-fact may deem those expenses to be unreasonable and decline to assess the expenses against the other party.

(d) **Private School Tuition or Summer Camp. Other Additional Expenses.** Expenses outside the scope of typical child-rearing expenses, such as private school tuition, summer camp fees, and other additional expenses as set forth in subdivision (d)(2), have not been factored into the Basic Child Support Schedule.

(1) **Private School Tuition or Summer Camp.** If the trier-of-fact determines that private school or summer camp is reasonable under the parties' circumstances, the trier-of-fact shall [apportion] allocate the expense to the parties.

(2) **Other Additional Expenses.** The trier-of-fact shall [apportion] allocate an additional expense to the parties, if the trier-of-fact determines that the expense:

(i) is related to the child's educational, extra-curricular, or developmental activities; and

(ii) is reasonable under the parties' circumstances.

(3) The trier-of-fact may require that a party's proportionate share of a subdivision (d)(1) or (d)(2) expense is:

(i) included in or excluded from the basic child support obligation;

(ii) paid directly to the service provider; or

(iii) paid directly to the other party.

**Documentation.**

(i) The party seeking allocation of an expense shall provide the other party with the expense's documentation, such as a receipt or an invoice, promptly upon receipt, but not later than March 31<sup>st</sup> of the year following the calendar year in which the party incurred the expense, unless the service provider invoices the parties separately.

(ii) For subsequent enforcement purposes, a party does not need to submit the expense's documentation to the domestic relations section before March 31.

(iii) The trier-of-fact shall have the discretion to not allocate an expense if documentation is not timely provided to the other party.

(e) **Mortgage Payment.** The support guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the trier-of-fact shall assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise.

(1) If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's monthly net income (including amounts of spousal support, alimony *pendente lite*, and child support), the trier-of-fact may require the obligor to assume up to 50% of the excess amount in the obligor's support obligation.

(2) If the obligor is occupying the marital residence and the mortgage payment exceeds 25% of the obligor's monthly net income (less any amount of spousal support, alimony *pendente lite*, and child support the obligor is paying), the trier-of-fact may downwardly adjust the obligor's support obligation.

(3) This rule shall not be applicable after a final resolution of the outstanding economic claims in the parties' divorce action.

(4) For purposes of this subdivision, "mortgage" shall include a first mortgage, real estate taxes, and homeowners' insurance and may include a subsequent mortgage, a home equity loan, and other marital obligations secured by the marital residence.

**Comment:** The allocation of additional expenses may be subject to a deviation analysis pursuant to Pa.R.Civ.P. 1910.16-5. For example, a deviation may be considered if the allocation of additional expenses would reduce a party's monthly net income below the self-support reserve.

Subdivision (a)(1)(i) Example: Mother has primary custody of the parties' two children and Father has partial custody. The parties' respective monthly net incomes are \$2,000 and \$3,500. At the combined monthly net income of \$5,500 for two children, the basic child support obligation is **[\$1,567] \$1,694**. As Father's income represents 64% of the parties' combined monthly net income, Father's basic child support obligation is **[\$1,003] \$1,084**. Mother incurs monthly child care expenses of \$400, and Father incurs \$100 per month. The total child care expenses, \$500, will be [apportioned] allocated between the parties, with Father paying 64%, or \$320. As Father is paying \$100 for the children's child care during his partial custody, he would pay the remaining \$220 to Mother for a total child support obligation of **[\$1,223 (\$1,003 + \$220)] \$1,304 (\$1,084 + \$220)**.

Concerning subdivision (a)(1)(ii), see Pa.R.Civ.P. 1910.16-2(d)(4) for earning capacity determination. Hypothetical child care expenses that are less than a parent's earning capacity may be allocated pursuant to subdivision (a)(1)(ii). Only those hypothetical child care expenses that the parent would actually pay, if employed, should be allocated. See Pa.R.Civ.P. 1910.16-2, cmt.

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Subdivision (b) does not apply to Medical Assistance. *See* 23 Pa.C.S. § 4326(l).

Subdivision (b)(1)-(b)(2) Example 1: If the parties are separated, but not divorced, and Husband pays \$200 monthly for employer-provided health insurance for himself, Wife, the parties' child, and two additional children from a previous marriage, the premium attributable to the additional two children, if not otherwise verifiable or known with reasonable ease and certainty, is calculated by dividing \$200 by five persons and then multiplying the resulting amount of \$40 per person by the two additional children, for a total of \$80 to be excluded from allocation. Deduct this amount from the total premium to arrive at the premium to be allocated between the parties—\$120. Since Husband is paying the premium, and spouses have a statutory duty to support one another pursuant to 23 Pa.C.S. § 4321, Wife's percentage share of the \$120 is deducted from Husband's support obligation. If Wife had been providing the coverage, Husband's percentage share would be added to his basic support obligation.

Subdivision (b)(1)-(b)(2) Example 2: If the parties are divorced and Father pays \$200 monthly for employer-provided health insurance for himself, the parties' child, and two additional children from a previous marriage, the premium attributable to Father and the two additional children will not be allocated between the parties. Thus, using the same calculations in Example 1, the premium attributable to Father and the two other children is \$150 (\$200 premium divided among four covered persons equals \$50 per person multiplied by three) and that amount is deducted from the total premium, leaving \$50 (\$200 - \$150 = \$50) to be allocated between the parties.

Subdivision (b)(1)-(b)(2) Example 3: The parties are divorced, and Mother is the obligee of a child support order. Father, the obligor, pays \$200 monthly for employer-provided health insurance for himself and the parties' child. Mother pays \$400 per month for her employer-provided health insurance that covers only herself. The premium Father pays to cover the parties' child, \$100 (\$200 premium divided between two covered persons, Father and the child), will be allocated between the parties in proportion to their respective monthly net incomes. The premium that covers Father will not be allocated because the parties are no longer married, and he is not owed a duty of support by Mother. The premium Mother pays to provide her own coverage will not be allocated because the parties are no longer married and she is not owed a duty of support by Father.

Concerning subdivision (b)(3), the maximum amount of any attachment for child and medical support is set forth by the federal Consumer Credit Protection Act, 15 U.S.C. §§ 1601 *et seq.*

Subdivision (c) is intended to implement 23 Pa.C.S. § 4326(e).

An unreimbursed medical expense may be unreasonable if it was an avoidable expense incurred solely by the party requesting reimbursement, *e.g.*, expenses for missed office visits, excessive supplies, purchases of name brand medications when generic medications are suitable and available, denial of insurance coverage because of a failure to comply with plan requirements, or non-emergency out-of-network expenses pursuant to subdivision (c)(4).

The determination of medical necessity of a medical service or medical supplies can be made in a support proceeding or a custody proceeding. Even if challenged during a support proceeding (rather than a custody proceeding), the necessity of a medical service or medical supplies, which results in an unreimbursed medical expense for which a party seeks allocation subject to subdivision (c)(1)(ii), should be determined by the trier-of-fact, and subject to review by a judge if the trier-of-fact is not a judge.

If the trier-of-fact determines that a party acted reasonably in obtaining services that were not specifically set forth in the order of support, payment for such services may be ordered retroactively.

Pursuant to subdivision (c)(1)(iii), medical expenses for cosmetic, chiropractic, or other services may be, but are not required to be, allocated between the parties by the trier-of-fact if such expenses are reasonable and necessary.

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

#### Explanatory Comment—2004

Subdivision (a), relating to the federal child care tax credit, has been amended to reflect recent amendments to the Internal Revenue Code, 26 U.S.C. § 21. By generally referencing the Tax Code, rather than incorporating current Code provisions in the rule, further amendments will be incorporated into the support calculation.

#### Explanatory Comment—2005

Pa.R.C.P. No. 1910.16-6 governs the treatment of additional expenses that warrant an adjustment to the basic support obligation.

Subdivision (a) relates to child care expenses. Subdivision (a) has been amended to require that child care expenses incurred by either party are to be allocated between the parties in proportion to their respective net incomes. Subsection (a)(1), relating to the federal child care tax credit, was amended in 2004 to reflect recent amendments to the Internal Revenue Code. 26 U.S.C. § 21. By referring to the Tax Code in general, rather than incorporating current Code provisions in the rule, any further amendments will be incorporated into the support calculation. Since the tax credit may be taken only against taxes owed, it cannot be used when the eligible parent does not incur sufficient tax liability to fully realize the credit. For this reason, subsection (2) provides that no adjustment to the total child care expenses may be made if the eligible parent does not qualify to receive the credit.

Subdivision (b) addresses health insurance premiums. The cost of the premiums is generally treated as an additional expense to be allocated between the parties in proportion to their net incomes. Subdivision (b)(1) of the rule permits allocation of the entire premium, including the portion of the premium covering the party carrying the insurance, when the insurance benefits the other party and/or the children. Subdivision (b)(2) clarifies that, in calculating the amount of the health care premium to be allocated between the parties, subdivision (b)(1) requires the inclusion of that portion of the health insurance premium covering the party who is paying the premium, so long as there is a statutory duty of support owed to that party, but not the portion of the premium attributable to non-parties and children who are not the subjects of the support order. Subdivision (b)(2) provides for proration of the premium when the health insurance covers other persons who are not subject to the support action or owed a statutory duty of support. Subdivision (b) also permits an alternative method for dealing with the cost of health insurance premiums in certain circumstances. While, in general, the cost of the premiums will be treated as an additional expense to be allocated between the parties in proportion to their net incomes, in cases in which the obligee has no income or minimal income, subsection (4) authorizes the trier-of-fact to reduce the obligor's gross income for support purposes by some or all of the amount of the health insurance premiums. This is to avoid the result under a prior rule in which the entire cost of health insurance would have been borne by the obligor, with no resulting reduction in the amount of support he or she would otherwise be required to pay under the support guidelines. The goal of this provision is to encourage and facilitate the maintenance of health insurance coverage for dependents by giving the obligor a financial incentive to maintain health insurance coverage.

Subdivision (c) deals with unreimbursed medical expenses. Since the first \$250 of medical expenses per year per child is built into the basic guideline amount in the child support schedule, only medical expenses in excess of \$250 per year per child are subject to allocation under this rule as an additional expense to be added to the basic support obligation. The same is true with respect to spousal support so that the obligee-spouse is expected to assume the first \$250 per year of these expenses and may seek contribution under this rule only for unreimbursed expenses which exceed \$250 per year. The definition of "medical expenses" includes insurance co-payments, deductibles and orthodontia and excludes chiropractic services.

Subdivision (d) governs apportionment of private school tuition, summer camp and other unusual needs not reflected in the basic guideline amounts of support. The rule presumes allocation in proportion to the parties' net incomes consistent with the treatment of the other additional expenses.

Subdivision (e) provides for the apportionment of mortgage expenses. It defines "mortgage" to include the real estate taxes and homeowners' insurance. While real estate taxes and homeowners' insurance must be included if the trier-of-fact applies the provisions of this subdivision, the inclusion of second mortgages, home equity loans and other obligations secured by the marital residence is within the trier-of-fact's discretion based upon the circumstances of the case.

#### Explanatory Comment—2006

A new introductory sentence in Pa.R.C.P. No. 1910.16-6 clarifies that additional expenses contemplated in the rule may be allocated between the parties even if the parties' respective incomes do not warrant an award of basic support. Thus, even if application of either formula Pa.R.C.P. No. 1910.16-4 results in a basic support obligation of zero, the trier-of-fact may enter a support order allocating between the parties any or all of the additional expenses addressed in this rule.

The amendment of subdivision (e) recognizes that the obligor may be occupying the marital residence and that, in particular circumstances, justice and fairness may warrant an adjustment in his or her support obligation.

#### Explanatory Comment—2008

Federal and state statutes require clarification to subdivision (b) to ensure that all court orders for support address the children's ongoing need for medical care. In those instances where the children's health care needs are paid by the state's medical assistance program, and eligibility for the Children's Health Insurance Program ("CHIP") is denied due to the minimal income of the custodial parent, the obligor remains required to enroll the parties' children in health insurance that is, or may become, available that is reasonable in cost.

Government-sponsored health care plans represent a viable alternative to the often prohibitive cost of health insurance obtainable by a parent. Except for very low income children, every child is eligible for CHIP, for which the parent with primary physical custody must apply and which is based on that parent's income. A custodial parent may apply for CHIP by telephone or on the Internet. While co-premiums or co-pays increase as the custodial parent's income increases, such costs are generally modest and should be apportioned between the parties. Moreover, health care coverage obtained by the custodial parent generally yields more practical results, as the custodial parent resides in the geographic coverage area, enrollment cards are issued directly to the custodial parent, and claims may be submitted directly by the custodial parent.

#### Explanatory Comment—2010

Subdivision (e), relating to mortgages on the marital residence, has been amended to clarify that the rule cannot be applied after a final order of equitable distribution has been entered. To the extent that *Isralsky v. Isralsky*, 824 A.2d 1178 (Pa. Super. 2003), holds otherwise, it is superseded. At the time of resolution of the parties' economic claims, the former marital residence will either have been awarded to one of the parties or otherwise addressed.

#### Explanatory Comment—2018

The amendments provide for an adjustment to the parties' monthly net incomes prior to determining the percentage each party pays toward the expenses set forth in Pa.R.C.P. No.

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1910.16-6. Previously, the Rules of Civil Procedure apportioned the enumerated expenses in Pa.R.C.P. No. 1910.16-6(a)–(d), with the exception of subdivision (c)(5), between the parties based on the parties' respective monthly net incomes as calculated pursuant to Pa.R.C.P. No. 1910.16-2. This apportionment did not consider the amount of support paid by the obligor or received by the obligee.

The amended rule adjusts the parties' monthly net incomes, upward or downward, by the spousal support/APL amount paid or received by that party prior to apportioning the expenses. This methodology is not new to the Rules of Civil Procedure. In Pa.R.C.P. No. 1910.16-6(c)(5) (rescinded), the parties' monthly net incomes in spousal support/APL-only cases were similarly adjusted prior to the apportionment of unreimbursed medical expenses. Likewise, Pa.R.C.P. No. 1910.16-6(e) considers the parties' monthly net income after the receipt or payment of the support obligation for purposes of determining a mortgage deviation. As the new procedure adopts the methodology in former subdivision (c)(5), that subdivision has been rescinded as delineating the spousal support only circumstance is unnecessary.

Lastly, the amendment consolidates Pa.R.C.P. No. 1910.16-6(b)(1), (2), and (2.1).

### Rule 1910.16-7. Support Guidelines. Multiple Family Child Support Obligations.

(a) **Basic Child Support Obligations Total 50% or Less.** [When] If an obligor's basic child support obligations total 50% or less of the obligor's monthly net income, there will be no deviation from the basic support obligation on the ground of the existence of a new family.

[*Example: If the obligor requests a reduction of support for one child of the first marriage on the basis that there is a new child of the second intact marriage, and the relevant monthly net incomes are \$2,500 for the obligor, \$500 for the former spouse, and \$1,300 for the current spouse, the request for a reduction will be denied because the obligor's basic support obligations total \$1,138 (\$576 for the first child and \$562 for the second child) and are less than half of the obligor's monthly net income.]*

(b) **Basic Child Support Obligations Total Exceeds 50%.** [When the total of the] If an obligor's basic support obligations total exceeds 50% of the obligor's monthly net income, the trier-of-fact may proportionately reduce the basic support obligations.

(1) The goal of the guidelines is to treat each child equitably, and a first or later family shall not receive preference.

(2) The trier-of-fact shall not divide the basic child support obligations for all of the obligor's children among the households in which those children live.

[*Example 1. The obligor is sued for support of an out-of-wedlock child. The obligor is already paying support for two children of the first marriage, and has an intact second marriage with one child. The relevant monthly net incomes are \$3,800 for the obligor, \$1,100 for the former spouse, \$0 for the current spouse, and \$1,500 for the parent of the new child. The obligor's basic child support obligations to each family are \$1,140 for the two children of the first marriage, \$854 for the one child of the second marriage, and \$743 for the one child out of wedlock for a total of \$2,737. Since the total of these obligations exceeds 50% of the obligor's monthly net income of \$3,800, the trier-of-fact may consider a proportional reduction of the orders.*

[*Example 2. The obligor is sued for support of three children of a second marriage. There is already an order in effect for two children of the first marriage. The relevant monthly net incomes are \$2,500 for the obligor, \$0 for the first spouse, and \$500 for the second spouse. The obligor's basic child support obligation to each family is \$877 for the two children of the first marriage and \$1,040 for the three children of the second marriage for a total support obligation of \$1,917. Since the total obligation leaves the obligor with only \$583 on which to live, the orders are too high as the obligor must be left with a Self-Support Reserve of \$1,063. However, reducing the order for three children while leaving the existing order intact would give preference to the first family, contrary to the rule. Therefore, both orders shall be reduced proportionally.*

[*Example 3. The obligor is sued by three obligees to establish orders for three children. The monthly net income for the obligor and for each obligee is \$1,500. The trier-of-fact would determine that the obligor's basic child support obligation for each child is \$346 for a total of \$1,038 for three children. It would be incorrect to determine the basic child support obligation for three children, in this case \$1,253, and divide that amount among the three children. As the obligations exceed 50% of the obligor's monthly net income, the support orders should be reduced proportionately consistent with subdivision (b) and ensure the obligor retains the Self-Support Reserve of \$1,063 consistent with Pa.R.C.P. No. 1910.16-2(e).]*

(c) **Presumptive Basic Support Obligation.**

(1) For purposes of this rule, the obligor's presumptive basic support obligation:

(i) is calculated using only the formula in [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-4; and

(ii) does not include any additional expenses that may be added pursuant to [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-6.

(2) In calculating the obligor's presumptive basic support obligation, the trier-of-fact shall ensure that the obligor retains at least [\$1,063] \$1,255 per month consistent with [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-2(e).

[*Example 1. Assume that the obligor is paying \$553 per month support for one child of the first marriage, plus an additional \$200 per month for child care expenses. The obligor requests a reduction in this support obligation on the basis that there is one new child of the second intact marriage. The relevant incomes are \$2,400 for the obligor and \$0 for the former and current spouses. The obligor's request for a reduction shall be denied because the total of the basic support obligations for both children is only \$1,106 (\$553 for each child) and does not exceed 50% of the obligor's monthly net income. A reduction shall not be given on the basis that the obligor's contribution to child care expenses for the first child results in an total basic support child obligation of \$1,306, which exceeds 50% of the obligor's monthly net income. The presumptive basic child support obligations for the two children still total \$1,106 (\$553 for each child). The trier-of-fact shall consider the deviation factors under Pa.R.C.P. No. 1910.16-5 and the parties' respective contributions to additional expenses under Pa.R.C.P. No. 1910.16-6 in arriving at an appropriate total child support obligation for each child.*

[*Example 2. Assume that the obligor is paying \$346 per month support for one child of the first marriage. The obligor has one new child of the second intact marriage. The relevant incomes are \$1,500 for the obligor and \$0 for the former and current spouses. A reduction shall not be given on the basis of the obligor's new child because the presumptive basic child support obligations total \$692 (\$346 for each child) and this amount does not exceed 50% of the obligor's monthly net income. Since, however, this amount leaves the obligor with only \$808 per month, the trier-of-fact shall proportionally reduce the basic child support obligations so that the obligor retains \$1,063 per month. The presumptive basic child support obligations total \$437 (\$218.50 for each child). The trier-of-fact shall consider the deviation factors under Pa.R.C.P. No. 1910.16-5 and the parties' respective contributions to additional expenses under Pa.R.C.P. No. 1910.16-6 in arriving at an appropriate total child support obligation for each child.]*

**Comment:** Subdivision (a) Example: If the obligor requests a reduction of support for one child of the first marriage on the basis that there is a new child of the second intact marriage, and the relevant monthly net incomes are \$2,500 for the obligor, \$500 for the former spouse, and \$1,300 for the current spouse, the request for a reduction will be denied because the obligor's basic support obligations total \$1,152 (\$576 for the first child and \$576 for the second child) and are less than half of the obligor's monthly net income.

**Subdivision (b)(1) Example 1:** The obligor is sued for support of an out-of-wedlock child. The obligor is already paying support for two children of the first marriage and has an intact second marriage with one child. The relevant monthly net incomes are \$3,800 for the obligor, \$1,100 for the former spouse, \$0 for the current spouse, and \$1,500 for the parent of the new child. The obligor's basic child support obligations to each family are \$1,259 for the two children of the first marriage, \$875 for the one child of the second marriage, and \$800 for the one child out of wedlock for a total of \$2,934. Because the total of these obligations exceeds 50% of the obligor's monthly net income of \$3,800, the trier-of-fact may consider a proportional reduction of the orders.

**Subdivision (b)(1) Example 2:** The obligor is sued for support of three children of a second marriage. There is already an order in effect for two children of the first marriage. The relevant monthly net incomes are \$2,500 for the obligor, \$0 for the first spouse, and \$500 for the second spouse. The obligor's basic child support obligation to each family is \$877 for the two children of the first marriage and \$1,056 for the three children of the second marriage for a total support obligation of \$1,933. Because the total obligation leaves the obligor with only \$567 on which to live, the orders are too high as the obligor must be left with a self-support reserve of \$1,255. However, reducing the order for three children while leaving the existing order intact would give preference to the first family, contrary to the rule. Therefore, both orders shall be reduced proportionally.

**Subdivision (b)(1) Example 3:** The obligor is sued by three obligees to establish orders for three children. The monthly net income for the obligor and for each obligee is \$1,500. The trier-of-fact would determine that the obligor's basic child support obligation for each child is \$346 for a total of \$1,038 for three children. It would be incorrect to determine the basic child support obligation for three children, in this case \$1,272, and divide that amount among the three children. As the obligations exceed 50% of the obligor's monthly net income, the support orders should be reduced proportionately consistent with subdivision (b) and ensure the obligor retains the self-support reserve of \$1,255 consistent with Pa.R.Civ.P. 1910.16-2(e).

**Subdivision (c) Example 1:** Assume that the obligor is paying \$553 per month support for one child of the first marriage, plus an additional \$200 per month for child care expenses. The obligor requests a reduction in this support obligation on the basis that there is one new child of the second intact marriage. The relevant incomes are \$2,400 for the obligor and \$0 for the former and current spouses. The obligor's request for a reduction shall be denied because the total of the basic support obligations for both children is only \$1,106 (\$553 for each child) and does not exceed 50% of the obligor's monthly net

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**income. A reduction shall not be given on the basis that the obligor's contribution to child care expenses for the first child results in a total basic support child obligation of \$1,306, which exceeds 50% of the obligor's monthly net income. The presumptive basic child support obligations for the two children still total \$1,106 (\$553 for each child). The trier-of-fact shall consider the deviation factors under Pa.R.Civ.P. 1910.16-5 and the parties' respective contributions to additional expenses under Pa.R.Civ.P. 1910.16-6 in arriving at an appropriate total child support obligation for each child.**

**Subdivision (c) Example 2: Assume that the obligor is paying \$221 per month support for one child of the first marriage. The obligor has one new child of the second intact marriage. The relevant incomes are \$1,500 for the obligor and \$0 for the former and current spouses. A reduction shall not be given based on the obligor's new child because the presumptive basic child support obligations total \$442 (\$221 for each child) and this amount does not exceed 50% of the obligor's monthly net income. Because, however, this amount leaves the obligor with only \$1,058 per month, the trier-of-fact shall proportionally reduce the basic child support obligations so that the obligor retains \$1,255 per month. The presumptive basic child support obligations total \$245 (\$122.50 for each child). The trier-of-fact shall consider the deviation factors under Pa.R.Civ.P. 1910.16-5 and the parties' respective contributions to additional expenses under Pa.R.Civ.P. 1910.16-6 in arriving at an appropriate total child support obligation for each child.**

### Historical Commentary

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

#### **Explanatory Comment—2005**

Rule 1910.16-7 has been amended to reflect the updated schedule at Rule 1910.16-3 and the increase in the Self-Support Reserve (“SSR”), formerly the CAM, to \$748 per month. This rule sets forth the calculation of child support obligations in the context of multiple families. Awards of spousal support in this context are addressed in Rule 1910.16-2(c)(2).

In determining whether the total support obligations exceed 50% of the obligor's net income to warrant a proportionate reduction of the child support orders, subdivision (c) clarifies that the total consists only of the basic amounts of child support, as derived from the income shares formula in Rule 1910.16-4, and does not include additional expenses that may be added to these basic amounts under Rule 1910.16-6. As the first example illustrates, no reduction should be given if the basic support obligations do not exceed 50% of the obligor's net monthly income even though his or her contribution to additional expenses may result in an overall obligation exceeding this percentage of income. As the second example illustrates, however, in low income cases it may be necessary to adjust the child support obligations proportionally even though they do not exceed 50% of the obligor's net income. This is consistent with the goals of the SSR to ensure that the obligor retains sufficient income to maintain the incentive to work so that he or she can support all of the children.

Subdivision (c) also emphasizes that the initial amounts which are calculated for purposes of determining whether a proportional reduction is warranted are only presumptive amounts of child support. They are subject to upward or downward adjustment under Rules 1910.16-5 and 1910.16-6 relating to deviation and additional child-related expenses which are typically added to the basic obligation. This is intended only to emphasize that the establishment of appropriate support obligations for children of different families involves the same considerations as the establishment of a support obligation for a child or children of a single family.

#### **Explanatory Comment—2010**

Rule 1910.16-7 has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve to \$867 per month, the 2008 federal poverty level for one person. The distribution priorities formerly in subdivision (d) have been moved to Rule 1910.17(d) to clarify that these priorities apply to all support orders, not just those involving multiple families.

#### **Explanatory Comment—2013**

Rule 1910.16-7 has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve to \$931 per month, the 2012 federal poverty level for one person.

#### **Rule 1910.19. Support. Modification. Termination. Guidelines as Substantial Change in Circumstances. Overpayments.**

- (a) **Contents.** A petition for modification or termination of an existing support order shall specifically aver the material and substantial change in circumstances upon which the petition is based. A new guideline amount resulting from new or revised support guidelines may constitute a material and substantial change in circumstances. The existence of additional income, income sources or assets identified through automated methods or otherwise may also constitute a material and substantial change in circumstances.
- (b) **Withdrawal of Petition.** The procedure upon the petition shall be in accordance with Rule 1910.10 *et seq.* After a party has filed a petition for modification of a child support order, the petition may not be withdrawn unless both parties consent or with leave of court. A petition for modification of spousal support or alimony *pendente lite* may be withdrawn without the consent of the other party or leave of court.
- (c) **Basis for Modification or Termination.** Pursuant to a petition for modification, the trier-of-fact may modify or terminate the existing support order in any appropriate manner based on the evidence presented without regard to

which party filed the petition for modification. If the trier-of-fact finds that there has been a material and substantial change in circumstances, the order may be increased or decreased based on the parties' respective monthly net incomes, consistent with the support guidelines, existing law, and [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.18(d), and the party's custodial time with the child at the time the modification petition is heard.

- (d) **Death of Payee Spouse.** All charging orders for spousal support and alimony *pendente lite* shall terminate upon the death of the payee spouse.
- (e) **Emancipation Inquiry and Notice.** Within six months prior to the date a child who is the subject of a child support order reaches [eighteen (18)] 18 years of age, the domestic relations section shall issue an emancipation inquiry and notice to the obligee, with a copy to the obligor, seeking the following information:
  - (1) confirmation of the child's date of birth, date of graduation or withdrawal from high school;
  - (2) whether the child has left the obligee's household and, if so, the date of departure;
  - (3) the existence of any agreement between the parties requiring payments for the benefit of the child after the child has reached age [eighteen (18)] 18 or graduated from high school; and
  - (4) any special needs of the child which may be a basis for continuing support for that child beyond the child's [eighteenth] 18th birthday or graduation from high school, whichever is last to occur.

The notice shall advise the obligee that if the inquiry is not returned within [thirty (30)] 30 days of mailing or if there is no agreement or the child does not have any special needs, the charging order may be modified or terminated by the court. In order to avoid overpayment, [when] if no other children are subjects of the child support order and the obligee either does not return the emancipation inquiry within [thirty (30)] 30 days of its mailing or does not assert grounds for continuing support for the child, then the domestic relations section shall administratively terminate the child support charging order without further proceedings on the last to occur of the date the last child reaches age [eighteen (18)] 18 or graduates from high school. Termination of the charging order shall not affect any arrears accrued through the date of termination. The court shall have the authority to enter an order requiring the obligor to pay on arrears in an amount equal to the amount of the charging order until all arrears are paid.

If the order applies to another child or children [and/or] or the obligee asserts that there is an agreement between the parties or that a child has special needs requiring continued support, then the domestic relations section may schedule a conference prior to the child's attaining age 18 or graduating from high school to determine if the charging order should be modified.

- (f) **Court Action.** Upon notice to the obligee, with a copy to the obligor, explaining the basis for the proposed modification or termination, the court may modify or terminate a charging order for support and remit any arrears, all without prejudice, [when] if it appears to the court that:
  - (1) the order is no longer able to be enforced under state law; or
  - (2) the obligor is unable to pay, has no known income or assets and there is no reasonable prospect that the obligor will be able to pay in the foreseeable future.

The notice shall advise the obligee to contact the domestic relations section within 60 days of the date of the mailing of the notice if the obligee wishes to contest the proposed modification or termination. If the obligee objects, the domestic relations section shall schedule a conference to provide the obligee the opportunity to contest the proposed action. If the obligee does not respond to the notice or object to the proposed action, the court shall have the authority to modify or terminate the order and remit any arrears, without prejudice.

- (g) **Overpayments.**
  - (1) **Order in Effect.** If there is an overpayment in an amount in excess of two months of the monthly support obligation and a charging order remains in effect, after notice to the parties as set forth below, the domestic relations section shall reduce the charging order by 20% or an amount sufficient to retire the overpayment by the time the charging order is terminated. The notice shall advise the parties to contact the domestic relations section within 30 days of the date of the mailing of the notice if either or both of them wishes to contest the proposed reduction of the charging order. If either party objects, the domestic relations section shall schedule a conference to provide the objecting party the opportunity to contest the proposed action. If neither party responds to the notice or objects to the proposed action, the domestic relations section shall have the authority to reduce the charging order.
  - (2) **Order Terminated.** If there is an overpayment in any amount and there is no charging order in effect, within one year of the termination of the charging order, the former obligor may file a petition with the domestic relations section seeking recovery of the overpayment. A copy shall be served upon the former obligee as original process. The domestic relations section shall schedule a conference on the petition, which shall be conducted consistent with the rules governing support actions. The domestic relations section shall have the authority to enter an order against the former obligee for the amount of the overpayment in a monthly amount to be determined

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by the trier of fact after consideration of the former obligee's ability to pay.

(h) **Modification of a Support Order with Child Support and Spousal Support or Child Support and Alimony *Pendente Lite* Entered Before January 1, 2019.**

- (1) In a subsequent modification proceeding of an order awarding child support and spousal support or child support and alimony *pendente lite*, as provided in [Pa.R.C.P. No.] **Pa.R.Civ.P. 1910.18(d)**, the trier-of-fact may on its own motion or upon the motion of a party:
  - (i) make an unallocated award in favor of the spouse and one or more children; or
  - (ii) state the support amount allocable to the spouse and to each child.
- (2) The trier-of-fact shall clearly state whether the order is allocated or unallocated even if the child support and spousal support or child support and alimony *pendente lite* amounts are delineated in the order.
  - (i) If the order is allocated, the [Pa.R.C.P. No.] **Pa.R.Civ.P. 1910-16.4(a)(2)** (Part IV) formula determines the spousal support amount.
    - (A) As the formula assumes an unallocated order, if the order's allocation utilizing the formula is inequitable, the trier-of-fact may adjust the order, as appropriate.
    - (B) In making an adjustment, the trier-of-fact shall consider the federal income tax consequences.
    - (C) If the parties are in higher income brackets, the income tax considerations are likely to be a more significant factor in determining a support amount.
  - (ii) If the order is unallocated or the order is for spousal support or alimony *pendente lite* only, the trier-of-fact shall not consider the federal income tax consequences.

[Note: See 23 Pa.C.S. § 4348(d) for additional matters that must be specified in a support order if arrearages exist when the order is entered.]

- (3) A support award for a spouse and children is taxable to the obligee while an award for the children only is not. Consequently, in certain situations, an award only for the children will be more favorable to the obligee than an award to the spouse and children. In this situation, the trier-of-fact should utilize the method that provides the greatest benefit to the obligee.
- (4) If the obligee's monthly net income is equal to or greater than the obligor's monthly net income, the guideline amount for spouse and children is identical to the guideline amount for children only. Therefore, in cases involving support for spouse and children, whenever the obligee's monthly net income is equal to or greater than the obligor's monthly net income, the guideline amount indicated shall be attributed to child support only.
- (5) Unallocated child support and spousal support or child support and alimony *pendente lite* orders shall terminate upon the obligee's death.
- (6) In the event that the obligor **[defaults] is delinquent** on an unallocated order, the trier-of-fact shall allocate the order for child support collection pursuant to the Internal Revenue Service income tax refund intercept program or for registration and enforcement of the order in another jurisdiction under the Uniform Interstate Family Support Act, 23 Pa.C.S. §§ 7101—7903. The trier-of-fact shall provide the parties with notice of allocation.

[Note: This provision is necessary to comply with various state and federal laws relating to child support enforcement. It is not intended to affect an unallocated order's tax consequences.]

- (7) An unallocated child support and spousal support or child support and alimony *pendente lite* order is a final order as to the claims covered in the order.
- (8) Motions for post-trial relief cannot be filed to the final order.

[Note: The procedure relating to Motions for Reconsideration is set forth in Pa.R.C.P. No. 1930.2.]

Subdivision (h) incorporates Pa.R.C.P. No. 1910.16 (rescinded) and Pa.R.C.P. No. 1910.16-4(f) (rescinded) for subsequent modification proceedings due to the enactment of the Tax Cuts and Jobs Act of 2017 (Pub.L. No. 115-97).]

Comment: **Concerning subdivision (c), a party's monthly net income may be based upon an earning capacity determination pursuant to Pa.R.Civ.P. 1910.16-2(d)(4).**

**Subdivision (h) incorporates Pa.R.Civ.P 1910.16 (rescinded) and Pa.R.Civ.P. 1910.16-4(f) (rescinded) for subsequent modification proceedings due to the enactment of the Tax Cuts and Jobs Act of 2017 (Pub.L. No. 115-97).**

**Concerning subdivision (h)(2), see 23 Pa.C.S. § 4348(d) for additional matters required to be specified in a support order if arrearages exist when the order is entered.**

**Concerning subdivision (h)(6), this provision is necessary to comply with various state and federal laws relating to child support enforcement. It is not intended to affect an unallocated order's tax consequences.**

**Concerning subdivision (h)(8), the procedure relating to motions for reconsideration is set forth in Pa.R.Civ.P. 1930.2.**

### Historical Commentary

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

#### Explanatory Comment—1981

Subdivision (a) sets forth a rule of pleading. It requires the petition for modification or termination to aver "specifically" the reasons for the relief sought. Modification of a prior order requires a "material and substantial change in circumstances." This change in circumstances should be alleged specifically.

Subdivision (b) requires that a petition for modification or termination follow the same procedure as an original complaint. The Rule recognizes that the domestic relations office conference may serve the same beneficial purposes that it serves in an original proceeding. These benefits, settlement or, if there is no settlement, the assembly of all necessary information will aid the court in the prompt disposition of these petitions.

#### Explanatory Comment—1993

**Existence of Guidelines as Substantial Change in Circumstances.** In its opinion in *Newman v. Newman*, 409 Pa. Super. Ct. 108, 597 A.2d 684 (Pa. Super. 1991), the Superior Court held that enactment of the guidelines does not constitute a substantial change in circumstance which could serve as the basis for modification of a support order. The amended rule allows the trier of fact to consider new or revised rules as a change in circumstances where the change in the guidelines, either by itself or in combination with other factors, is material and substantial.

#### Explanatory Comment—2000

The Pennsylvania Child Support Enforcement System ("PACSES") is electronically linked to a variety of governmental and private agencies and institutions. This linkage enables PACSES to immediately locate and identify an obligor's income, income sources and assets. Rule 1910.19 is amended to provide that their identification through these automated methods provides a basis for modifying both the current support obligation and the rate of repayment on either past due or overdue support. Identification through means other than PACSES continues to provide the same basis for modification.

While identification of income sources or assets provides a basis for modification, this rule is not intended to prevent a court from ordering that the income or assets be frozen and seized under Rule 1910.26 pending the hearing on the petition for modification. Such relief remains available under Rule 1910.26 governing appropriate interim or special relief. See Rule 1910.1 Explanatory Comment. Nor is this rule intended to affect the court's ability to seize income or assets under Rule 1910.20 to secure an overdue support obligation.

#### Explanatory Comment—2002

Although support orders do not terminate automatically, many obligors are unaware of the necessity of filing a petition to terminate a child support order when the child becomes emancipated. As a result, old orders have continued to charge long after the subject child has become an adult. New subdivision (e) is intended to address this problem by giving the obligee notice of a proposed modification or termination of the order and the opportunity to object. If no objection is made, or if the obligee fails to respond with a reason to continue the order, the rule gives the court the authority to terminate or modify the charging order, depending upon whether or not other children are covered under the order.

#### Explanatory Comment—2006

New subdivision (f) addresses an increasing multiplicity of circumstances in which the continued existence of a court-ordered obligation of support is inconsistent with rules or law. An obligor with no known assets whose sole source of income is Supplemental Security Income or cash assistance cannot be ordered to pay support under Rule 1910.16-2. Likewise, an obligor with no verifiable income or assets whose institutionalization, incarceration or long-term disability precludes the payment of support renders the support order unenforceable and uncollectible, diminishing the perception of the court as a source of redress and relief. Often, the obligor is unable or unaware of the need to file for a modification or termination, or the parties abandon the action. In those circumstances, the courts are charged with managing dockets with no viable outcomes. Both the rules and the federal guidelines for child support under Title IV-D of the Social Security Act provide for circumstances under which a support order shall not be entered or under which a child support case may be closed. Subdivision (f) expands the authority of the courts to respond to case management issues brought about by changes in circumstances of the parties of which the courts become aware through the expansion of automated interfaces and data exchanges.

**Rule 1910.21. Support Order. Enforcement. Withholding of Income.**

\*\*\*

(f) **Income Withholding When [the] Obligor [Defaults] is Delinquent on Support Order.**

\*\*\*

## Court Notices

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Rule 1910.27.

**Form of Complaint, Order, Income Statements and Expense Statements, Health Insurance Coverage Information Form, Form of Support Order, Form Petition for Modification, Petition for Recovery of Support Overpayment.**

\*\*\*

(b) **Order.** The order to be attached at the front of the complaint in subdivision (a) shall be substantially in the following form:

(Caption)  
ORDER OF COURT

Plaintiff, \_\_ and \_\_, defendant, are ordered to appear at \_\_ before \_\_, a conference officer of the Domestic Relations Section, on the \_\_ day of \_\_, 20\_\_, at \_\_ M., for a conference, after which the officer may recommend that an order for support be entered against you.

You are further ordered to bring to the conference:

- (1) a true copy of your most recent Federal Income Tax Return, including W-2s, as filed[.];
- (2) your pay stubs for the preceding six months[.];
- (3) the Income Statement and the appropriate Expense Statement, if required, attached to this order, completed as required by Rule 1910.11(c) [.]
- (4) verification of child care expenses[.]; and
- (5) proof of medical coverage which you may have[.] or may have available to you. If you fail to appear for the conference or to bring the required documents, the court may issue a warrant for your arrest and/or enter an interim support order. If paternity is an issue, the court shall enter an order establishing paternity.
- (6) If a physician has determined that a medical condition affects your ability to earn income you must obtain [a Physician Verification Form] an Advanced Practice Provider's Statement from the domestic relations section, sign it, have it completed by your doctor, and bring it with you to the conference.

THE TRIER OF FACT SHALL ENTER AN APPROPRIATE CHILD SUPPORT ORDER BASED UPON THE EVIDENCE PRESENTED, WITHOUT REGARD TO WHICH PARTY INITIATED THE SUPPORT ACTION. THE DETERMINATION OF WHICH PARTY WILL BE THE OBLIGEE AND WHICH WILL BE THE OBLIGOR WILL BE MADE BY THE TRIER OF FACT BASED UPON THE RESPECTIVE INCOMES OF THE PARTIES, CONSISTENT WITH THE SUPPORT GUIDELINES AND EXISTING LAW, AND THE CUSTODIAL ARRANGEMENTS AT THE TIME OF THE INITIAL OR SUBSEQUENT CONFERENCE, HEARING, OR TRIAL. IF SUPPORTED BY THE EVIDENCE, THE PARTY NAMED AS THE DEFENDANT IN THE INITIAL PLEADING MAY BE DEEMED TO BE THE OBLIGEE, EVEN IF THAT PARTY DID NOT FILE A COMPLAINT FOR SUPPORT.

Date of Order: \_\_\_\_\_  
J.

YOU HAVE THE RIGHT TO A LAWYER, WHO MAY ATTEND THE CONFERENCE AND REPRESENT YOU. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of \_\_ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

(c) **Income Statements and Expense Statements.** The Income Statements and Expense Statements to be attached to the order in subdivision (b) shall be substantially in the following form:

(2) **Expense Statements.** An Expense Statement is not required in cases that can be determined pursuant to the guidelines unless a party avers unusual needs and expenses that may warrant a deviation from the guideline amount of support pursuant to [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-5 or seeks an apportionment of expenses pursuant to [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-6. See [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.11(c)(1). Child support is calculated under the guidelines based upon the monthly net incomes of the parties, with additional amounts ordered as necessary to provide for child care expenses, health insurance premiums, unreimbursed medical expenses, mortgage payments, and other needs, contingent upon the obligor's ability to pay. The Expense Statement in [subparagraph (A)] subdivision (c)(2)(A) shall be utilized if a party is claiming that he or she has unusual needs and unusual fixed expenses that may warrant deviation or adjustment in a case determined under the guidelines. In child support, spousal support, and alimony *pendente lite* cases calculated pursuant to [Pa.R.C.P. No.] Pa.R.Civ.P. 1910.16-3.1 and in divorce cases involving claims for alimony,

counsel fees, or costs and expenses pursuant to [Pa.R.C.P. No.] Pa.R.Civ.P. 1920.31(a), the parties shall complete the Expense Statement in [subparagraph (B)] subdivision (c)(2)(B).

[Note: See Pa.R.C.P. No. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions (e.g., divorce, custody), the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* shall apply.]

(A)

**Guidelines Expense Statement.** If the combined monthly net income of the parties is \$30,000 or less, it is not necessary to complete this form unless a party is claiming unusual needs and expenses that may warrant a deviation from the guideline amount of support pursuant to [Rule] Pa.R.Civ.P. 1910.16-5 or seeks [an apportionment] allocation of expenses pursuant to [Rule] Pa.R.Civ.P. 1910.16-6. At the conference, each party [must] shall provide receipts or other verification of expenses claimed on this statement. The Guidelines Expense Statement shall be substantially in the following form.

\*\*\*

(B)

**Expense Statement for Cases Pursuant to [Rule] Pa.R.Civ.P. 1910.16-3.1 and [Rule] Pa.R.Civ.P. 1920.31.** No later than five business days prior to the conference, the parties shall exchange [this form] the Expense Statement substantially in the following form, along with receipts or other verification of the expenses set forth on [this] the form. Failure to comply with this [provision] requirement may result in an appropriate order for sanctions [and/or the entry of an interim order based upon the information provided]

\*\*\*

**Comment:** See Pa.R.Civ.P. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions, e.g., divorce, custody, the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* shall apply.

**Historical Commentary**

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

**Explanatory Comment—1994**

The support complaint and Income and Expense Statements contain a verification which states that the documents are subject to the penalties of the Crimes Code relating to unsworn falsification to authorities. A notary public is not needed.

**Explanatory Comment—2006**

Rule 1910.27(c) is amended to separate income and expense information and to elicit the expense information relevant in cases that fall within the guidelines, as well as those that do not. In cases which can be determined under the guidelines, no expense information need be provided unless a party is claiming unusual needs and expenses that may warrant a deviation pursuant to Rule 1910.16-5 or an apportionment of expenses pursuant to Rule 1910.16-6. If a party is claiming such expenses, the form at subsection (c)(2)(A) should be submitted. A separate expense form for cases in which the parties' combined monthly net income exceeds \$20,000 is set forth at subsection (c)(2)(B).

Rule 1910.11(c) was amended, effective in March 1995, to provide that only income and extraordinary expenses need be shown on the Income and Expense Statement in cases which can be determined pursuant to the guidelines. The Explanatory Comment—1994 explained the rationale for the amendment.

Nevertheless, because space for both income and expense information was provided on the same form Income and Expense Statement, parties often needlessly expended time and effort to provide expense information that was not relevant at the conference. The amendments are intended to clarify and simplify the submission of expense information.

**Explanatory Comment—2010**

When the combined net monthly income of the parties exceeds \$30,000, the case will be decided pursuant to Rule 1910.16-3.1 and the Income Statement and the Expense Statement at Rule 1910.27(c)(2)(B) must be submitted.

**Explanatory Comment—2012**

The form complaint for support in subdivision (a) has been amended to accommodate cases initiated pursuant to Rule 1910.3(a)(6). Because a support order may be entered against either party without regard to which party initiated the support action pursuant to Rule 1910.3(b), a party who believes that he or she may owe a duty of support may use the complaint form to initiate the action even if he or she ultimately is determined to be the obligor. In active charging support cases in which there is an overpayment in an amount in excess of two months of the monthly support obligation and the domestic relations section fails to reduce the charging order automatically to recoup the overpayment pursuant to Rule 1910.19(g)(1), the obligor may file a petition for recovery as set forth in subdivision (h) above. A separate form petition has been added in subdivision (i) by which a former support obligor may seek recovery of an overpayment in any amount in terminated cases pursuant to Rule 1910.19(g)(2).

**Rule 1910.29. Evidence in Support Matters.**

(a) **Record Hearing.** Except as provided in this rule, the Pennsylvania Rules of Evidence shall be followed in all record hearings conducted in an action for support. A verified petition, affidavit or document, and any document incorporated by reference therein which would not be excluded under the hearsay rule if given in person shall be admitted into evidence if (1) at least 20 days' written notice of the intention to offer them into evidence was given to the adverse party accompanied by a copy of each document to be offered; (2) the other party does not object to their admission into evidence; and (3) the evidence is offered under oath by the party or witness. An objection must be in writing and served on the proponent of the document within 10 days of the date of service of the

## Court Notices

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notice of intention to offer the evidence. When an objection is properly made, the Pennsylvania Rules of Evidence shall apply to determine the admissibility of the document into evidence.

(b) **Medical Evidence.**

- (1) **Non-Record Proceeding.** In a non-record hearing, if a physician has determined that a medical condition affects a party's ability to earn income and that party obtains a Physician Verification Form from the domestic relations section, has it completed by the party's physician and submits it at the conference, it may be considered by the conference officer. If a party is receiving Social Security disability or workers' compensation benefits, the party shall submit copies of the disability or workers' compensation determination in lieu of the Physician Verification Form.
- (2) **Record Proceeding.** If the matter proceeds to a record hearing and the party wishes to introduce the completed Physician Verification Form into evidence, he or she must serve the form on the other party not later than 20 days after the conference. The other party may file and serve an objection to the introduction of the form within 10 days of the date of service. If an objection is made and the physician testifies, the trier of fact shall have the discretion to allocate the costs of the physician's testimony between the parties. If there is no objection, the form may be admitted into evidence without the testimony of the physician. In the event that the record hearing is held sooner than 30 days after the conference, the trier of fact may provide appropriate relief, such as granting a continuance to the objecting party.
- (3) The Physician Verification Form shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY

Member Name:

Docket Number:

PACSES Case Number:

Other State ID Number:

**PHYSICIAN VERIFICATION FORM**

**TO BE COMPLETED BY THE TREATING PHYSICIAN**

Physician's name: \_\_\_\_\_

Physician's license number: \_\_\_\_\_

Nature of patient's sickness or injury: \_\_\_\_\_

Date of first treatment: \_\_\_\_\_

Date of most recent treatment: \_\_\_\_\_

Frequency of treatments: \_\_\_\_\_

Medication: \_\_\_\_\_

The patient has had a medical condition that affects his or her ability to earn income from: \_\_\_\_\_ through \_\_\_\_\_

If the patient is unable to work, when should the patient be able to return to work? Will there be limitations? \_\_\_\_\_

Remarks: \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Treating Physician: \_\_\_\_\_

Physician's address: \_\_\_\_\_

Physician's telephone number: \_\_\_\_\_

I authorize my physician to release the above information to the \_\_\_\_\_ County Domestic Relations Section.

Patient's signature: \_\_\_\_\_ Date: \_\_\_\_\_

(This is entirely new text)

(a) **Record Hearing.** Except as provided in this rule, the court shall follow the Pennsylvania Rules of Evidence in a record hearing conducted in an action for support.

(b) **Documentary Evidence.**

- (1) The court shall admit into evidence statements contained in a verified petition, affidavit, document, or a document incorporated by reference that would not be excluded under the hearsay rule if the declarant testified in person, when:
  - (i) the proponent has provided the other party written notice at least 20 days prior to the hearing of the intention to offer the document into evidence, together with the document to be offered;

- (ii) the other party does not object to the document's admission into evidence; and
- (iii) the proponent offers the evidence under oath.
- (2) A party objecting pursuant to subdivision (b)(1)(ii) shall serve the proponent with the written objection within 10 days of the date of service of the notice of intention to offer the evidence.
- (3) If a party properly objects, the Pennsylvania Rules of Evidence shall apply to determine the document's admissibility.

(c) **Medical Evidence.**

- (1) **Definition.** For the purpose of this rule, an "advanced practice provider" shall mean a licensed physician, physician's assistant, nurse practitioner, psychiatrist, or psychologist.
- (2) **Conference.**
  - (i) A conference officer may consider a party's medical condition if:
    - (A) an advanced practice provider has determined the medical condition affects a party's ability to earn income;
    - (B) the party's advanced practice provider has completed an Advanced Practice Provider's Statement Form, which shall substantially be the same as subdivision (d); and
    - (C) the party submits the completed form at the conference.
  - (ii) If a party is receiving Social Security disability or Workers' Compensation benefits, the party shall submit the disability or Workers' Compensation determination in lieu of the Advanced Practice Provider's Form.
- (3) **Record Hearing.**
  - (i) Prior to the record hearing, if a party intends to offer a completed Advanced Practice Provider's Statement Form into evidence, the party shall serve the completed form on the other party no later than 20 days after the conference. The other party may file and serve a written objection to the completed form's introduction within 10 days of the date of service.
  - (ii) If a party properly objects, the Pennsylvania Rules of Evidence shall apply to determine the document's admissibility. If the advanced practice provider is required to testify, the trier-of-fact shall have the discretion to allocate the cost of the advanced practice provider's testimony between the parties.
  - (iii) If there is no objection, the trier-of-fact may admit the completed form into evidence without the advanced practice provider's testimony.
  - (iv) If the record hearing is held sooner than 30 days after the conference, the trier-of-fact may provide appropriate relief, including granting a continuance to the objecting party.

(d) **Advanced Practice Provider's Statement Form.** The Advanced Practice Provider's Statement Form shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY

Member Name:

Docket Number:

PACSES Case Number:

Other State ID Number:

**TO BE COMPLETED BY AN ADVANCED PRACTICE PROVIDER**

Provider's name: \_\_\_\_\_

Provider's license number: \_\_\_\_\_

Provider's title (MD, DO, etc.) \_\_\_\_\_

Nature of patient's sickness or injury: \_\_\_\_\_

Date of first treatment: \_\_\_\_\_

Date of most recent treatment: \_\_\_\_\_

Frequency of treatments: \_\_\_\_\_

Medications: \_\_\_\_\_

Due to the patient's medical condition, the patient can engage in the following types of work-related activity (mark all that apply):

\_\_\_\_ Very heavy activity involving lifting objects weighing more than 100 pounds at a time with frequent lifting or carrying of objects weighing 50 pounds or more, and the ability to perform heavy, medium, light, and sedentary activity.

\_\_\_\_ Heavy activity involving lifting no more than 100 pounds at a time with frequent lifting or

## Court Notices

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carrying of objects weighing up to 50 pounds, and the ability to perform medium, light, and sedentary activity.

Medium activity involving lifting no more than 50 pounds at a time with frequent lifting or carrying of objects weighing up to 25 pounds do sedentary, and the ability to perform light and sedentary activity.

Light activity involving lifting no more than 20 pounds at a time with frequent lifting or carrying of objects weighing up to 10 pounds, a good deal of walking or standing, or sitting with some pushing and pulling of arm or leg controls.

Sedentary activity involving lifting no more than 10 pounds at a time, occasionally lifting or carrying articles like docket files, ledgers, and small tools, sitting, and occasionally walking and standing.

None. Based on my assessment, I found that the patient's condition is such that he or she cannot engage in any type of work-related activity.

Please mark whether the patient's condition is  temporary or  permanent.

If the patient cannot engage in any type of work-related activity and the patient's condition is temporary, when should the patient be able to engage in any type of work-related activity

Will there be limitations? \_\_\_\_\_

Additional Remarks: \_\_\_\_\_

Signature of Treating Provider: \_\_\_\_\_ Date: \_\_\_\_\_

Provider's address: \_\_\_\_\_

Provider's telephone number: \_\_\_\_\_

I authorize my provider to release the above information to the \_\_\_\_\_ County Domestic Relations Section.

Patient's signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Comment:** This rule is based on 23 Pa.C.S. § 4342(f). The rule is not intended to affect 23 Pa.C.S. § 4342(g) - (h), relating to the admissibility of payment records, billing statements, and bills for genetic testing and prenatal and postnatal health care of the mother and child. Those documents are admissible into evidence without advance notice for the limited purposes set forth in the statute.

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

#### Explanatory Comment—2000

23 Pa.C.S. § 4342(f) creates a hearsay exception in support actions to permit a verified petition, affidavit or document and a document incorporated by reference in any of them to be admitted into evidence if it would not otherwise be excluded as hearsay if given in person and it is admitted under oath by a party or witness to the support action. Rule 1910.29 requires that notice of the documents to be admitted be given to the other party prior to the hearing. It also sets forth the procedures for raising an objection to the admission of those documents.

If the requisite 20-day notice is given and there is no objection, the document must be admitted into evidence under this rule and 23 Pa.C.S. § 4342(f). In the event an objection is timely made, the rules of evidence apply to determine the document's ultimate admissibility.

Rule 1910.29 is not intended to affect 23 Pa.C.S. § 4342(g) and (h) relating to admissibility of payment records, billing statements and bills for genetic testing and prenatal and postnatal health care of the mother and child. Those documents are admissible into evidence without advance notice for the limited purposes which are expressly set forth in those statutory provisions.

### SUPREME COURT OF PENNSYLVANIA DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE

#### ADOPTION REPORT

##### Amendment of Pa.R.Civ.P. 1910.1, 1910.11, 1910.12, 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-3.1, 1910.16-4, 1910.16-5, 1910.16-6, 1910.16-7, 1910.19, 1910.21, 1910.27, and 1910.29

On August 11, 2025, the Supreme Court amended Pennsylvania Rules of Civil Procedure 1910.1, 1910.11, 1910.12, 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-3.1, 1910.16-4, 1910.16-5, 1910.16-6, 1910.16-7, 1910.19, 1910.21, 1910.27, and 1910.29 as part of the quadrennial support guidelines review. The Domestic Relations Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Pennsylvania's support guidelines are subject to review every four years. See 23 Pa.C.S. § 4322(a); 45 C.F.R. § 302.56(e). The Committee is tasked with conducting that review. See Pa.R.Civ.P. 1910.16.1(e). As with previous reviews, the Committee was assisted in its review by Jane Venohr, Ph.D., an economist with the Center for Policy Research. Dr. Venohr's services were contracted through the Pennsylvania Bureau of Child Support Enforcement.

As has been the practice in prior reviews, the Committee incorporated other proposed amendments to the support procedures into the guidelines proposal. This approach was intended to avoid piecemeal amendments to the support rules. The Com-

mittee published the proposal for comment. See 54 Pa.B. 8395 (December 28, 2024).<sup>1</sup>

Through this Adoption Report, the Committee intends to explain any substantive revisions between the amendments proposed for comment and the amendments adopted by the Court. If there has not been a substantive revision to an aspect of the proposal, readers are referred to the Publication Report accompanying the proposal for a discussion of the rationale.

Dr. Venohr authored a report, which can be found on the Committee's website: <https://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>. The report concluded that Pennsylvania meets the federal requirements of state guidelines. Report, at p. 5. The guidelines' schedule is being updated based on more current data on price levels and the Federal Poverty Guidelines.

As an anticipated compliance matter, the Committee proposed amending Pa.R.Civ.P. 1910.16-2 to add "incarceration" to subdivision (d)(2)(i) (Involuntary Income Reduction) and to rescind subdivision (d)(2)(ii) containing the "exception[s]." To provide rationale for this amendment within the rule, the Comment has been revised post-publication to add: "Concerning subdivision (d)(2)(i) and the inclusion of 'incarceration,' see 45 C.F.R. § 302.56(c)(3) ('[I]ncarceration may not be treated as voluntary unemployment in establishing or modifying support orders.'").

The Committee proposed amending Pa.R.Civ.P. 1910.11(c) and Pa.R.Civ.P. 1910.27(b) to add a requirement that the parties exchange copies of their documents prior to or at the conference. While some commenters were supportive of the proposal, the Committee was made aware of the potential risk involved with domestic violence victims, anticipated noncompliance, and operational issues involved with the document exchange requirement. Weighing the comments, the Committee discontinued its recommendation of the proposal. Instead, if the parties wished to obtain the source documents, they may seek a separate listing and discovery pursuant to Pa.R.Civ.P. 1910.11(j) (2) and Pa.R.Civ.P. 1910.12(c)(3).

The Committee also sought input on whether Pa.R.Civ.P. 1910.16-2(d)(2)(i), concerning involuntary income reduction, should specifically address whether terminating employment for a "necessitous and compelling reason" should be treated as an involuntary income reduction. See, e.g., *Beachem v. UCBR*, 760 A.2d 68 (Pa. Cmwlth. 2000) (child needing the emotional and psychological support of a parent may be a "necessitous and compelling reason" to voluntarily terminate employment). If a parent terminates employment for a "necessitous and compelling reason," the parent may be entitled to receive unemployment compensation under the Unemployment Compensation Law, see 43 P.S. § 802(b), assuming the parent meets all other qualifications, see id. § 801. If the parent receives unemployment compensation, it is income for support purposes. See 23 Pa.C.S. § 4302 (defining "income"). There may also be a scenario when a parent is not qualified to receive unemployment compensation but would otherwise have a "necessitous and compelling reason" for not being employed.

There was support for the concept of this proposal, but additional refinements were deemed necessary so that it stands on its own lest it becomes unintentionally subjugated by unemployment compensation jurisprudence. Accordingly, this aspect will be further considered through separate rulemaking.

In 2022, Pa.R.Civ.P. 1910.16-2(d)(4) and Pa.R.Civ.P. 1910.16-6(a) were amended to permit the consideration and allocation of hypothetical child care expenses when an earning capacity is determined. See 51 Pa.B. 5539 (September 4, 2021). In 2024, the rules were amended to provide additional clarification. See 54 Pa.B. 7348 (November 9, 2024). Through the current guidelines proposal, the Committee proposed amendments seeking to further clarify the rules and their application.

The Committee received several comments objecting to the discretionary allocation of hypothetical child care expenses. However, these comments did not offer an alternative method to account for such expenses when an earning capacity is determined.

The substance of the proposed amendments of Pa.R.Civ.P. 1910.16-2(d)(4), Pa.R.Civ.P. 1910.16-5, and Pa.R.Civ.P. 1910.16-6(a) have been adopted. The Committee intends to continue to study hypothetical child care expenses, as well as the factors in Pa.R.Civ.P. 1910.16-2(d)(4)(ii) and their application.

The Committee proposed to remove the requirement in Pa.R.Civ.P. 1910.16-3.1(b)(2)(iii) that the trier-of-fact consider the parties' expense statements required by Pa.R.Civ.P. 1910.11(c)(2) and Pa.R.Civ.P. 1910.27(c)(2)(B). The Committee also proposed a corollary amendment of Pa.R.Civ.P. 1910.27(c)(2)(A)-(c)(2)(B) concerning the use and forms of expense statements in support proceedings, and Pa.R.Civ.P. 1910.11(c)(2). Based upon the irreconcilable opinions of commenters, the Committee discontinued this proposal. The adjudicatory process, rather than the rulemaking process, appeared to be the better forum for resolution.

As part of the guidelines proposal, the Committee republished a proposed amendment of Pa.R.Civ.P. 1910.29, including a new version of the "Advanced Practice Provider's Statement" form. An aspect of the amendment would require the exchange of the completed form at the support conference.

A commenter objected to the exchange requirement on the same grounds as the proposed requirement to exchange financial source documents at conference. That requirement has been removed from Pa.R.Civ.P. 1910.29.

<sup>1</sup> The Publication Report informed readers that Dr. Venohr's report could be found on the Committee's webpage, together with a link to that webpage.

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These amendments become effective on January 1, 2026.

**IN THE SUPREME COURT OF PENNSYLVANIA**  
**IN RE: NO. 316**  
**ORDER AMENDING RULE 511 AND**  
**1113 OF THE PENNSYLVANIA RULES**  
**OF APPELLATE PROCEDURE**  
**APPELLATE PROCEDURAL**  
**RULES DOCKET**  
**ORDER**

**PER CURIAM**

AND NOW, this 15<sup>th</sup> day of July, 2025, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 511 and 1113 of the Pennsylvania Rules of Appellate Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective October 1, 2025.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

**APPELLATE COURT PROCEDURAL RULES COMMITTEE**  
**ADOPTION REPORT**

**Amendment of Pa.R.A.P. 511 and 1113**

On July 15, 2025, the Supreme Court of Pennsylvania amended Pennsylvania Rules of Appellate Procedure 511 and 1113. The Appellate Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See Pa.R.J.A. 103, cmt.* The statements contained herein are those of the Committee, not the Court.

In *Kramer v. Nationwide Property and Casualty Insurance Co.*, 313 A.3d 1031 (Pa. 2024), the Supreme Court noted that guidance related to the timing of filing a protective cross-petition for allowance of appeal was set forth in the commentary to Pa.R.A.P. 511 governing cross-appeals, but similar guidance was not provided in the commentary to Pa.R.A.P. 1113 governing cross-petitions for allowance of appeal, and referred the matter to the Committee. *Id.* 1044 n.17. The commentary to Pa.R.A.P. 511 relevant to the Court's referral provided:

If, however, an intermediate appellate court awards different relief than the trial court or other government unit, a party may wish to file a cross-petition for allowance of appeal under Pa.R.A.P. 1112. *See, e.g., Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C. v. Law Firm of Malone Middleman, P.C.*, 179 A.3d 1093, 1098 & n.5 (Pa. 2018); *Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C. v. Law Firm of Malone Middleman, P.C.*, 137 A.3d 1247 (Pa. 2016).

Pa.R.A.P. 511, cmt.

Following review, this commentary has been removed from Pa.R.A.P. 511 and a reference to the comment to Pa.R.A.P. 1113 has been added. Commentary has also been added to Pa.R.A.P. 1113 to describe the circumstances when a protective cross-petition for allowance of appeal should be filed as discussed in *Kramer*. Stylistic revisions have also been made to both rules.

The amendments were not published for comment because they are technical in nature and do not affect practice or procedure. The amendments become effective on October 1, 2025.

**Rule 511. Cross-Appeals.**

The timely filing of an appeal shall extend the time for any other party to cross-appeal as set forth in Pa.R.A.P. 903(b) (cross-appeals), 1113(b) (cross-petitions for allowance of appeal), and 1512(a)(2) (cross-petitions for review). The discontinuance of an appeal by a party shall not affect the right of appeal or cross-appeal of any other party regardless of whether the parties are adverse. **[Note] Comment:** See also Pa.R.A.P. 2113, 2136, and 2185 regarding briefs in cross-appeals and Pa.R.A.P. 2322 regarding oral argument in multiple appeals.

An appellee should not be required to file a cross-appeal because the court below ruled against it on an issue, as long as the judgment granted appellee the relief it sought. See *Lebanon Valley Farmers Bank v. Commonwealth*, 83 A.3d 107, 112 (Pa. 2013); *Basile v. H & R Block, Inc.*, 973 A.2d 417, 421 (Pa. 2009). **For discussion of cross-petitions for allowance of appeal, see Pa.R.A.P. 1113, cmt.**

**[If, however, an intermediate appellate court awards different relief than the trial court or other government unit, a party may wish to file a cross-petition for allowance of appeal under Pa.R.A.P. 1112. *See, e.g., Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C. v. Law Firm of Malone Middleman, P.C.*, 179 A.3d 1093, 1098 & n.5 (Pa. 2018); *Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C. v. Law Firm of Malone Middleman, P.C.*, 137 A.3d 1247 (Pa. 2016).]**

In deciding whether to cross-appeal, parties may also consider that appellate courts have discretion, but are not required, to affirm for any reason appearing in the record. See *Commonwealth v. Fant*, 146 A.3d 1254, 1265 n.13 (Pa. 2016); *Pa. Dept. of Banking v. NCAS of Del., LLC*, 948 A.2d 752, 762 (Pa. 2008); *Am. Future Sys., Inc. v. Better Bus. Bureau of E. Pa.*, 923 A.2d 389, 401 (Pa. 2007).

**SUPREME COURT OF PENNSYLVANIA**  
**ORPHANS' COURT PROCEDURAL RULES COMMITTEE**

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Amendment of Rules 4.5, 4.6, 15.4, 15.7, 15.8, 15.9, 15.10, and 15.13 and**  
**Adoption of Form A-13 of the Pennsylvania Rules of Orphans' Court Procedure**

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rules 4.5, 4.6, 15.4, 15.7, 15.8, 15.9, 15.10, and 15.13 and the Adoption of Form A-13 of the Pennsylvania Rules of Orphans' Court Procedure for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the Pennsylvania Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Pamela S. Walker, Counsel  
 Orphans' Court Procedural Rules Committee  
 Supreme Court of Pennsylvania Pennsylvania  
 Judicial Center PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9546  
 orphanscourtproceduralrules@pacourts.us

All communications in reference to the proposal should be received by **November 5, 2025**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Orphans' Court  
 Procedural Rules Committee,  
 Kendra D. McGuire, Esq. Chair

**Rule 4.5. Service of Legal Paper by Court and Clerk.**

(a) **[The] Except as provided in subdivision (c), the clerk and the court may serve all notices, opinions, and orders via electronic means [where any one of the following has occurred] if:**

- (1) the parties have agreed to receipt of legal paper by electronic transmission;
- (2) the underlying legal paper related to the notice, opinion or order was electronically filed; or
- (3) an email address appears on an entry of appearance or other legal paper previously filed with the clerk in the action.

(b) **[The] Except as provided in subdivision (c), the clerk and the court may serve all notices, opinions, and orders by facsimile in accordance with [Rule 4.3(c)] Pa.R.O.C.P. 4.3(c).**

(c) **This rule does not apply to the service of hearing notices and scheduling orders that have been waived pursuant to Pa.R.O.C.P. 15.4(b)(1), (b)(2), or (b)(3) (iii).**

**[Note: Rule 4.5] Comment: Pa.R.O.C.P. 4.5 is based upon former [Rule 3.7(i)] Pa.R.O.C.P. 3.7(i); it has been reformatted and relocated to this Chapter IV. The rule differs from its counterpart in former Rule 3.7(i) in several respects. First, this rule permits the clerk and the court to serve not only notices, but also opinions and orders, via electronic means as well as by facsimile. Second, it provides that the clerk and court are permitted to send notices, opinions, and orders via electronic means if the underlying legal paper was filed electronically. Service from the court and clerk can occur even if the local judicial district has not implemented electronic filing.**

**Subdivision (c) pertains to the service of a notice of a hearing to terminate parental rights pursuant to Pa.R.O.C.P. 15.4(b)(1), (b)(2), or (b)(3)(iii). In some judicial districts, a hearing notice may be known as a "scheduling order." Any person entitled to notice of the hearing may waive in writing such notice, except for: (1) a petitioning birth parent in a voluntary termination of parental rights proceeding pursuant to Pa.R.O.C.P. 15.7 or 15.8; or (2) a person who is the subject of an involuntary termination of parental rights proceeding and whose parental rights are sought to be terminated pursuant to Pa.R.O.C.P. 15.10.**

**Historical Commentary**

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

**Explanatory Comment:** This Rule 4.5 differs from its counterpart in former Rule 3.7(i) in several respects: first, this Rule permits the clerk and court to serve not only notices, but also opinions and orders, via electronic means as well as by facsimile; and second, it provides that the clerk and court are able to send notices, opinions, and orders via electronic means if the underlying legal paper was filed electronically. Service from the court and clerk as provided in Rule 4.5 can occur even if the local judicial district has not implemented electronic filing.

**Rule 4.6. Notice of the Date of Entry of an Adjudication or Court Order on the Docket.**

(a) **[The] Except as provided in subdivision (c), the clerk shall immediately give written notice of the entry of an adjudication or court order in a particular matter to each interested party's counsel of record or, if unrepresented, to each interested party. The notice shall include a copy of the adjudication or court order.**

(b) The clerk shall note in the docket the date when notice was given to the interested party or to his or her counsel under [subparagraph (a) of this Rule] subdivision (a).

(c) **This rule does not apply to the service of hearing notices and scheduling orders that have been waived pursuant to Pa.R.O.C.P. 15.4(b)(1), (b)(2), or (b)(3) (iii).**

## Court Notices

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**[Note: Rule 4.6] Comment:** This rule has no counterpart in the former Orphans' Court [Rule] **Rules**, but is derived from [Pa.R.C.P. No. 236.] **Pa.R.Civ.P. 236.**

**Subdivision (c) pertains to the service of a notice of a hearing to terminate parental rights pursuant to Pa.R.O.C.P. 15.4(b)(1), (b)(2), or (b)(3)(iii). In some judicial districts, a hearing notice may be known as a "scheduling order." Any person entitled to notice of the hearing to terminate parental rights may waive in writing such notice, except for: (1) a petitioning birth parent in a voluntary termination of parental rights proceeding pursuant to Pa.R.O.C.P. 15.7 or 15.8; or (2) a person who is the subject of an involuntary termination of parental rights proceeding and whose parental rights are sought to be terminated pursuant to Pa.R.O.C.P. 15.10.**

### Rule 15.4. Notice of Hearing to Terminate Parental Rights; Method and Time.

#### (a) [Contents of Notice; Service of Notice and Copies to Others.] **Form and Service of Notice.**

(1) For a petition filed under [Rule 15.7] **Pa.R.O.C.P. 15.7**, [(relating to Voluntary Relinquishment to Agency)], or [Rule 15.8] **Pa.R.O.C.P. 15.8**, [(relating to Voluntary Relinquishment to Adult Intending to Adopt Child)], notice shall be in the form and served upon the individuals as provided in 23 Pa.C.S. § 2503(b), **except for a petitioning birth parent who is self-represented.**

(2) For a petition filed under [Rule 15.9] **Pa.R.O.C.P. 15.9** (relating to Alternative Procedure for Relinquishment by Confirmation of Consent to Adoption), notice shall be in the form provided in 23 Pa.C.S. § 2513(b) and served upon the individuals as provided in 23 Pa.C.S. § 2504(b).

(3) For a petition filed under [Rule 15.10] **Pa.R.O.C.P. 15.10** (relating to Involuntary Termination of Parental Rights), notice shall be in the form and served upon the individuals as provided in 23 Pa.C.S. § 2513(b).

#### (b) **Method of [Notice] Service.**

##### (1) **Voluntary Relinquishment.**

(i) **Generally.** For a proceeding under [Rule 15.7] **Pa.R.O.C.P. 15.7** (relating to Voluntary Relinquishment to Agency) or [Rule 15.8] **Pa.R.O.C.P. 15.8**, [(relating to Voluntary Relinquishment to Adult Intending to Adopt Child)], every person whose parental rights are sought to be terminated in the proceeding and any other person entitled to notice under 23 Pa.C.S. § 2503(b) shall be **[provided] served by the petitioner** with notice of the hearing by one of the following means:

(A) personal service;

(B) registered or certified mail with delivery restricted to the addressee only and a return receipt requested, or first-class United States mail postage prepaid, mailed to the person's residence, location where he or she is known

to be staying, or business where he or she is known to be currently employed;

(C) electronic transmission provided such person has signed a writing consenting that notice be sent by electronic transmission, providing an electronic mail address or social media account to which such notice shall be sent, and verifying that he or she regularly accesses and reviews such electronic mail address or social media account; or

(D) such other means including electronic transmission as the court may require under the facts of the individual case.

(ii) **[Any] Waiver.** Except for a petitioning birth parent, any person entitled to notice of the hearing may waive in writing such notice **by filing the form provided in the Appendix to these rules and serving it on the petitioner and any other person entitled to the notice.**

#### (2) **Alternative Procedure for Relinquishment.**

(i) **Generally.** For a proceeding under [Rule 15.9] **Pa.R.O.C.P. 15.9**, [(relating to confirming consent as an Alternative Procedure for Relinquishment)], every person whose parental rights are sought to be terminated in the proceeding and any other person entitled to notice under 23 Pa.C.S. § 2504(b) shall be **[provided] served by the petitioner** with notice of the hearing by one of the following means:

(A) personal service;

(B) registered or certified mail with delivery restricted to the addressee only and a return receipt requested mailed to the person's residence, location where he or she is known to be staying, or business where he or she is known to be currently employed;

(C) electronic transmission provided such person has signed a writing consenting that notice be sent by electronic transmission, providing an electronic mail address or social media account to which such notice

shall be sent, and verifying that he or she regularly accesses and reviews such electronic mail address or social media account; or

(D) such other means including electronic transmission as the court may require under the facts of the individual case.

(ii) **Waiver.** Any person entitled to notice of the hearing may waive in writing such notice **by filing the form provided in the Appendix to these rules and serving it on the petitioner and any other person entitled to the notice.**

#### (3) **Involuntary Termination of Parental Rights.**

**[(A)](i) Generally.** For a proceeding under [Rule 15.10] **Pa.R.O.C.P. 15.10**, [(relating to Involuntary Termination of Parental Rights)], every person entitled to notice as provided in 23 Pa.C.S. § 2513(b) shall be **[provided] served by the petitioner** with notice of the hearing by one of the following means:

(A) personal service;

(B) registered or certified mail with delivery restricted to the addressee only and a return receipt requested mailed to the person's residence, location where he or she is known to be staying, or business where he or she is known to be currently employed; or

(C) such other means including electronic transmission as the court may require under the facts of the individual case.

**[(B)](ii) Petition.** If the identity and location of the person whose parental rights are sought to be involuntarily terminated are known or can be determined after reasonable investigation, a copy of the petition for involuntary termination of parental rights shall be attached to the notice required by 23 Pa.C.S. § 2513(b).

**[(C)](iii) Waiver.** A person who is not the subject of the proceeding and whose parental rights are not sought to be terminated in the proceeding but who is entitled to receive notice of the hearing under 23 Pa.C.S. § 2513(b) may waive in writing such notice **by filing the form provided in the Appendix to these rules and serving it on the petitioner and any other person entitled to the notice.**

**[(4)](c) Service by Publication.** If service cannot be obtained upon the person whose parental rights are sought to be terminated either because service is refused or unsuccessful and no alternative service is directed by the court or because the person's identity or whereabouts are unknown after reasonable investigation, then **[notice] service** by publication shall be **[given] made by the petitioner** as directed by the court, after a motion in accordance with **[Pa.R.C.P. No. 430(a)] Pa.R.Civ.P. 430(a)** and upon a finding by the court that a reasonable investigation was made.

**[(A)](1)** In addition to any other requirements that may be imposed by the court, the publication notice shall include the last name of the birth mother, the date of the child's birth, the place of the child's birth and the child's gender. The publication notice shall include the contents of the notice required by 23 Pa.C.S. § 2503(b) or 23 Pa.C.S. § 2513(b), as applicable, but shall not include notice of the opportunity for a birth relative of the child to enter into a Contact Agreement.

**[(B)](2)** The publication notice shall direct the person whose parental rights are sought to be terminated to contact the petitioner or counsel for the petitioner as set forth in the notice to obtain a copy of the petition prior to the hearing.

**[(C)](3)** Publication shall occur once in a newspaper of general circulation for the county where the birth parent whose rights are sought to be terminated resides, or if not known, the place where the child was conceived.

**[(5)](d) Other Persons Entitled to Notice.** If service cannot be obtained upon a person who is not the subject of the proceeding and whose parental rights are not sought to be terminated in the proceeding but who is entitled to receive notice of the hearing under 23 Pa.C.S. § 2503(b), § 2504(b), or § 2513(b), and service could not be obtained either because service is refused or unsuccessful or because the person's identity or whereabouts are unknown after reasonable investigation, no further service of the notice shall be required.

**[(6)](e) Service of Other Legal Papers.** Once service has been obtained in a manner as provided upon the person whose parental rights are sought to be terminated, all persons entitled to receive any subsequent legal paper or notice may be served by hand delivery, by first-class United States mail, postage prepaid, to the person's last known residence, location where he or she is known to be staying or business where he or she is known to be currently employed, by electronic transmission provided such person has signed a writing consenting that notice be sent by electronic transmission, providing an electronic mail address or social media account to which such notice shall be sent, and verifying that he or she regularly accesses and reviews such electronic mail address or social media account, or to the person's counsel of record, if represented.

**[(c)](f) Timing of Notice.** Notice of the hearing shall be **[provided] served** at least **[10] ten** days prior to the date of the hearing.

#### (g) **Revocation of Waiver.**

**(1)** **Any person who waives service of the hearing notice pursuant to subdivision (b) (1), (b)(2), or (b)(3)(iii) may subsequently revoke the waiver by filing a written revocation of the waiver and serving it on the petitioner and any other person entitled to the notice.**

**(2)** Revocation of a waiver of service of the hearing notice does not affect the validity of a consent given pursuant to 23 Pa.C.S. § 2504.

**Comment:** A petitioning birth parent who is self-represented in a proceeding under Pa.R.O.C.P. 15.7 (Voluntary Relinquishment to Agency) or Pa.R.O.C.P. 15.8 (Voluntary Relinquishment to Adult Intending to Adopt Child) is not required to serve notice of the hearing upon himself or herself. All other circumstances require service of notice of the hearing on a petitioning birth parent, including by an agency, a third party, or counsel for the petitioning birth parent.

**A petitioning birth parent in a voluntary relinquishment proceeding may not waive service of the hearing notice because the petitioning birth parent is required to be at the hearing and be available to be examined under oath. See Pa.R.O.C.P. Rules 15.7(c)(3), 15.8(c)(3). Similarly, a person who is the subject of an involuntary termination of parental rights proceeding and whose parental rights are sought to be terminated pursuant to Pa.R.O.C.P. 15.10 may not waive service of the hearing notice.**

## Court Notices

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A waiver of service of the hearing notice does not apply to any other legal papers or orders issued in the proceeding, including, but not limited to, a termination order, a notice of the right to file medical, personal or social history information with the court or Department, or a Contact Agreement.

As used in this rule, personal service means service by handing a copy to the person entitled to notice.

See Pa.R.Civ.P. 76 that certified mail is the equivalent of registered mail.

The notice required by subdivision (a)(3) advises a parent whose rights are subject to termination in an involuntary termination proceeding that he or she has the right to be represented at the hearing by a lawyer. The notice includes the contact information for the person or agency in the judicial district from whom information as to the availability of legal assistance may be obtained. The court shall appoint counsel for a parent whose rights are subject to termination in an involuntary termination proceeding, if upon petition of the parent, the court determines that the parent is unable to pay for counsel or that payment would result in substantial financial hardship. See 23 Pa.C.S. § 2313(a.1); Pa.R.O.C.P. 15.10(d)(2). See also Pa.R.O.C.P. 1.40 (pertaining to petitions to proceed in forma pauperis).

See Pa.R.Civ.P. 430(a) regarding the averments necessary in a motion for alternative service if service cannot otherwise be accomplished. If the motion under Pa.R.Civ.P. 430(a) avers sufficient facts and includes sufficient supporting exhibits to establish that a reasonable investigation was made to ascertain the identity or whereabouts of the subject birth parent, the court need not conduct a hearing on the motion, but shall issue an order directing alternative service, including service by electronic transmission or publication.

The PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, does not provide notice of the hearing that is compliant with the requirements of subdivisions (b)(1)(iii) and (b)(2)(iii), unless a person consents in writing to notices being sent by electronic transmission. In the alternative, a court may, per subdivisions (b)(1)(iv), (b)(2)(iv), and (b)(3)(i)(C), and dependent upon the facts of an individual case, permit notification of the hearing by PACFile without requiring consent in writing that the notice be sent by electronic transmission.

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

**Explanatory Comment:** The notice required by subparagraph (a)(3) advises a parent whose rights are subject to termination in an involuntary termination proceeding that he or she has the right to be represented at the hearing by a lawyer. The notice includes the contact information for the person or agency in the judicial district from whom information as to the availability of legal help may be obtained. The court shall appoint counsel for a parent whose rights are subject to termination in an involuntary termination proceeding, if upon petition of the parent, the court determines that the parent is unable to pay for counsel or that payment would result in substantial financial hardship. See 23 Pa.C.S. § 2313(a.1); Rule 15.10(d)(2).

Personal service in the context of this Rule means service by handing a copy to the person entitled to notice.

See Pa.R.C.P. No. 76 that certified mail is the equivalent of registered mail.

See also Pa.R.C.P. No. 430(a) regarding the averments necessary in a motion for alternative service if service cannot otherwise be accomplished. If the motion under Pa.R.C.P. No. 430(a) avers sufficient facts and includes sufficient supporting exhibits to establish that a reasonable investigation was made to ascertain the identity or whereabouts of the subject birth parent, the court need not conduct a hearing on the motion, but shall issue an order directing alternative service, including service by electronic transmission or publication.

The PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, does not provide notice of the hearing that is compliant with the requirements of (b)(1)(C) and (b)(2)(C), unless a person consents in writing to notices being sent by electronic transmission. In the alternative, a court may, per subparagraphs (b)(1)(D), (b)(2)(D), and (b)(3)(A)(iii) and dependent upon the facts of an individual case, permit notification of the hearing by PACFile without requiring consent in writing that the notice be sent by electronic transmission.

### Rule 15.7. Voluntary Relinquishment to Agency.

(a) **Petition.** A petition under 23 Pa.C.S. § 2501 to relinquish parental rights and duties with respect to a child who has been in the care of an agency shall contain the following averments:

- (1) the name, address, age, and racial background of each petitioner;
- (2) the information required in [subparagraph (1)] subdivision (a)(1) as to any parent who is not a petitioner, including the birth father, presumptive father, and putative father, or the reasons why the court should find such information is not necessary;
- (3) the marital status of the mother as of the time of the child's birth and during one year prior thereto, and her maiden name;
- (4) the name, age, date of birth, place of birth, racial background, and gender of the child;
- (5) the name and address of the agency having care of the child;

- (6) the date when the child was placed with the agency;
- (7) the reasons for seeking relinquishment;
- (8) whether each petitioner has been informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;
- (9) whether each petitioner has received any counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;
- (10) whether each petitioner has been informed of the opportunity for a birth relative of the child, including the petitioner, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified;
- (11) whether the agency's consent to accept custody of the child until such time as the child is adopted is attached to the petition; and
- (12) that each petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily.

(b) **Exhibits.** The following exhibits shall be attached to the petition:

- (1) Documentation signed by each petitioner as required by 23 Pa.C.S. § 2501(a).
- (2) A verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that written notice was provided to the [petitioner] petitioning birth parent regarding the opportunity [of] for a birth relative to enter into a Contact Agreement, that such notice was provided [by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C)] pursuant to Pa.R.O.C.P. 15.4(e), and the [date(s)] date that such notice was given. A copy of the notice shall accompany this verified statement.
- (3) If, as part of the hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if written notice of the opportunity to enter into a Contact Agreement has been provided to the putative father in advance of the petition's filing, a verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that written notice was provided to the putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided [by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C)] pursuant to Pa.R.O.C.P. 15.4(e), and the [date(s)] date that such notice was given[, or the [reasons] reason why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.
- (4) The joinder or consent of the agency having care of the child, including its consent to accept custody of the child until such time as the child is adopted.

(c) **Hearing and Decree.**

- (1) Notice of the hearing on the petition shall be provided in accordance with 23 Pa.C.S. § 2503(b), and in accordance with 23 Pa.C.S. § 2503(d) if the rights of a putative father are to be terminated as part of the same proceeding, and shall be served in accordance with [Rule 15.4(b)(1)] Pa.R.O.C.P. 15.4(b)(1).
- (2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was [given to] served on the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2503 and [Rule 15.4(b)(1)] Pa.R.O.C.P. 15.4(b)(1).
- (3) The [petitioner] petitioning birth parent voluntarily relinquishing his or her parental rights shall be present at the hearing and available to be examined under oath.
- (4) If as part of hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if notice of the opportunity to enter into a Contact Agreement was not provided to the subject putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that written notice was provided to the subject putative father regarding the opportunity of a birth relative to enter into a Contact Agreement[, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C)] pursuant to Pa.R.O.C.P. 15.4(e), and the [date(s)] date that such notice was given or the [reasons] reason why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

**Comment:** The agency, the intermediary, or an attorney for a party shall provide notice of the opportunity to enter into a Contact Agreement to the Prospective Adoptive Parents, a birth parent, and, in some instances, a child. See 23 Pa.C.S. § 2733(c). Notice to a birth relative who is not a birth parent is not statutorily required, although a birth relative may enter and become a party to a Contact Agreement.

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. See Pa.R.O.C.P. 15.3(b).

A petitioning birth parent who is self-represented in a proceeding under this rule is not required to serve notice of the hearing upon himself or herself. See Pa.R.O.C.P. 15.4(b)(1).

# Court Notices

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**All other circumstances require service of notice of the hearing on a petitioning birth parent, including by counsel of the petitioning birth parent.**

## Historical Commentary

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

**Explanatory Comment:** Section 2733(c) of the Adoption Act requires the agency, the intermediary or an attorney for a party to provide notice of the opportunity to enter into a Contact Agreement to the Prospective Adoptive Parents, a birth parent, and, in some instances, a child. Notice to a birth relative who is not a birth parent is not statutorily required, although birth relatives may enter into and become parties to a Contact Agreement.

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. See Rule 15.3(b).

### Rule 15.8. Voluntary Relinquishment to Adult Intending to Adopt Child.

(a) **Petition.** A petition under 23 Pa.C.S. § 2502 to relinquish parental rights with respect to a child who has been in the exclusive care of Prospective Adoptive Parents shall contain the following averments:

- (1) the name, address, age, and racial background of each petitioner;
- (2) the information required in [subparagraph (1)] subdivision (a)(1) as to any parent who is not a petitioner, including the birth father, presumptive father, and putative father, or the reasons why the court should find such information is not necessary;
- (3) the marital status of the mother as of the time of the child's birth and during one year prior thereto, and her maiden name;
- (4) the name, age, date of birth, place of birth, racial background, and gender of the child;
- (5) the date when the child was placed with the Prospective Adoptive Parents;
- (6) the date when the Report of Intention to Adopt was filed;
- (7) the reasons for seeking relinquishment;
- (8) whether each petitioner has been informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;
- (9) whether each petitioner has received any counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;
- (10) whether each petitioner has been informed of the opportunity for a birth relative of the child, including the petitioner, to enter into a Contact Agreement with the Prospective Adoptive Parents;
- (11) whether a Report of Intention to Adopt under 23 Pa.C.S. § 2531 or an adoption petition under **Rule 15.13** **Pa.R.O.C.P. 15.13** has been filed;
- (12) whether the Prospective Adoptive Parents' consent to accept custody of the child until such time as the child is adopted is attached to the petition; and
- (13) that each petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily.

(b) **Exhibits.** The following exhibits shall be attached to the petition:

(1) A verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the [petitioner] **petitioning** birth parent regarding the opportunity to enter into a Contact Agreement, that such notice was provided [by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C)] **pursuant to Pa.R.O.C.P. 15.4(e)**, and the [date(s)] **date** that such notice was given. A copy of the notice shall accompany this verified statement.

(2) If, as part of the hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if written notice of the opportunity to enter into a Contact Agreement has been provided to the putative father in advance of the petition's filing, a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided [by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C)] **pursuant to Pa.R.O.C.P. 15.4(e)**, and the [date(s)] **date** that such notice was given[, or the [reason(s)] **reason** why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(3) The signed consents of the Prospective Adoptive Parents to accept custody of the child until such time as the adoption is completed.

## Hearing and Decree.

(1) Notice of the hearing on the petition shall be provided in accordance with 23 Pa.C.S. § 2503(b), and in accordance with 23 Pa.C.S. § 2503(d) if the rights of a putative father are to be

terminated as part of the same proceeding, and shall be served in accordance with **[Rule 15.4(b)(1)] Pa.R.O.C.P. 15.4(b)(1)**.

(2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was [given to] **served on** the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2503 and **[Rule 15.4(b)(1)] Pa.R.O.C.P. 15.4(b)(1)**.

(3) The [petitioner] **petitioning** birth parent voluntarily relinquishing his or her parental rights shall be present at the hearing and available to be examined under oath.

(4) If as part of hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if notice of the opportunity to enter into a Contact Agreement was not provided to the subject putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided [by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C)] **pursuant to Pa.R.O.C.P. 15.4(e)**, and the [date(s)] **date** that such notice was given or the [reason(s)] **reason** why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

**Comment:** An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. See **Pa.R.O.C.P. 15.3(b)**. For additional information about notice of the opportunity to enter into a Contact Agreement, see **Pa.R.O.C.P. 15.7, cmt.**

**A petitioning birth parent who is self-represented in a proceeding under this rule is not required to serve notice of the hearing upon himself or herself. See**

**Pa.R.O.C.P. 15.4(b)(1). All other circumstances require service of notice of the hearing on a petitioning birth parent, including by counsel for the petitioning birth parent.**

## Historical Commentary

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

**Explanatory Comment:** An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. See Rule 15.3(b). For additional information about notice of the opportunity to enter into a Contact Agreement, see the Explanatory Comment to Rule 15.7.

### Rule 15.9. Alternative Procedure for Relinquishment by Confirmation of Consent to Adoption.

...

(b) **Exhibits.** The following exhibits shall be attached to the petition:

(1) The original consent(s) to adoption.

(2) A verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the consenter regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided [by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(2)(C)] **pursuant to Pa.R.O.C.P. 15.4(e)**, and the [date(s)] **date** that such notice was given. A copy of the notice shall accompany this verified statement.

(3) If, as part of the hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2504(c), and if written notice of the opportunity to enter into a Contact Agreement has been provided to the putative father in advance of the petition's filing, a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided [by hand delivery, by first-class United States mail postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(2)(C)] **pursuant to Pa.R.O.C.P. 15.4(e)**, and the [date(s)] **date** on which such notice was given[, or the [reasons] **reason** why such notice cannot be given, including efforts made to identify or locate the subject person. If a notice was given, a copy of the notice shall accompany this verified statement.

(4) The signed consents of the Prospective Adoptive Parents or agency to accept custody of the child until such time as the adoption is completed.

## Hearing and Decree.

(1) Notice of the hearing on the petition shall be in the form specified in 23 Pa.C.S. § 2513(b) and shall be provided [and served] in accordance with 23 Pa.C.S. § 2504(b) and **[Rule 15.4(b)(2)] Pa.R.O.C.P. 15.4(b)(2)**.

(2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was provided in the form specified in 23 Pa.C.S. § 2513(b) and [given to] **served on** the consenter and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2504(b) and **[Rule 15.4(b)(2)] Pa.R.O.C.P. 15.4(b)(2)**.

(3) If as part of hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2504(c), and if notice of the opportunity to enter into a Contact

## Court Notices

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Agreement was not provided to the subject putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided [by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(2)(C)] pursuant to Pa.R.O.C.P. 15.4(e), and the [date(s)] date that such notice was given[,] or the [reason(s)] reason why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

**Comment:** An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. See Pa.R.O.C.P. 15.3(b). For additional information about notice of the opportunity to enter into a Contact Agreement, see Pa.R.O.C.P. 15.7, cmt.

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

**Explanatory Comment:** An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. See Rule 15.3(b). For additional information about notice of the opportunity to enter into a Contact Agreement, see the Explanatory Comment to Rule 15.7.

### Rule 15.10. Involuntary Termination of Parental Rights.

...

(b) **Exhibits.** The following exhibits shall be attached to the petition:

(1) A verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject birth parent regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided [by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by such other means as provided in Rule 15.4(b)(3)(A)(iii)] pursuant to Pa.R.O.C.P. 15.4(e), and the [date(s)] date that such notice was given[,] or the [reason(s)] reason why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(2) Except as otherwise provided by law, the signed consent of the petitioner, the Prospective Adoptive Parents, or the agency to accept custody of the child until such time as the adoption is completed.

(c) **Hearing and Decree.**

(1) Notice of the hearing on the petition shall be provided and served in accordance with 23 Pa.C.S. § 2513(b) and [Rule 15.4(b)(3)] Pa.R.O.C.P. 15.4(b)(3).

(2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was given to the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2513 and [Rule 15.4(b)(3)] Pa.R.O.C.P. 15.4(b)(3).

(3) If notice of the opportunity to enter into a Contact Agreement was not provided to the subject birth parent prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject birth parent regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided [by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by such other means as provided in Rule 15.4(b)(3)(A)(iii)] pursuant to Pa.R.O.C.P. 15.4(e), and the [date(s)] date that such notice was given or the [reason(s)] reason why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

...

**Comment:** An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. See Pa.R.O.C.P. 15.3(b).

If the petitioner is an agency, Prospective Adoptive Parents need not have been identified prior to the agency's filing of a petition to involuntarily terminate parental rights. Also, an averment of a present intent to adopt the child is not required if the petitioner is an agency. If the petitioner is an individual, see Pa.R.O.C.P. 15.6. Neither the averments nor evidence set forth in subdivisions (a)(13) and (b)(2) are required when the petition has been filed by a parent seeking to involuntarily terminate the parental rights of the other parent pursuant to 23 Pa.C.S. § 2511(a)(7) (relating to a child conceived as a result of a rape or incest). See 23 Pa.C.S. § 2514.

Section 2733(c) of the Adoption Act requires the agency or intermediary, counsel representing the agency or intermediary, or counsel representing any other party to provide notice to the Prospective Adoptive Parents, birth parents, and, in some instances, a child of the opportunity to enter into a Contact Agreement. See 23 Pa.C.S. § 2733(c). The statute does not require notice to birth relatives who are not the birth parents, although birth relatives may enter into and become parties to a Contact Agreement.

It is understood that County Agencies may be encouraged early in the process, even during

dependency proceedings, to give notice to a birth parent of the opportunity to enter into a Contact Agreement. Requiring the verified statement to set forth the specific date as to when notice was given is only to further ensure that the particular notice was given and not to suggest that providing this notice is time sensitive and expires after a certain time.

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

**Explanatory Comment:** An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. See Rule 15.3(b).

If the petitioner is an agency, Prospective Adoptive Parents need not have been identified prior to the agency's filing of a petition to involuntarily terminate parental rights. Also, an averment of a present intent to adopt the child is not required if the petitioner is an agency. Where petitioner is an individual, see Rule 15.6. Neither the averments nor evidence set forth in subdivisions (a) (13) and (b)(2) are required when the petition has been filed by a parent seeking to involuntarily terminate the parental rights of the other parent pursuant to 23 Pa.C.S. § 2511(a)(7) (relating to a child conceived as a result of a rape or incest). See 23 Pa.C.S. § 2514.

Section 2733(c) of the Adoption Act requires the agency or intermediary, counsel representing the agency or intermediary, or counsel representing any other party to provide notice to the Prospective Adoptive Parents, birth parents, and, in some instances, a child of the opportunity to enter into a Contact Agreement. The statute does not require notice to birth relatives who are not the birth parents, although birth relatives may enter into and become parties to a Contact Agreement.

It is understood that County Agencies may be encouraged early in the process, even during dependency proceedings, to give notice to a birth parent of the opportunity to enter into a Contact Agreement. Requiring the verified statement to set forth the specific date(s) as to when notice was given is only to further ensure that the particular notice was given and not to suggest that providing this notice is time sensitive and expires after a certain time.

### Rule 15.13. Adoption.

...

(b) **Exhibits.** Unless the petition contains averments explaining why an exhibit is not attached, the following exhibits shall be attached to the petition:

(1) Unless previously filed with the clerk where the adoption petition is being filed, a birth certificate or certification of registration of the child's birth.

(2) The consents required by 23 Pa.C.S. § 2711, as applicable.

(3) Unless previously filed, the Report of the Intermediary with the exhibits required under 23 Pa.C.S. § 2534.

(4) The criminal history records information and child abuse clearance certificate for each Prospective Adoptive Parent prepared in accordance with 23 Pa.C.S. § 6344(b).

(5) Copies of any court orders referenced in [subparagraph (a)(11)] subdivision (a)(11).

(6) Written approval by the Interstate Compact on the Placement of Children if 62 P.S. §§ 761 et seq. applies to this placement.

(7) A verified statement from a representative of the agency or intermediary, counsel representing the agency or intermediary, or counsel representing any other party that written notice was provided to the Prospective Adoptive Parents and to the minor adoptee, if required by 23 Pa.C.S. § 2733(c), regarding the opportunity to enter into a Contact Agreement, that such notice was provided [by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C)] pursuant to Pa.R.O.C.P. 15.4(e), and the [date(s)] date that such notice was provided. A copy of the notice shall accompany this verified statement.

(8) If previously approved, the Contact Agreement and the court order approving the Contact Agreement.

...

**Comment:** The court, in its discretion, can dispense with any statutory requirement of the Adoption Act for cause shown. See 23 Pa.C.S. § 2901. As a result, if the petitioner is unable to satisfy all the prerequisites or attach all the exhibits required by the Adoption Act, the adoption petition should not be summarily dismissed. Rather, the petitioner should be afforded an opportunity to demonstrate why a statutory requirement has not or cannot be met and why the proposed adoptee's best interests nevertheless are served by granting the adoption petition. See *In re Adoption of R.B.F. and R.C.F.*, 803 A.2d 1195 (Pa. 2002). If, upon reviewing the petition's averments as to why a statutory requirement should be waived, the court determines that cause has been demonstrated, the court can grant the relief requested and dispense with the statutory requirement without conducting a hearing. However, if the court is not inclined to waive the statutory requirement, the petitioner is entitled to a hearing and an opportunity to present evidence in support of the averments in the petition. Id.

Subdivision (c)(1) applies if a parent's parental rights are being terminated as part of the hearing on the adoption petition. In such cases, the birth parent, putative father, or presumptive father whose rights are being terminated must receive notice of the adoption hearing in accordance with Pa.R.O.C.P. 15.4. On the other hand, such persons do not need to be notified of the adoption hearing if: (i) he or she previously consented to the adoption and his or her consent was confirmed by the court as provided in 23 Pa.C.S. § 2504 and Pa.R.O.C.P. 15.9; (ii) he or she previously relinquished his or her parental rights as provided in 23 Pa.C.S. §§ 2501, 2502 and Pa.R.O.C.P. 15.7 or 15.8 as applicable; or (iii) his

## Court Notices

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**or her parental rights were involuntarily terminated by the court as provided in 23 Pa.C.S. §§ 2511 et seq. and Pa.R.O.C.P. 15.10.**

### Historical Commentary

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

**Explanatory Comment:** The court, in its discretion, can dispense with any statutory requirement of the Adoption Act for cause shown. See 23 Pa.C.S. § 2901. As a result, if petitioner is unable to satisfy all the prerequisites or attach all the exhibits required by the Adoption Act, the adoption petition should not be dismissed summarily. Rather, the petitioner should be afforded an opportunity to demonstrate why a statutory requirement has not or cannot be met and why the proposed adoptee's best interests nevertheless are served by granting the adoption petition. *In re Adoption of R.B.F. and R.C.F.*, 803 A.2d 1195 (Pa. 2002). If, upon reviewing the petition's averments as to why a statutory requirement should be waived, the court determines that cause has been demonstrated, the court can grant the relief requested and dispense with the relevant statutory requirement without conducting a hearing. However, if the court is not inclined to waive

the pertinent statutory requirement, the petitioner is entitled to a hearing and an opportunity to present evidence in support of the averments in the petition. See *In re Adoption of R.B.F. and R.C.F.*

Subparagraph (c)(1) of this Rule applies if a parent's parental rights are being terminated as part of the hearing on the adoption petition. In such cases, the birth parent, putative father, or presumptive father whose rights are being terminated must receive notice of the adoption hearing in accordance with Rule 15.4. On the other hand, such persons do not need to be notified of the adoption hearing if (i) he or she previously consented to the adoption and his or her consent was confirmed by the court as provided in 23 Pa.C.S. § 2504 and Rule 15.9; (ii) he or she previously relinquished his or her parental rights as provided in 23 Pa.C.S. §§ 2501, 2502 and Rule 15.7 or Rule 15.8 as applicable; or (iii) his or her parental rights were involuntarily terminated by the court as provided in 23 Pa.C.S. §§ 2511 et seq. and Rule 15.10.

—The following text is entirely new—  
**IN THE COURT OF COMMON PLEAS OF  
 PENNSYLVANIA**

**ORPHANS' COURT  
 (FAMILY COURT DIVISION IN PHILADELPHIA COUNTY)**  
**IN RE: ADOPTION OF \_\_\_\_\_**  
 (Initials only)

**ADOPTION NO. \_\_\_\_\_**

### WAIVER OF SERVICE OF NOTICE OF HEARING TO TERMINATE PARENTAL RIGHTS

I, \_\_\_\_\_, am a person entitled to service of the notice of the hearing to terminate parental rights in the above-captioned matter. Pursuant to Pa.R.O.C.P. 15.4(b)(1), (b)(2), or (b)(3)(iii), I waive my right to have the notice of hearing to terminate parental rights served on me and understand that it means I will not receive notice of the date, time, or location of the termination hearing.

This waiver does not apply to other legal papers that I may be entitled or required by statute or court rule to receive, such as a final termination decree, a notice of the right to file statement of medical, personal, or social history information with the court or the Department of Human Services, or a notice of the right to enter a post-adoption contact agreement pursuant to 23 Pa.C.S. §§ 2731 et seq. Such legal papers will be served on me pursuant to Pa.R.O.C.P. 4.5, 4.6, and 15.4(e) unless I provide an alternative service address to the clerk and the court or am represented by counsel.

I may subsequently revoke this waiver by filing a written revocation of the waiver and serving it on the petitioner and any other person entitled to the notice. Revocation of a waiver of service of the hearing notice does not affect the validity of a consent given pursuant to 23 Pa.C.S. § 2504.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Form A-13

### ORPHANS' COURT PROCEDURAL RULES COMMITTEE

#### PUBLICATION REPORT

##### Proposed Amendment of Rules 4.5, 4.6, 15.4, 15.7, 15.8, 15.9, 15.10, and 15.13 and Adoption of Form A-13 of the Pennsylvania Rules of Orphans' Court Procedure

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rules 4.5, 4.6, 15.4, 15.7, 15.8, 15.9, 15.10, and 15.13 of the Pennsylvania Rules of Orphans' Court Procedure and the adoption of Form A-13. This proposal would clarify requirements for hearing notices in termination of parental rights proceedings.

In 2021, the Supreme Court of Pennsylvania adopted a comprehensive rewrite of the Pennsylvania Rules of Orphans' Court Procedure related to adoption proceedings pursuant to the Adoption Act, 23 Pa.C.S. §§ 2101 – 2938. See 51 Pa.B. 4267 (August 7, 2021). Among other things, the rules established requisite notice procedures for hearings to terminate parental rights, as well as procedures for waiving such notices. See Pa.R.O.C.P. 15.4. In the time since the rules took effect, the Committee has received comments relating to the notice and waiver procedures that have initiated

this proposed rulemaking.

#### Hearing Notices to Self-Represented Birth Parents

Parental rights can be terminated in one of three ways: (1) voluntarily with the birth parent petitioning to relinquish parental rights; (2) voluntarily with a third party, such as an intermediary or prospective adoptive parents, seeking court confirmation of a previously executed consent to adoption; or (3) involuntarily by establishing one of several grounds set forth in § 2511 of the Adoption Act. Section 2503 addresses notice of the hearing in voluntary relinquishments; § 2504 addresses notice of the hearing in a confirmation of consent proceeding; and § 2513 sets forth notice requirements in proceedings to involuntarily terminate parental rights. Pursuant to these three statutory sections, the parties are entitled to notice of when and where the hearing to terminate parental rights will be conducted.

The Committee received an inquiry from a jurist relating to voluntary petitions to relinquish parental rights. The judge observed that Pa.R.O.C.P. 15.4(b)(1) and (b)(2) require service of the notice of hearing on "every person whose parental rights are sought to be terminated in the proceeding." It was suggested that the plain language of the rule suggests that a petitioning birth parent must serve the hearing notice upon himself or herself, which is a puzzling requirement to some.

Preliminarily, the Committee observes that § 2503(b)(1) does not make an exception for petitioning birth parents. See 23 Pa.C.S. § 2503(b)(1) ("notice of the hearing shall be given to the petitioner"). The Committee believes that the current notice provisions reflect an agency, intermediary, or prospective adoptive parents or their counsel serving the hearing notice. See also Pa.R.O.C.P. 15.7(c)(2) ("[o]n or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was given to the petitioner and all others entitled to a copy"). When a petitioning birth parent makes the filing on his or her own behalf, i.e., without the assistance of counsel, it would seem evident that the petitioner has notice of the hearing if he or she provides notice to others as reflected in the certificate of service and appears at the hearing. The Committee ultimately agreed that Pa.R.O.C.P. 15.4(b)(1) would benefit from clarifying language.

The Committee proposes revising the commentary to Pa.R.O.C.P. 15.4(b)(1) as follows: A petitioning birth parent who is self-represented in a proceeding under Pa.R.O.C.P. 15.7 (Voluntary Relinquishment to Agency) or Pa.R.O.C.P. 15.8 (Voluntary Relinquishment to Adult Intending to Adopt Child) is not required to serve notice of the hearing upon himself or herself. All other circumstances require service of notice of the hearing on the petitioning birth parent, including by an agency, a third party, or counsel of the petitioning birth parent. See proposed Pa.R.O.C.P. 15.4, cmt. This commentary cross-references the voluntary relinquishment provisions, i.e., Pa.R.O.C.P. 15.7 and Pa.R.O.C.P. 15.8, and reflects that a self-represented petitioning birth parent is not required to serve himself or herself. The Committee further proposes revising the commentary to Pa.R.O.C.P. 15.4 to explicitly note that service of the hearing notice on a petitioning birth parent is required in all other circumstances, including by counsel of the petitioning birth parent. The Committee also proposes revising the commentary to Pa.R.O.C.P. 15.7 and 15.8 in the same manner as Pa.R.O.C.P. 15.4 to reflect that it is incumbent upon counsel representing a petitioning birth parent to serve notice of the hearing upon the client.

The Committee acknowledges the tension between the statutory language requiring service of the hearing notice on the petitioner and other named individuals, without exception, and proposed Rule 15.1(b)(1), excusing a self-represented birth parent from serving themselves and documenting it on a certificate of service. However, in much the same way a waiver of service of the hearing notice, see, e.g., Pa.R.O.C.P. 15.4(b)(1), is an exception to the general rule requiring service of the hearing notice, the Committee believes that excusing a petitioning birth parent from serving himself or herself provides a common sense enhancement to the rule without jeopardizing the purpose of the rule – ensuring that all participants know when and where the hearing will be held.

The Committee also recognizes the peculiarity of the need for the petitioning birth parent's counsel to provide a certificate of service regarding service of the hearing notice on his or her own client. Attorneys provide details regarding the time and location of judicial proceedings in all manner of cases without being required to provide a certificate of service for their clients. However, the Committee believed that requiring service of the notice on a petitioning birth parent by their counsel conforms more closely to the statutory language. The Committee specifically invites comments on this aspect of the proposal.

#### Waiver of Hearing Notices

The Committee also received suggestions relating to a birth parent's right to waive the hearing notice for a termination of parental rights proceeding. It was suggested that, in some instances, a birth parent has waived service of the hearing notice for a voluntary termination proceeding yet still received copies of the hearing notice from the court by mail. A practitioner who contacted the Committee was concerned that legal papers served on a birth parent who has waived notice of the termination hearing are violative of privacy rights and may present a safety risk, e.g., the birth parent may reside with a third party who is not aware of the termination proceeding or may be exposed to violence by an abusive partner.

Currently, Rule 15.4(b)(1) (Voluntary Relinquishment to Agency) and 15.4(b)(2) (Voluntary Relinquishment to Adult Intending to Adopt Child) provide that "[a]ny person entitled to notice of the hearing may waive in writing such notice." See Pa.R.O.C.P. 15.4(b)(1)–(b)(2). However, upon further review, the Committee observed that the petitioning birth parent is required to appear and testify in voluntary relinquishment proceedings. See 23 Pa.C.S. § 2503(a); see also Pa.R.O.C.P. 15.7(c)(3), 15.8(c)(3). As a result, the petitioning birth parent should not be permitted to waive notice of the hearing's scheduling; only the other birth parent, putative father, and parents or guardian of a minor petitioning birth parent can waive the right to receive a copy of the notice regarding the hearing on the petitioner's voluntary relinquishment petition.

In contrast, the birth parent is not the petitioner in confirmation and consent proceedings. There is no requirement in the statute or rules pertaining to such proceedings that the birth parent appear and testify. Therefore, in proceedings brought pursuant to 23 Pa.C.S. § 2304 and Pa.R.O.C.P.

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15.9, any person, including the birth parents, any presumptive birth father, and any putative father, can waive the right to be served with notice of the hearing to confirm consent. The Committee does not believe that such waiver jeopardizes due process rights because, by statute, a birth parent's consent to adoption is irrevocable after 30 days. See 23 Pa.C.S. § 2711(c). Further, the waiver cannot be challenged due to fraud or duress after the later of: (1) 60 days after the birth of the child; or (2) the execution of the consent. *Id.* The Committee was previously

advised that confirmation of consent hearings are typically held 60 to 120 days after the execution of the consent.

Finally, in involuntary termination of parental rights proceedings, a person who is not the subject of the proceeding and whose parental rights are not sought to be terminated may waive notice of the termination hearing. See Pa.R.O.C.P. 15.4(iii). An individual whose rights are to be involuntarily terminated cannot waive the right to receive notice of the hearing and, presumably, would not want to waive such right. Conversely, others who by statute are entitled to receive a copy of the notice about the hearing, namely, a putative father and the parents of a minor parent whose rights are the subject of the termination petition, can waive the right to receive a copy of the hearing notice.

The Committee proposes rule changes to clarify procedures relating to waiver of hearing notices. First, the Committee proposes changes to the rules governing service of legal papers and court orders, Pa.R.O.C.P. 4.5 and 4.6. The Committee was advised that, in some judicial districts, the court also sends hearing notices to the parties. Sometimes, these hearing notices are titled "scheduling orders." For the clerk and the court to honor a request to waive service of a hearing notice, they must first be aware of it. Therefore, a new subdivision (c) was added to Rules 4.5 and 4.6 to provide that: "This rule does not apply to the service of hearing notices and scheduling orders that have been waived pursuant to Pa.R.O.C.P. 15.4(b)(1), (b)(2), or (b)(3)." See proposed Pa.R.O.C.P. 4.5(c) and 4.6(c). The commentary to Rules 4.5 and 4.6 provides cross-references to Rules 15.4(b)(1), (b)(2), and (b)(3). The Committee acknowledges that these proposed changes are in tension with the proposed changes to Pa.R.O.C.P. 15.4 (b)(1), (b)(2), and (b)(3), which provide that the petitioner shall serve the hearing notice. However, it appears to the Committee that, in some instances, the court is providing the designated parties with a copy of the hearing notice. In an effort to allow the waiver provision to take full effect, the Committee proposes adding provisions relating to the waiver to Rules 4.5 and 4.6.

Second, the Committee proposes amending Rule 15.4 to specify that the petitioning birth parent in a voluntary termination proceeding and the parent who is the subject of an involuntary termination proceeding may not waive service of the hearing notice. See proposed Pa.R.O.C.P. 15.4(b)(1) and (b)(3). Commentary was added to Rule 15.4 to explain that a petitioning birth parent in a voluntary termination proceeding may not waive service of the hearing notice because he or she is required to appear and testify at the hearing. Similarly, commentary was added to explain that a person who is the subject of an involuntary termination proceedings and whose parental rights are sought to be terminated may not waive service of the hearing notice.

The Committee further proposes adding commentary to Rule 15.4 to clarify that a waiver of the hearing notice does not apply to any other legal paper or order issued in the proceeding. While certain individuals may waive notice of the termination hearing, he or

she will still be served other papers in the proceeding to which they are entitled, such as a termination order, a notice of the right to file medical, personal, or social history with the Court or Department of Human Services, or a post-adoption contact agreement pursuant to 23 Pa.C.S. §§ 2731 et seq.

New Rule 15.4(g) addresses revocation of the waiver of the hearing notice. Given the high stakes in a termination of parental rights proceeding, the Committee believes that a revocation of the waiver should be permitted. Moreover, the Committee considered that parental consent to relinquishment and adoption is revocable subject to certain time limits. See 23 Pa.C.S. § 2711(b). If a parent can revoke the consent to relinquishment of parental rights and adoption, then they should also be able to revoke a waiver to receive a hearing notice for the termination proceedings. The proposed commentary also reflects that a revocation of the waiver of the notice of the hearing to terminate parental rights does not affect the validity of a consent given pursuant to § 2504.

Finally, the Committee is proposing a new waiver form intended to notify any person who seeks to waive service of the notice of the termination hearing of: (1) the consequences of the waiver; (2) that it does not apply to other legal papers; and (3) that other legal papers will be served in compliance with Pa.R.O.C.P. 4.5, 4.6, and 15.4(e) unless an alternative service address is provided or the person is represented by counsel. By including this information on a waiver form, the Committee intends to ensure that interested persons understand the scope and limitations of the waiver.

In addition to substantive revisions, the Committee also proposes stylistic revisions throughout the rules. Corollary amendments to Rules 15.9, 15.10, and 15.13 are proposed to incorporate citation changes made in Rule 15.4.

The Committee invites all comments, concerns, and suggestions regarding this proposal.

### SUPREME COURT OF PENNSYLVANIA CIVIL PROCEDURAL RULES COMMITTEE

#### NOTICE OF PROPOSED RULEMAKING

##### Proposed Amendment of Pa.R.Civ.P. 1023.1, 1023.2, 1023.3, and 1023.4

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P. 1023.1, 1023.2, 1023.3, and 1023.4 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the Pennsylvania Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the

Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

**Karla M. Shultz, Deputy Chief Counsel**  
**Civil Procedural Rules Committee**  
**Supreme Court of Pennsylvania**  
**Pennsylvania Judicial Center**  
**PO Box 62635**  
**Harrisburg, PA 17106-2635**  
**FAX: 717-231-9526**  
**civilrules@pacourts.us**

All communications in reference to the proposal should be received by **November 21, 2025**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Civil Procedural Rules Committee,  
Casey Alan Coyle  
Chair

##### Rule 1023.1. Scope. Signing of [Documents] Pleadings, Motions, and Other Papers. Representations to the Court. Violation.

(a) **Scope.** Rules 1023.1 through 1023.4 do not apply to disclosures and discovery requests, responses, objections, and discovery motions that are subject to the provisions of general rules.

(b) **Signature.** Every pleading, written motion, and other paper [directed to the court] shall be signed by at least one attorney of record in the attorney's [individual] name, or[, if the] [by a party personally if the party is [not] self-represented [by an attorney, shall be signed by the party]. The paper shall state the signer's address, e-mail address, and telephone number. This rule shall not be construed to suspend or modify the provisions of Rule 1024 or Rule 1029(e).

(c) **Representations to the Court.** [The signature of an attorney or pro se party constitutes a certificate that the signatory has read the pleading, motion, or other paper. By signing, filing, submitting, or later advocating such a document, the attorney or pro se party certifies that, to the best of that person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances,] By presenting to the court a pleading, written motion, or other paper, whether by signing, filing, submitting, or later advocating it, an attorney or self-represented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass [or to], cause unnecessary delay, or needlessly increase in the cost of litigation[.];

(2) the claims, defenses, and other legal contentions [therein] are warranted by existing law or by a nonfrivolous argument for [the extension, modification or reversal of] extending, modifying, or reversing existing law or [the establishment of] for establishing new law[.];

(3) the factual allegations have evidentiary support or, if specifically so identified, [are] will likely [to] have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual [allegations] contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information [or belief].

(d) **Violation.** If, after notice and a reasonable opportunity to respond, the court determines that subdivision (c) has been violated, the court may, subject to the conditions stated in Rules 1023.2 through 1023.4, impose an appropriate sanction upon any attorney[s], law firm[s and parties], or party that [have] violated subdivision (c) or [are] is responsible for the violation.

**[Note: The court in its discretion at any stage of the proceedings may deny a motion for sanctions without hearing or argument.]**

The grant or denial of relief (e.g., grant or denial of preliminary objections, motion for summary judgment or discovery application) does not, of itself, ordinarily warrant the imposition of sanctions against the party opposing or seeking the relief.

In most circumstances, a motion for sanctions with respect to factual allegations should be addressing whether there is evidentiary support for claims or defenses rather than whether there is evidentiary support for each specific factual allegation in a pleading or motion.

The inclusion in the rule of a provision for "an appropriate sanction" is designed to prevent the abuse of litigation. The rule is not a fee-shifting rule per se although the award of reasonable attorney's fees may be an appropriate sanction in a particular case.

The provision requiring that a motion under this rule be filed before the entry of final judgment in the trial court is intended to carry out the objective of expeditious disposition and to eliminate piecemeal appeals. Where appropriate, such motions should be filed as soon as practicable after discovery of the violation.

The following provisions of the Judicial Code, 42 Pa.C.S., provide additional relief from dilatory or frivolous proceedings: (1) Section 2503 relating to the right of participants to receive counsel fees and (2) Section 8351 et seq. relating to wrongful use of civil proceedings.

(e) **Section 8355 of the Judicial Code, 42 Pa.C.S. § 8355, is suspended absolutely, in**

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accordance with the provisions of the Constitution of 1968, Article V, Section 10(c).

Note: Section 8355 of the Judicial Code provides for the certification of pleadings, motions and other papers.]

(e) **Suspended Statute.** 42 Pa.C.S. § 8355, which provided for the certification of pleadings, motions, and other papers, is suspended absolutely, in accordance with the provisions of Pa. Const. art. V, § 10(c).

**Comment:** The court in its discretion at any stage of the proceedings may deny a motion for sanctions without hearing or argument.

The grant or denial of relief, e.g., grant or denial of preliminary objections, motion for summary judgment, or discovery application, does not, of itself, ordinarily warrant the imposition of sanctions against the party opposing or seeking the relief.

In most circumstances, a motion for sanctions with respect to factual allegations should address whether there is evidentiary support for claims or defenses rather than whether there is evidentiary support for each specific factual allegation in a pleading or motion.

“Appropriate sanction,” as used in subdivision (d) is intended to prevent the abuse of litigation. The rule is not a fee-shifting rule per se although the award of reasonable attorney’s fees may be an appropriate sanction in a particular case.

42 Pa.C.S. § 2503 relating to the right of participants to receive counsel fees and 42 Pa.C.S. §§ 8351 et seq. relating to wrongful use of civil proceedings provide additional relief from dilatory or frivolous proceedings.

### Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

### Explanatory Comment—2003

#### I. Obligations under the rule

New Rule 1023.1 requires that a pleading, written motion or other paper directed to the court be signed. The signing, or the filing, submitting or later advocating, a document is a certification as described in the rule. A court may impose sanctions for violation of the certification. Thus the rule imposes the duty on the attorney or, if

unrepresented, the party signing the document to satisfy himself or herself that there is a basis in fact and in law for the claim or defense set forth in the document.

Rule 1023.1, therefore, requires some prefilings inquiry into both the facts and the law to satisfy the affirmative duty imposed by the rule. However, this rule is not intended to chill an attorney’s enthusiasm or creativity in pursuing factual or legal theories. The standard is one of reasonableness under the circumstances.

A court should avoid using the wisdom of hindsight and should test the signer’s conduct by inquiring what was reasonable to believe at the time the pleading, motion, or other paper was submitted. What constitutes a reasonable inquiry depends on factors which may include

- how much time for investigation was available to the signer;
- whether the signer had to rely on a client for information as to the facts underlying the pleading, motion, or other paper;
- whether the pleading, motion, or other paper was based on a plausible view of the law; or
- whether the signer depended on forwarding counsel or another member of the bar.

This rule recognizes that sometimes a litigant may have good reason to believe that a claim or defense is valid but may need discovery, formal or informal, to gather and confirm the evidentiary basis for the claim or defense. If evidentiary support is not obtained after a reasonable opportunity for further investigation or discovery, the party has a duty under the rule not to persist with that contention. Rule 1023.1(c) does not require a formal amendment to pleadings for which evidentiary support is not obtained, but rather calls upon a litigant not thereafter to advocate such claims or defenses.

#### II. Practice under the rule

The rule leaves for resolution on a case-by-case basis, considering the particular circumstances involved, the question as to when Rule 1023.1 should be invoked. Ordinarily the written notice and demand for withdrawal or correction of the paper should be served promptly after the inappropriate paper is filed, and, if delayed too long, may be viewed as untimely. In other circumstances, it should not be served until the other party has had a reasonable opportunity for discovery. Given the “safe harbor” provisions discussed below, a party cannot delay invoking Rule 1023.1 until conclusion of the case (or judicial rejection of the offending contention).

Rule 1023.1 motions should not be made or threatened for minor, inconsequential violations of the standards prescribed by subdivision (c). They should not be employed as a discovery device or to test the legal sufficiency or efficacy of allegations in the

pleadings; other motions are available for those purposes. Nor should Rule 1023.1 motions be prepared to emphasize the merits of a party’s position, to exact an unjust settlement, to intimidate an adversary into withdrawing contentions that are fairly debatable, to increase the costs of litigation, to create a conflict of interest between attorney and client, or to seek disclosure of matters otherwise protected by the attorney-client privilege or the work-product doctrine. The court may defer its ruling (or its decision as to the identity of the persons to be sanctioned) until final resolution of the case in order to avoid immediate conflicts of interest and to reduce the disruption created if a

disclosure of attorney-client communications is needed to determine whether a violation occurred or to identify the person responsible for the violation.

The rule provides that requests for sanctions must be made as a separate motion, i.e., not simply included as an additional prayer for relief contained in another motion. The motion for sanctions cannot be filed until at least 28 days after service of a written notice and demand, upon the party whose conduct is claimed to violate the rule, that the offending document or portion of the document be withdrawn or appropriately corrected. If, during this period, the alleged violation is corrected, as by withdrawing (whether formally or informally) some allegation or contention, the motion may not be filed with the court. These provisions are intended to provide a type of “safe harbor” against motions under Rule 1023.1 in that a party will not be subject to sanctions under Rule 1023.1 on the basis of another party’s motion unless, after having been served with the written notice and demand, it refuses to withdraw that allegation or contention or to acknowledge that it does not currently have evidence to support it. The timely withdrawal of an allegation or contention will protect a party against a motion for sanctions.

To stress the seriousness of a motion for sanctions and to define precisely the conduct claimed to violate the rule, the “safe harbor” period begins to run only upon service of the written notice and demand. In most cases, however, counsel should give informal notice to the other party, whether in person or by a telephone call or letter, of a potential violation before proceeding to prepare and serve the written notice and demand.

#### III. Sanctions

The rule does not attempt to enumerate the factors a court should consider in deciding whether to impose a sanction or what sanctions would be appropriate in the circumstances. The factors that a court may consider include the following:

- whether the improper conduct was willful or negligent;
- whether it was part of a pattern of activity or an isolated event;
- whether it infected the entire pleading or only one particular count or defense;
- whether the person has engaged in similar conduct in related litigation;
- whether it was intended to injure;
- what effect it had on the litigation process in time or expense;
- whether the responsible person is trained in the law;
- what amount is needed to deter that person from repetition in the same case; and
- what amount is needed to deter similar activity by other litigants.

The court has significant discretion in determining what sanctions, if any, should be imposed for a violation, subject to the principle that the sanctions should not be more severe than reasonably necessary to deter repetition of the conduct by the offending person or comparable conduct by similarly situated persons.

There are two provisions for the award of attorney’s fees and expenses. The first provision, Rule 1023.2(b), authorizes the court, if requested in a motion and if so warranted, to award to the prevailing party “the reasonable expenses and attorney’s fees incurred in presenting or opposing the motion.”

The second provision, Rule 1023.4(a)(2)(iii), however, authorizes the court, “if imposed on motion and warranted for effective deterrence”, to order payment to the movant of “some or all of the reasonable attorney’s fees and other expenses incurred as a direct result of the violation.” Any such award to the movant, however, should not exceed the expenses and attorney’s fees for the services directly and unavoidably caused by the violation of the certification requirement. If, for example, a wholly unsupportable count is included in a multi-count complaint or counterclaim for the purpose of needlessly increasing the cost of litigation, any award of expenses should be limited to those directly caused by inclusion of the improper count, and not those resulting from the filing of the complaint or answer itself. The award should not provide compensation for services that could have been avoided by an earlier disclosure of evidence or an earlier challenge to the groundless claims or defenses. Moreover, partial reimbursement of fees may constitute a sufficient deterrent.

The sanction should be imposed on the persons--whether attorneys, law firms, or parties--who have violated the rule or who may be determined to be responsible for violation. The person signing, filing, submitting, or advocating a document has a nondelegable responsibility to the court and, in most situations, is the person to be sanctioned for a violation. Absent exceptional circumstances, a law firm is to be held also responsible when one of its partners, associates, or employees is determined to have violated the rule. Since such a motion may be filed only if the offending paper is not withdrawn or corrected within 28 days after service of the written notice and demand, it is appropriate that the law firm ordinarily be viewed as jointly responsible under established principles of agency.

Explicit provision is made for litigants to be provided notice of the alleged violation and an opportunity to respond before sanctions are imposed. Whether the matter should

be decided solely on the basis of written submissions or should be scheduled for oral argument (or for evidentiary presentation) will depend on the circumstances. If the court imposes a sanction, it must, unless waived, indicate its reasons in a written order or on the record; a court is not required to explain its denial of a motion for sanctions.

#### Rule 1023.2. Motion for Sanctions.

[(a) An application for sanctions under this rule shall be made by motion, shall be made separately from other applications and shall describe the specific conduct alleged to violate Rule 1023.1(c).]

(b) No such motion shall be filed unless it includes a certification that the applicant served written notice and demand to the attorney or pro se party who signed or filed the challenged pleading, motion or other paper. The certification shall have annexed a copy of that notice and demand, which shall identify with specificity each portion of the document which is believed to violate the provisions of this rule, set forth the basis for that belief with

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specificity, include a demand that the document or portion of the document, be withdrawn or appropriately corrected. An application for sanctions may be filed if the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected within twenty-eight days after service of the written demand. If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion.

(c) A motion requesting sanctions under this rule shall be filed in the trial court before the entry of final judgment.]

(This is entirely new text.)

(a) **General Rule.** A motion for sanctions shall be made separately from any other motion.

(b) **Written Notice and Demand.**

(1) Before filing the motion for sanctions, the moving party shall serve a written notice and demand.

(2) The written notice and demand shall:

(i) identify with specificity each portion of the pleading, motion, or other paper that is believed to violate Rule 1023.1(c);  
 (ii) set forth the basis for that belief with specificity; and  
 (iii) include a demand that the pleading, motion, or other paper, or a portion thereof, be withdrawn or appropriately corrected.

(c) **Content.** A motion for sanctions shall:

(1) describe the specific conduct that allegedly violates Rule 1023.1(c);  
 (2) include a certification that the moving party served a written notice and demand required by subdivision (b) to the attorney or the party, if unrepresented, who signed or filed the challenged pleading, motion, or other paper; and  
 (3) include a copy of the written notice and demand.

(d) **Motion.**

(1) A motion for sanctions may be filed if the challenged pleading, motion, or other paper is not withdrawn or appropriately corrected within 28 days after service of the written notice and demand required by subdivision (b)(1). If warranted, the court may award the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion.

(2) A motion for sanctions shall be filed in the trial court before the entry of final judgment.

(e) **Service.**

(1) The written notice and demand and the motion for sanctions shall be served on:

(i) the attorney who signed or filed the challenged pleading, motion, or other paper, the party represented by the attorney, and the attorney's law firm; or  
 (ii) the party, if unrepresented.

(2) If the law firm under subdivision (e)(1)(i) is organized as a partnership, the managing partner, officer, or registered agent of the partnership shall be served.

(3) If the law firm under subdivision (e)(1)(i) is organized as a corporation or similar entity, the executive officer, partner, or trustee of the corporation or similar entity shall be served.

**Comment:** Subdivision (d) is intended to carry out the objective of expeditious disposition and to eliminate piecemeal appeals. If appropriate, such motions should be filed as soon as practicable after discovery of the violation.

### Historical Commentary

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

### Explanatory Comment

See Explanatory Comment following Rule 1023.1.

### **Rule 1023.3. Sanctions upon Rule to Show Cause.**

(a) **Rule to Show Cause.**

(1) [On its own initiative, the] The court [may] shall enter an order [describing the specific conduct that appears to violate Rule 1023.1(c) and] directing an attorney, law firm, or party to show cause why [it has not violated Rule 1023.1(c) with respect thereto] the conduct specifically described in the order has not violated Rule 1023.1(c).

(2) The rule to show cause shall be served on the attorney, the party represented by the attorney, and the attorney's law firm, or the party if unrepresented.

(b) **Order. After the issuance of a rule to show cause and, if appropriate a hearing, the court may enter an order imposing sanctions.**

### Historical Commentary

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

### Explanatory Comment

See Explanatory Comment following Rule 1023.1.

### **Rule 1023.4. Sanctions.**

(a) **Nature of a Sanction.**

(1) A sanction imposed for violation of Rule 1023.1 shall be limited to [that which is sufficient] what suffices to deter repetition of [such] the conduct or comparable conduct by others similarly situated.

(2) Subject to the limitations in subdivision (b), the sanction may [consist of, or] include[,]:

(i) directives of a nonmonetary nature, including the striking of the offensive [litigation document or portion of the litigation document,] pleading, motion, or other paper, or a portion thereof;

(ii) an order to pay a penalty into court[,]; or[,]

(iii) if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys' fees and other expenses incurred as a direct result of the violation.

(3) Except in exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.

[b] (1) Monetary sanctions may not be awarded against a represented party for violation of Rule 1023.1(c)(2).

(2) Monetary sanctions may not be awarded on the court's initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party which is, or whose attorneys are, to be sanctioned.]

(b) **Limitations on Sanctions. The court shall not impose a sanction:**

(1) **against a represented party for violation of Rule 1023.1(c)(2); or**

(2) **on its own, unless it issues an order to show cause before a voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorneys are, to be sanctioned.**

(c) **Requirements for Order.** [When imposing sanctions, the court shall describe the conduct determined to be a violation of Rule 1023.1 and explain the basis for the sanction imposed.] An order imposing a sanction shall describe the sanctioned conduct and explain the basis for the sanction.

**Comment: The factors that a court may consider in deciding whether to impose a sanction or what sanctions would be appropriate in the circumstances include the following:**

- whether the improper conduct was willful or negligent;
- whether it was part of a pattern of activity or an isolated event;
- whether it infected the entire pleading or only one particular count or defense;
- whether the person has engaged in similar conduct in related litigation;
- whether it was intended to injure;
- what effect it had on the litigation process in time or expense;
- whether the responsible person is trained in the law;
- what amount is needed to deter that person from repetition in the same case; and
- what amount is needed to deter similar activity by other litigants.

### Historical Commentary

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

### Explanatory Comment

See Explanatory Comment following Rule 1023.1.

## SUPREME COURT OF PENNSYLVANIA CIVIL PROCEDURAL RULES COMMITTEE

### PUBLICATION REPORT

#### **Proposed Amendment of Pa.R.Civ.P. 1023.1, 1023.2, 1023.3, and 1023.4**

The Civil Procedural Rules Committee is considering recommending the amendment of Pennsylvania Rules of Civil Procedure 1023.1, 1023.2, 1023.3, and 1023.4 relating to sanctions for violating the certification of pleadings, written motions, or other papers subject to Pa.R.Civ.P. 1023.1.

The Committee previously published a proposal to amend Pa.R.Civ.P. 1023.1 and 1023.4 to require the imposition of attorneys' fees for the violation of Pa.R.Civ.P. 1023.1(c). See 53 Pa.B. 8211 (December 30, 2023). In light of the comments received objecting to the proposal, the Committee discontinued rulemaking insofar as making the imposition of sanctions mandatory. Instead, the Committee is proposing clarification of the current rules.

The Committee observed that the current Pa.R.Civ.P. 1023.1-1023.4 are based on and, with certain exceptions, largely follow the provisions of Fed.R.Civ.P. 11. Fed.R.Civ.P. 11 was restyled and amended in 2007 for easier readability. As an initial step, the Committee proposes amending Pa.R.Civ.P. 1023.1-1023.4 to comport with the style of Fed.R.Civ.P. 11 where practicable.

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The proposed amendment in Pa.R.Civ.P. 1023.4(a)(2)(i) departs from the restyling of Fed.R.Civ.P. 11 describing the types of non-monetary directives that may be included in a sanction. The gist of the language “the striking of the offensive litigation document or portion of the litigation document,” would be retained; Fed.R.Civ.P. 11(c)(4), on the other hand, simply states that a sanction may include “non-monetary directives.” The Committee proposes retaining the substance of the current provision because it believes this language is more descriptive of what a non-monetary directive is and would aid the bench and bar.

After further review, the Committee proposes some substantive amendments of these rules. The Committee identified a concern with Pa.R.Civ.P. 1023.4(a)(3) resulting in proposed amendments that would depart from the Fed.R.Civ.P. 11. Pa.R.Civ.P.1023.4(a)(3) provides that a law firm will be held jointly responsible for violations committed by its partners, associates, and employees unless there are exceptional circumstances. The Committee observed that Pa.R.Civ.P. 1023.2 requires service of the written notice and demand and any subsequent motion for sanctions on the attorney, or self-represented party, who signed the legal paper; it does not provide any notice to the law firm of a possible violation of the rules that may subject that law firm to sanctions or an opportunity to intervene even though the rule potentially imposes joint responsibility on the law firm for those sanctions. To provide notice, the Committee proposes amending Pa.R.Civ.P. 1023.2 to specify the persons upon whom the written notice and demand and the motion for sanctions should be served: the attorney who filed the challenged legal paper, the party represented by the attorney, and the attorney’s law firm. Self-represented parties will also be served. Additional provisions direct the person or officer to be served on behalf of law firms organized as partnerships and corporations or similar entities.

As a result of proposed amendment to Pa.R.Civ.P. 1023.2, the Committee proposes amending Pa.R.Civ.P. 1023.3(a)(1) to require the court to issue an order for a rule to show cause directing the attorney, law firm, or party to show cause why the conduct specifically described in the order has not violated Pa.R.Civ.P. 1023.1(c). The Committee proposes removing the discretionary aspect for the issuance of the rule to show cause because there should be a determination on the allegations set forth in the motion. The Committee invites comment on this aspect of the proposal. New Pa.R.Civ.P. 1023.3(a)(2) would require the rule to show cause to be served on the attorney, the party represented by the attorney, and the attorney’s law firm. This again will provide an opportunity for the law firm to be apprised of the possibility of the imposition of sanctions. Subdivision (b) would permit the court to issue an order imposing sanctions after the issuance of the rule to show cause and any hearing.

Next, the Committee proposes amending Pa.R.Civ.P. 1023.4(b), which currently provides for a limitation on monetary sanctions. The Committee proposes amending this provision to eliminate this limitation so that it would apply to all types of sanctions.

The Committee also proposes adding a Comment to Pa.R.Civ.P. 1023.4 to provide guidance on the factors that may be considered when imposing sanctions under these rules. These factors are currently found in the 2003 Explanatory Comment to Pa.R.Civ.P. 1023.1 and have been imported into the new Comment.

The Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

### IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:  
ORDER AMENDING RULE 209 AND  
ADOPTING RULE 504.1 OF THE  
PENNSYLVANIA RULES OF CIVIL  
PROCEDURE GOVERNING ACTIONS  
AND PROCEEDINGS BEFORE  
MAGISTERIAL DISTRICT JUDGES

NO. 554  
MAGISTERIAL RULES DOCKET

### ORDER

PER CURIAM

AND NOW, this 31<sup>st</sup> day of July, 2025, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 53 Pa.B. 3822 (July 22, 2023):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 209 is amended and Rule 504.1 is adopted in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective October 1, 2025.

Additions to the rule are shown in bold and are underlined.  
Deletions from the rule are shown in bold and brackets.

#### Rule 209. Continuances and Stays.

**[A.]**(a) Continuances may be granted for cause or by agreement.

**[B.]**(b) Continuances shall be to a specific time and date. The magisterial district judge shall note continuances on the docket and shall promptly give or mail to the parties written notice of continuances.

**[C.]**(c) Except for good cause shown[,] or agreement of the parties:

(1) not more than one continuance shall be granted to each party[,]; and

(2) the aggregate of all continuances shall not extend the date of the hearing:

**[a]**(i) beyond 90 days from the date of filing the plaintiff’s complaint in proceedings commenced pursuant to **[Rule 303, Pa.R.Civ.P.M.D.J. 303;** or

**[b]**(ii) beyond 30 days from the date of filing the landlord’s complaint in proceedings commenced pursuant to **[Rule 502, Pa.R.Civ.P.M.D.J. 502.**

**[D.]**(d) In all proceedings governed by these rules, the following shall constitute cause for granting a continuance:

(1) the scheduling of a party’s attorney of record to appear at any proceeding under the Pennsylvania Rules of Disciplinary Enforcement, whether:

**[a]**(i) as counsel for a respondent-attorney before a hearing committee, special master, the Disciplinary Board, or the Supreme Court;

**[b]**(ii) as a special master or member of a hearing committee; or

**[c]**(iii) as a member of the Disciplinary Board. the scheduling of a party’s attorney of record to appear at any proceeding involving the discipline of a justice, judge, or magisterial district judge under Section 18 of Article V of the Constitution of Pennsylvania, whether

**[a]**(i) as counsel for a justice, judge, or magisterial district judge before the special tribunal provided for in 42 Pa.C.S. § 727, the Court of Judicial Discipline, the Judicial Conduct Board, or any hearing committee or other arm of the Judicial Conduct Board; or

**[b]**(ii) as a member of the Court of Judicial Discipline, the Judicial Conduct Board, or any hearing committee or other arm of the Judicial Conduct Board.

**[E.]**(e) Continuances and stays shall be granted in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*

**[Official Note] Comment:** This rule was amended in 2005 to consolidate the provisions of former **[Rules 320, Pa.R.Civ.P.M.D.J. 320,** ([relating to continuances in civil actions]), and **[511, Pa.R.Civ.P.M.D.J. 511,** ([relating to continuances in possessory actions]), into one general rule governing continuances. The limitations set forth in subdivision **[C.]**(c) are intended to ensure that these cases proceed expeditiously. The grounds set forth in **[subdivisions D and E, of course, subdivision (d) and (e)]** are not intended to be the only grounds on which a continuance will be granted.

**Participation in a landlord-tenant mediation program authorized by local rule will not entitle a party to a continuance beyond 30 days from the date the plaintiff filed the complaint unless there has been good cause shown or agreement by the parties. See Pa.R.Civ.P.M.D.J. 504.1 pertaining to landlord-tenant mediation programs authorized by local rule.**

– The following text is entirely new –

#### Rule 504.1 Mediation.

- (a) The court of common pleas may promulgate a local rule of procedure pursuant to Pa.R.J.A. 103(d) permitting mediation of residential landlord-tenant actions in proceedings commenced pursuant to Pa.R.Civ.P.M.D.J. 502.
- (b) A local rule promulgated pursuant to this rule shall not require mediation as a precondition to filing a complaint.
- (c) The president judge shall approve entities and individuals authorized to conduct mediation in the judicial district.

**Comment:** As used in this rule, mediation means a process, however labeled, by which a neutral third party assists the parties in attempting to reach a mutually acceptable agreement on issues arising out of a residential landlord-tenant action.

The requirements for the promulgation and amendment of local procedural rules are set forth in Pa.R.J.A. 103(d).

A local rule may address aspects of a mediation program, such as whether mediation is mandatory or voluntary, or the types of landlord-tenant actions subject to mediation, *i.e.*, nonpayment of rent, end-of-lease terms, or breach of conditions of the lease. See also Pa.R.Civ.P.M.D.J. 209(c)(2)(ii) pertaining to continuances.

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This rule does not require a judicial district to create, fund, or staff a mediation program.

**SUPREME COURT OF PENNSYLVANIA  
MINOR COURT RULES COMMITTEE**

**ADOPTION REPORT**

**Amendment of Rule 209 and Adoption of Rule 504.1 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges**

On July 31, 2025, the Supreme Court amended Rule 209 and adopted Rule 504.1 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges to add provisions relating to mediation in landlord-tenant proceedings. The Minor Court Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See Pa.R.J.A. 103, cmt.* The statements contained herein are those of the Committee, not the Court.

**Background**

The Committee was first asked to consider developing rules to facilitate eviction diversion programs, *e.g.*, mediation, in 2021. Housing advocates suggested rules that would support local eviction diversion programs and encourage informal settlement of landlord-tenant disputes by requiring or encouraging landlords to seek mediation prior to filing an eviction complaint.

The Committee was informed that programs across the Commonwealth were encouraging landlords and tenants to resolve their differences prior to the entry of a judgment for possession. The rationale for developing informal resolution procedures for landlord-tenant disputes is that it could remove the disgrace on tenants of an eviction judgment when seeking new housing, serve the interest of judicial economy by diverting cases to mediation programs, and address a then-anticipated increase in landlord-tenant cases following expiration of COVID-related eviction moratoria. Housing advocates favored local rulemaking, observing that it would enable local communities to maximize the impact of resources created to support tenants with rental assistance, aid landlords in recouping missed rental income, and ease strain on already overburdened emergency resources.

**Discussion**

Preliminarily, the concept of informal resolution is not foreign in magisterial district courts. The courtroom may be the first opportunity for the parties to calmly meet and discuss the dispute after a complaint has been filed. One difference between a settlement conference and mediation is the facilitator. The use of a mediator permits *ex parte* communications with the mediator, unlike communications with a magisterial district judge. Further, successful mediation often will produce agreements that conditionally postpone eviction proceedings provided that the terms are met. Indeed, the “pay and stay” concept is not new to landlord-tenant actions. *See Pa.R.Civ.P.M.D.J. 518 (Satisfaction of Order by Payment of Rent and Costs).*

The Committee was mindful that a mediation program cannot be imposed on judicial districts as an unfunded mandate. It is anticipated that mediation programs will be funded in whole or in part by non-judicial entities and not the courts. Related to the cost of mediation programs, an additional factor is the availability of third-party resources to offset rent arrears when nonpayment is the basis for eviction. This factor can be significant to obtain landlord participation and commitment to the mediation process.

Accordingly, the Committee recommended amendments to Pa.R.Civ.P.M.D.J. 209 (Continuances) and a new Pa.R.Civ.P.M.D.J. 504.1 (Mediation) to authorize the promulgation of local rules governing mediation in residential landlord-tenant actions. While discussing landlord-tenant mediation programs, the Committee determined that authorization of local mediation programs could create the potential for conflict with Pa.R.Civ.P.M.D.J. 209, pertaining to continuances. Currently, Rule 209(c) provides that, except for good cause shown, the aggregate of all continuances in landlord-tenant matters shall not extend beyond 30 days from the date of filing the landlord-tenant complaint. The Committee agreed it would be prudent to reflect explicitly that continuances may extend beyond current limits when agreed to by the parties. Therefore, Pa.R.Civ.P.M.D.J. 209(c) limits continuances beyond 30 days except by agreement of the parties. *See Pa.R.Civ.P.M.D.J. 209(c)(2)(ii).* Therefore, mediation by local rule will not impermissibly postpone the hearing unless agreed to by the parties.

Regarding Pa.R.Civ.P.M.D.J. 504.1, subdivision (a) delegates procedural responsibility to individual judicial districts via local rulemaking. This approach is intended to provide maximum flexibility so mediation programs can be designed and implemented based upon local resources and need. Additionally, the non-specific statewide rule would have minimal impact on existing programs in operation.

Subdivision (b) requires the filing of a complaint prior to mediation. This action was considered necessary to subject the parties to the court's jurisdiction and any requirement for mediation. Moreover, a pre-filing mediation requirement would operate as a barrier for an aggrieved party to access the courts. Any pre-filing requirement appears to be a matter of public policy reserved for a legislative body rather than one of procedure by the judiciary.

The commentary accompanying Pa.R.Civ.P.M.D.J. Rule 504.1 emphasizes that mediation should involve a neutral third party. This language is intended to address concerns that mediation programs may be tilted in favor of either the tenant or landlord.

The Committee published the proposal for public comment. *See* 53 Pa.B. 3822 (July 22, 2023). The Committee received comments both supporting and opposing the proposal. As drafted, the proposal was silent on the qualifications of mediators or the approval of entities to conduct mediation. In response to public comment, the Committee proposed a new subdivision (c) to authorize the president judge to approve entities and individuals authorized to conduct mediation in the judicial district. *See Pa.R.Civ.P.M.D.J. 504.1(c).*

Other commenters suggested increasing the maximum allowable time for continuances in landlord-tenant proceedings, absent good cause or consent of the parties, from 30 days to 60 days citing logistics of scheduling and resolving mediations in high volume courts. The Committee did not endorse this change because the current 30-day continuance allowance would permit the parties to explore mediation and mutually agree to further continuances, if so inclined.

Finally, as published, the commentary to Rule 504.1 reflected that a local rule may address whether “initial participation in mediation is voluntary or mandatory.” However, the reference to “initial participation” was found to be confusing and suggested that mediation could be required before filing of the complaint. Therefore, that phrase was removed from the commentary. *See also Pa.R.Civ.P.M.D.J. 504.1(b).*

The amendment and adoption become effective on October 1, 2025.

**IN THE SUPREME COURT OF PENNSYLVANIA**

IN RE: NO. 260

FINANCIAL INSTITUTIONS APPROVED DISCIPLINARY RULES DOCKET AS DEPOSITORY FOR FIDUCIARY ACCOUNTS

**ORDER**

PER CURIAM

AND NOW, this 11<sup>th</sup> day of August 2025, it is hereby Ordered that the financial institutions named on the attached list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

**FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS**

**Bank Code A.**

595	Abacus Federal Savings Bank
2	ACNB Bank
613	Allegent Community Federal Credit Union
375	Altoona First Savings Bank
376	Ambler Savings Bank
<b>532</b>	<b>AMERICAN BANK (PA)</b>
680	American Heritage FCU
615	AmeriChoice Federal Credit Union
<b>116</b>	<b>AMERISERV FINANCIAL</b>
648	Andover Bank (The)
377	Apollo Trust Company

**Bank Code B.**

558	Bancorp Bank (The)
485	Bank of America, NA
<b>662</b>	<b>BANK OF BIRD-IN-HAND</b>
415	Bank of Landisburg (The)
596	Bank of Princeton (The)
664	BankUnited, NA
501	BELCO Community Credit Union
<b>673</b>	<b>BENCHMARK FEDERAL CREDIT UNION</b>
652	Berkshire Bank
663	BHCU
679	BMO Bank, NA
5	BNY Mellon, NA
392	Brentwood Bank
495	Brown Brothers Harriman Trust Co., NA

**Bank Code C.**

654	CACL Federal Credit Union
618	Capital Bank, NA
<b>675</b>	<b>CENTRE 1ST BANK, A DIVISION OF OLD DOMINION NATIONAL BANK</b>
<b>394</b>	<b>CFS BANK</b>
623	Chemung Canal Trust Company
599	Citibank, NA
238	Citizens & Northern Bank
561	Citizens Bank, NA
206	Citizens Savings Bank
576	Clarion County Community Bank
591	Clearview Federal Credit Union
23	CNB Bank
223	Commercial Bank & Trust of PA
21	Community Bank (PA)
371	Community Bank, NA (NY)
132	Community State Bank of Orbisonia
380	County Savings Bank
536	Customers Bank

**Bank Code D.**

339	Dime Bank (The)
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27 Dollar Bank, FSB

**Bank Code E.**

500 Elderton State Bank  
 567 Embassy Bank for the Lehigh Valley  
 541 Enterprise Bank  
 28 Ephrata National Bank  
 601 Esquire Bank, NA  
 340 ESSA Bank & Trust

**Bank Code F.**

629 1<sup>st</sup> Colonial Community Bank  
 158 1<sup>st</sup> Summit Bank  
 31 F&M Trust Company – Chambersburg  
 658 Farmers National Bank of Canfield  
 34 Fidelity Deposit & Discount Bank (The)  
 583 Fifth Third Bank  
 661 First American Trust, FSB  
 643 First Bank  
 174 First Citizens Community Bank  
 539 First Commonwealth Bank  
 504 First Federal S & L Association of Greene County  
 525 First Heritage Federal Credit Union  
 42 First Keystone Community Bank  
 51 First National Bank & Trust Company of  
 Newtown (The)  
 48 First National Bank of Pennsylvania  
 426 First Northern Bank & Trust Company  
 604 First Priority Bank, a division of Mid Penn Bank  
**592 FIRST RESOURCE BANK**  
 657 First United Bank & Trust  
 408 First United National Bank  
 151 Firstrust Savings Bank  
 416 Fleetwood Bank  
**647 FORBRIGHT BANK**  
 291 Fox Chase Bank  
 241 Franklin Mint Federal Credit Union  
 58 Fulton Bank, NA

**Bank Code G.**

499 Gratz Bank (The)  
 498 Greenville Savings Bank

**Bank Code H.**

244 Hamlin Bank & Trust Company  
 362 Harleysville Bank  
 363 Hatboro Federal Savings  
 463 Haverford Trust Company (The)  
**678 HINGHAM INSTITUTION FOR SAVINGS**  
 606 Hometown Bank of Pennsylvania  
 68 Honesdale National Bank (The)  
 605 Huntington National Bank (The)  
 608 Hyperion Bank

**Bank Code I.**

669 Industrial Bank  
 365 InFirst Bank  
 668 Inspire FCU  
 557 Investment Savings Bank  
 526 Iron Workers Savings Bank

**Bank Code J.**

127 Jim Thorpe Neighborhood Bank  
 488 Jonestown Bank & Trust Company  
 191 Journey Bank  
 659 JPMorgan Chase Bank, NA  
**72 JUNIATA VALLEY BANK (THE)**

**Bank Code K.**

651 KeyBank NA  
 414 Kish Bank

**Bank Code L.**

**Bank Code M.**

361 M&T Bank  
 510 Marion Center Bank  
 387 Marquette Savings Bank  
 367 Mauch Chunk Trust Company  
 511 MCS (Mifflin County Savings) Bank

641 Members 1<sup>st</sup> Federal Credit Union  
 555 Mercer County State Bank  
 192 Merchants Bank of Bangor  
 671 Merchants Bank of Indiana  
**610 MERIDIAN BANK**  
 294 Mid Penn Bank  
 677 Middletown Valley Bank  
**276 MIFFLINBURG BANK & TRUST COMPANY**  
 457 Milton Savings Bank

**Bank Code N.**

433 National Bank of Malvern 168 NBT Bank, NA  
 347 Neffs National Bank (The)  
**434 NEW TRIPOLI BANK**  
 15 NexTier Bank, NA  
 666 Northern Trust Co.  
 439 Northumberland National Bank (The)  
 93 Northwest Bank

**Bank Code O.**

653 OceanFirst Bank  
 489 OMEGA Federal Credit Union  
 94 Orrstown Bank

**Bank Code P.**

**598 PARKE BANK**  
 40 Penn Community Bank  
 540 PennCrest Bank  
 419 Pennian Bank  
 447 Peoples Security Bank & Trust Company  
 556 Philadelphia Federal Credit Union  
 448 Phoenixville Federal Bank & Trust  
 665 Pinnacle Bank  
 79 PNC Bank, NA  
 449 Port Richmond Savings  
 354 Presence Bank  
 451 Progressive-Home Federal Savings & Loan  
 Association  
 637 Provident Bank  
 491 PS Bank

**Bank Code Q.**

107 QNB Bank  
 560 Quaint Oak Bank

**Bank Code R.**

452 Reliance Savings Bank

**Bank Code S.**

153 S & T Bank  
 316 Santander Bank, NA  
 460 Second Federal S & L Association of  
 Philadelphia  
 646 Service 1<sup>st</sup> Federal Credit Union  
 458 Sharon Bank  
 462 Slovenian Savings & Loan Association of  
 Franklin-Conemaugh  
**486 SOMERSET TRUST COMPANY**  
 633 SSB Bank  
 122 Susquehanna Community Bank

**Bank Code T.**

638 3Hill Credit Union  
 143 TD Bank, NA  
 656 Tioga Franklin Savings Bank  
 182 Tompkins Community Bank  
 660 Top Tier FCU  
 609 Tristate Capital Bank  
 672 Truist Bank  
 640 TruMark Financial Credit Union  
 467 Turbotville National Bank (The)

**Bank Code U.**

483 UNB Bank  
 481 Union Building and Loan Savings Bank  
 634 United Bank, Inc.  
 472 United Bank of Philadelphia  
 475 United Savings Bank 600 Unity Bank  
 232 Univest Bank & Trust Co.

**Bank Code V.**

611 Victory Bank (The)

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### Bank Code W.

119	Washington Financial Bank
121	Wayne Bank
676	Webster Bank
<b>631</b>	<b>WELLS FARGO BANK, NA</b>
553	WesBanco Bank, Inc.
494	West View Savings Bank
473	Westmoreland Federal S & L Association
272	Woodlands Bank
573	Woori America Bank
630	WSFS (Wilmington Savings Fund Society), FSB

### Bank Code X.

### Bank Code Y.

### Bank Code Z.

### PLATINUM LEADER BANKS

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks – Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

### IOLTA EXEMPTION

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at [www.paiolta.org](http://www.paiolta.org) or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

August 2025

### IN THE SUPREME COURT OF PENNSYLVANIA WESTERN DISTRICT OF PENNSYLVANIA

IN RE: PETITION FOR APPROVAL OF : No. 641 Judicial Administration Docket  
THE THIRD JUDICIAL DISTRICT'S  
EXPANSION OF PRE-EXISTING  
CENTRAL COURT PURSUANT TO  
PA.R.CRIM.P. NO. 131 (B)

### ORDER

#### PER CURIAM

AND NOW, this 29<sup>th</sup> day of July, 2025, upon consideration of the Motion for Reconsideration and Request for Argument Pursuant to Pa.R.A.P. 2543 from this Court's per curiam order dated June 20, 2025, it is ORDERED that the Motion is DENIED.

### IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: NO. 643

INTERIM POLICY ON THE USE OF JUDICIAL ADMINISTRATION DOCKET  
GENERATIVE ARTIFICIAL INTELLIGENCE BY JUDICIAL OFFICERS AND COURT PERSONNEL

### ORDER

#### PER CURIAM

AND NOW, this 9<sup>th</sup> day of September, 2025, upon the recommendation of the Artificial Intelligence Advisory Committee, it is ORDERED that the *Interim Policy on the Use of Generative Artificial Intelligence by Judicial Officers and Court Personnel* is approved in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and the Policy shall be effective December 8, 2025.

### INTERIM POLICY ON THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE BY JUDICIAL OFFICERS AND COURT PERSONNEL

#### Section 1: Definitions

A. "Administrative Records" includes notes, memoranda, correspondence, drafts, worksheets, and work product of Personnel of the Unified Judicial System, whether maintained in paper or electronic formats.

B. "Artificial Intelligence" ("AI") means the capability of computer systems or algorithms to imitate intelligent human behavior.<sup>1</sup>

C. "Case Records" are documents for any case filed with, accepted, and maintained by a court or custodian or any dockets, indices, and documents (such as orders, opinions, judgments, decrees, transcripts, and case exhibits) for any case created and maintained by a court or custodian. This definition applies equally to case records maintained in paper and electronic formats.

D. "Leadership" means the Chief Justice of Pennsylvania, the President Judge of each appellate court and judicial district, and the Court Administrator of Pennsylvania, or their designees.

E. "Personnel of the Unified Judicial System" ("Personnel") includes (1) all state-level court employees including contractors of the Administrative Office of Pennsylvania Courts ("AOPC"), (2) all judicial officers of the Unified Judicial System as defined in 42 Pa.C.S. Section 102, including those granted senior status, and their staff, (3) all employees of boards, committees, and court-related panels established by the Supreme Court of Pennsylvania, and (4) all county-level court employees who are under the supervision and authority of the President Judge of a judicial district of Pennsylvania.

F. "Generative Artificial Intelligence" ("GenAI") means algorithms and/or computer processes that use artificial intelligence to generate text, audio, or images based on user prompts. These systems may be (and, presently, mostly are) trained on sets of data from the Internet or proprietary sources.

G. "Non-Public Information" includes any and all information that is restricted by federal law, state law, policy, and other relevant legal authority. For examples, see Sections 9.0 and 10.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, and Section 3.00 of the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*. For further information on restrictions to public access of Unified Judicial System case records, please refer to the *Limits on Public Access to Unified Judicial System Case Records* posted at the Unified Judicial System Webpage.

H. "Non-Secured AI System" means an AI system that does not protect and guarantee the confidentiality of data or documents entered into the system by users. This includes a system that retains user documents or data, and a system that may use user documents and data to train an AI system or may release user documents and data to third parties.

J. "Secured AI System" means an AI system that protects the confidentiality and privilege of all data and documents entered in the system by users. Secured AI Systems do not retain any such data or documents entered into the system, do not transfer or sell such data or documents to third parties, and do not expose such data or documents to the public domain. A "Secured AI System" may include a vendor's use of a subcontractor if all data and documents entered into the system remain subject to the requirements and limitations specified in this paragraph.

K. "UJS Technology Resources" means any and all computer equipment, mobile devices, software, network systems, telecommunications equipment and systems, email and messaging systems, data storage, hardware, peripherals, and other electronic systems and devices owned, leased, provided, and/or used by the Unified Judicial System ("UJS"). For purposes of this Policy, this term includes a personal device used by Personnel for work related purposes.

#### Section 2: Statement of General Policy

A. This Policy applies to Personnel using GenAI on UJS Technology Resources. The purpose of this Policy is to promote and ensure the safe and appropriate use of GenAI by Personnel.

B. Leadership is responsible for ensuring Personnel of the Unified Judicial System who fall under their supervision and authority comply with this Policy.

#### Section 3: Authorization and Use of GenAI Tools

A. Personnel are authorized to use GenAI for work only as set forth in this Policy.

B. Personnel may only use or install GenAI tools approved by Leadership on UJS Technology Resources.

C. Although use of a GenAI tool may be approved by Leadership, Personnel may be required to seek supervisory approval for the use of a GenAI tool or at a minimum disclose use of a GenAI tool in their work product.

D. Personnel are permitted to use their work email or word-processing accounts to use

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approved GenAI tools.

E. Personnel may only use GenAI as permitted by this Policy if the use does not violate other policies, rules, regulations or statutes. Permitted uses of GenAI by Personnel include, but are not limited to, the following:

- i. to summarize documents;
- ii. to conduct preliminary legal research, provided the GenAI tool used was trained on a comprehensive, up-to-date collection of reputable legal authorities;
- iii. to draft initial versions of documents, such as communications, and memoranda;
- iv. to edit and assess the readability of public documents; and
- v. to provide interactive chatbots or similar services to the public and self-represented litigants.

## Section 4: Responsibilities of Personnel

A. When using GenAI, Personnel shall comply with all ethical and professional conduct rules and UJS policies, including but not limited to: the Code of Judicial Conduct, the Rules Governing Standards of Conduct of Magisterial District Judges, the Code of Conduct for the Employees of the Unified Judicial System, and the Rules of Professional Conduct.

B. When using GenAI, Personnel shall comply with all applicable laws (e.g., Personnel must ensure that copyrighted material is fairly used and properly attributed).

C. Personnel must become proficient in the technical capabilities and limitations of GenAI tools before using them and must maintain competence to continue to use them.

D. Personnel are responsible for the accuracy of their work and for compliance with this Policy.

## COMMENTARY

Regarding Subsection A, Personnel shall observe high standards of conduct when they use GenAI so as to safeguard the judiciary's integrity and independence.

When using GenAI, Personnel must be cognizant that the systems may not consider nuances humans take into consideration. In addition, GenAI systems may be trained on biased material and generate biased content or harmful material. Furthermore, GenAI tools merely predict a probable outcome. Some of those predictions may be inaccurate because they have little or no basis in fact or reality (commonly referred to as "hallucinations").

Personnel must understand the limitations of GenAI tools and review GenAI output for accuracy, completeness, and potentially biased or inaccurate content. To repeat: humans must review GenAI output and Personnel are responsible for the accuracy of any GenAI information incorporated into their work.

## Section 5: Permitted Use of GenAI

A. Personnel may share with a secured AI system any case records, administrative records, or information provided that the shared information will be treated in a confidential and privileged manner. This means the secured AI system provider and its vendors will not use the records or information to train an AI system, share the records or information with unauthorized third parties, or expose the records or information to the public domain.

B. Personnel shall not share any non-public information with non-secured AI systems.

## COMMENTARY

Personnel are responsible for identifying non-public information. Personnel shall assume that case records, administrative records, and information will not be treated as confidential and privileged once entered into a non-secured AI system.

Any questions by Personnel regarding the use of GenAI should be raised through appropriate supervisory channels.

## Section 6: Policy Implementation and Enforcement

Leadership in each court shall use due diligence to ensure compliance with this Policy, including thoroughly reviewing any contract with a vendor, as well as any end user licensing agreement during the procurement process.

## COMMENTARY

For those contracts and end user licensing agreements entered into prior to the effective date of this Policy, Leadership shall review them to determine if Personnel are able

to continue to use the services and products. In some judicial districts where non-judicial county personnel are responsible for technology contracts, Leadership must ensure that all GenAI tools comply with this Policy before authorizing their use. Areas for consideration should include whether the AI system vendor and any subcontractors retain any data, whether the AI system is a secured or non-secured system, the security of the system transmission pathways, whether the contract permits the vendor and any downstream subcontractors to view or use the content, and whether the content is exposed to the public domain.

<sup>1</sup> "Artificial intelligence." Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/artificial%20intelligence>. Accessed 10 Mar. 2025.

## IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: NO. 768  
ORDER AMENDING RULE 4003.6 CIVIL PROCEDURAL RULES DOCKET  
OF THE PENNSYLVANIA RULES  
OF CIVIL PROCEDURE

## ORDER

### PER CURIAM

AND NOW, this 27<sup>th</sup> day of August, 2025, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 4003.6 of the Pennsylvania Rules of Civil Procedure is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective immediately.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

### Rule 4003.6. Discovery of Treating Physician.

(a) **General Rule.** Information may be obtained from the treating physician of a party only upon written consent of that party or through a method of discovery authorized by this chapter.

(b) **Exception.** This rule shall not prevent an attorney from obtaining information from:

- (1) the attorney's client[.];
- (2) an employee of the attorney's client[.]; or
- (3) an ostensible employee of the attorney's client.

**Comment:** Practitioners should be aware of the overlap between the requirements of this rule and the Rules of Professional Conduct regarding the procedural and ethical ramifications when a firm represents a treating physician or has preexisting attorney-client relationships with multiple physicians, at least one of whom it represents in connection with a medical professional liability action. See *Mertis v. Oh*, 317 A.3d 529 (Pa. 2024) (holding that (1) information may be considered to have been obtained, for purposes of the rule, by imputation from one attorney at a law firm to another attorney at the same firm, and (2) an attorney cannot avail himself or herself of the "attorney's client exception" pursuant to subdivision (b) by initiating an attorney-client relationship with a treating physician if the attorney would be otherwise subject to the restrictions of the rule as to that treating physician).

## SUPREME COURT OF PENNSYLVANIA CIVIL PROCEDURAL RULES COMMITTEE ADOPTION REPORT

### Amendment of Pa.R.Civ.P. 4003.6

On August 27, 2025, the Supreme Court of Pennsylvania amended Pennsylvania Rule of Civil Procedure 4003.6 relating to discovery of a treating physician. The Civil Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Pa.R.Civ.P. 4003.6 generally prohibits obtaining information from the treating physician of a party unless the party has provided written consent or through another method of discovery authorized by Pa.R.Civ.P. 4001 *et seq.* The rule also sets forth exceptions to that general rule and allows an attorney to obtain information from "the attorney's client, an employee of the attorney's client, or an ostensible employee of the attorney's client." Pa.R.Civ.P. 4003.6(1)-(3).

In *Mertis v. Oh*, 317 A.3d 529 (Pa. 2024), the Supreme Court was asked to determine whether the rule expressly permitted defense counsel in a medical malpractice case to communicate directly with the plaintiff's treating physicians, who are represented by attorneys in the same firm as defense counsel. *Mertis*, 317 A.3d at 531. The Court concluded that obtaining information under these circumstances was not permitted under the rule because, under the Rules of Professional Conduct, information known by one attorney is imputed to all other members of the same law firm. *Id.* at 544. Further, the Court found that the rule also prevented the attorney for the treating physician from initiating that attorney-client relationship. *Id.* at 545.

In light of this opinion, Pa.R.Civ.P. 4003.6 has been amended to add commentary acknowledging the holding in *Mertis* and advising readers of the overlap between Pa.R.Civ.P. 4003.6 and the Rules of Professional Conduct and the procedural and ethical ramifications involved when a firm represents a treating physician or has preexisting attorney-client relationships with multiple physicians at least one of whom it represents in a medical malpractice action. Minor restyling amendments have also been made to the rule text.

The proposal was not published for comment because the amendments are technical in nature and do not affect current practice or procedure. The amendments become effective immediately.

## IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: NO. 1018  
ORDER AMENDING RULE 803.1 SUPREME COURT RULES DOCKET  
OF THE PENNSYLVANIA RULES  
OF EVIDENCE

## ORDER

## Court Notices

continued from previous page

### PER CURIAM

AND NOW, this 22<sup>nd</sup> day of July, 2025, upon the recommendation of the Committee on Rules of Evidence; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 803.1 of the Pennsylvania Rules of Evidence is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective October 1, 2025.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

### SUPREME COURT OF PENNSYLVANIA COMMITTEE ON RULES OF EVIDENCE ADOPTION REPORT

#### Amendment of Pa.R.E. 803.1

On July 22, 2025, the Supreme Court amended the Comment to Pa.R.E. 803.1 concerning the comparison with F.R.E. 803(5). The Committee on Rules of Evidence has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Statements in the Comment summarizing the requirements of F.R.E. 803(5) have been deleted and replaced with quoted language from both the federal rule and its corresponding Advisory Committee Note. This manner of quotation avoids interpreting the federal rule. Additionally, quoting from F.R.E. 803(5), a new sentence has been added to the Comment to make clear that Pa.R.E. 803.1(3) and F.R.E. 803(5) differ with respect to admitting recorded recollections as an exhibit.

Additionally, the following commentary has been removed:

Official Note: Adopted May 8, 1998, effective October 1, 1998; amended March 10, 2000, effective July 1, 2000; rescinded and replaced January 17, 2013, effective March 18, 2013; amended March 1, 2017, effective April 1, 2017.

#### Committee Explanatory Reports:

Final Report explaining the amendment to paragraph (1) and the updates to the Comment to paragraph (1) published with the Court's Order at 30 Pa.B. 1646 (March 25, 2000). Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013). Final Report explaining the March 1, 2107 revision of the Comment and addition of paragraph (4) published with the Court's Order at 47 Pa.B. 1627 (March 18, 2017). [Public Notice Appointment of New Magistrate Judge in the United States District Court for the Eastern District of Pennsylvania

The amendment was not published for comment because it is technical in nature and does not affect practice or procedure. This amendment becomes effective on October 1, 2025.

#### Rule 803.1. Exceptions to the Rule Against Hearsay—Testimony of Declarant

##### Necessary.

The following statements are not excluded by the rule against hearsay if the declarant testifies and is subject to cross-examination about the prior statement:

\* \* \*

(3) **Recorded Recollection of Declarant-Witness.** A memorandum or record made or adopted by a declarant-witness that:

- (A) is on a matter the declarant-witness once knew about but now cannot recall well enough to testify fully and accurately;
- (B) was made or adopted by the declarant-witness when the matter was fresh in his or her memory; and
- (C) the declarant-witness testifies accurately reflects his or her knowledge at the time when made.

If admitted, the memorandum or record may be read into evidence and received as an exhibit[,] but may be shown to the jury only in exceptional circumstances or when offered by an adverse party.

**Comment:** Pa.R.E. 803.1(3) is similar to F.R.E. 803(5)[,] but differs in the following ways:

1. Pennsylvania treats a statement meeting the requirements of Pa.R.E. 803.1(3) as an exception to the hearsay rule in which the testimony of the declarant is necessary. [F.R.E. 803(5) treats this as an exception regardless of the availability of the declarant. This differing organization is consistent with Pennsylvania law.] The Federal Rule differs in that recorded recollections “are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness.” F.R.E. 803(5).
2. Pa.R.E. 803.1(3)(C) makes clear that, to qualify a recorded recollection as an exception to the hearsay rule, the witness must testify that the memorandum or record correctly reflects the knowledge that the witness once had. In other words, the witness must vouch for the reliability of the record. The Federal Rule [is ambiguous on this point and the applicable federal cases are conflicting] does not “spell out the method of establishing the initial knowledge or the contemporaneity and accuracy of the record, leaving them to be dealt with as the circumstances of the particular case might indicate.” F.R.E. 803, Note of Advisory Committee.
3. Pa.R.E. 803.1(3) allows the memorandum or record to be received as an exhibit[,] and grants the trial judge discretion to show it to the jury in exceptional circumstances, even when not offered by an

adverse party. In federal court, “[i]f admitted, the record may be read into evidence but may be received as an exhibit only if offered by an adverse party.” F.R.E. 803(5).

Pa.R.E. 803.1(3) is consistent with Pennsylvania law. *See Commonwealth v. Cargo*, 444 A.2d 639 (Pa. 1982).

\* \* \*

**[Official Note: Adopted May 8, 1998, effective October 1, 1998; amended March 10, 2000, effective July 1, 2000; rescinded and replaced January 17, 2013, effective March 18, 2013; amended March 1, 2017, effective April 1, 2017.]**

#### Committee Explanatory Reports:

Final Report explaining the amendment to paragraph (1) and the updates to the Comment to paragraph (1) published with the Court's Order at 30 Pa.B. 1646 (March 25, 2000). Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013). Final Report explaining the March 1, 2107 revision of the Comment and addition of paragraph (4) published with the Court's Order at 47 Pa.B. 1627 (March 18, 2017). [Public Notice Appointment of New Magistrate Judge in the United States District Court for the Eastern District of Pennsylvania

The United States District Court for the Eastern District of Pennsylvania is seeking applications for the position of full-time United States Magistrate Judge to be based in Philadelphia. The appointee may be required to preside at court sessions to be held at Reading, Philadelphia, Allentown, and Easton.

The duties of the position are demanding and wide-ranging, and will include, among others: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from a district judge; and (4) trial and disposition of civil cases upon consent of the litigants. The basic authority of a United States magistrate judge is specified in 28 U.S.C. § 636. To be qualified for appointment an applicant must:

1. Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and have been engaged in the active practice of law for a period of at least five years;
2. Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;
3. Be less than seventy years old; and
4. Not be related to a judge of the district court.

A merit selection panel composed of attorneys and other members of the community will review all applicants and recommend to the district judges in confidence the persons it considers best qualified. The court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. The individual selected must comply with the financial disclosure requirements pursuant to the Ethics in Government Act of 1978, Pub. L. No. 95-521, 90 Stat. 1824 (1978) (codified at 5 U.S.C. app. 4 §§ 101-111) as implemented by the Judicial Conference of the United States. The current annual salary of the position is \$227,608.00. The term of office is eight (8) years.

The application is available on the court's web site at <https://www.paed.uscourts.gov/>. Only applicants may submit applications and applications must be received by Friday, January 9, 2026.

All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the merit selection panel and the judges of the district court. The panel's deliberations will remain confidential.

Applications must be submitted by email to [Paed\\_Apply@paed.uscourts.gov](mailto:Paed_Apply@paed.uscourts.gov) with the subject line “Magistrate Judge Application.” An /s/ or e-signature on the application will be accepted.

Applications will only be accepted by email. Applications sent by mail will not be considered. Due to the overwhelming number of applications expected, applicants should not contact the court regarding the status of their application.

## APPLICATION FORM UNITED STATES MAGISTRATE JUDGE

Please answer all questions. If a question is not applicable, indicate this by marking “N/A.” This form is fillable using Adobe Acrobat. If handwritten, please legibly print your answers. Should you need more space for an answer, please attach additional sheet(s) of paper, including your name at the top of each additional page and referencing the question number. Submit a cover letter indicating your interest in the position, a completed application form, and any supporting documentation in a single PDF via e-mail to [Paed\\_Apply@paed.uscourts.gov](mailto:Paed_Apply@paed.uscourts.gov). Incomplete applications will not be considered. Applications must be received by Friday, January 9, 2026.

### GENERAL

1. Full name: \_\_\_\_\_  
E-mail: \_\_\_\_\_
2. All other names by which you have been known: \_\_\_\_\_
3. Office address: \_\_\_\_\_

## Court Notices

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<p>City: _____ State: _____</p> <p>Zip: _____</p> <p>Telephone: _____</p> <p>4. Residential address: City: _____ State: _____ Zip: _____ Telephone: _____</p> <p>5. Place of birth: Date of birth: _____</p> <p>6. Length of residence in state: _____</p> <p>7. If you are a naturalized citizen, state the date and place of naturalization: _____</p> <p>8. Military service: Branch: _____ Dates: _____ Rank or Rate at Discharge: _____ Type of Discharge: _____ If still a Reserve or National Guard member, give service, branch, unit, and present rank: _____</p> <p>9. Are you related by blood or marriage to any judges of this court? □ Yes □ No If yes, give name(s) and relationship: _____</p>	<p>19. Describe the general nature of your current practice including any legal specialties and character of your typical clients; also, if your practice is substantially different now than previously, give details of prior practice.</p> <p>20. a) Do you appear regularly in court? <input type="checkbox"/> Yes <input type="checkbox"/> No b) What percentage of your appearances in the last five years were in: Federal courts _____ % State or local courts of record _____ % Administrative bodies _____ % Other _____ % _____</p> <p>21. During the past five years, what percentage of your practice has been trial practice? %</p> <p>22. How frequently have you appeared in court? times per month.</p> <p>23. How frequently have you appeared at administrative hearings? times per month.</p> <p>24. What percentage of your practice involving litigation has been: Civil _____ % Criminal _____ % Other: _____ % _____ % _____ % _____</p> <p>25. State the number of cases you have tried to conclusion in courts of record during the past five years, indicating whether you were sole, associate, or chief counsel. Give citations of any reported cases.</p> <p>26. Summarize your courtroom experience for the past five years.</p> <p>27. State the names and addresses of adversary counsel against whom you have litigated your primary cases over the past five years.</p> <p>PUBLIC OFFICE</p> <p>28. Have you ever run for, or held, public office? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, give details.</p> <p>PRIOR JUDICIAL EXPERIENCE</p> <p>29. a) Have you ever held judicial office or been a candidate for judicial office? If so, state the courts involved and the dates of service, or dates of candidacy. a) If you have held judicial office, state the names and addresses of counsel who have appeared before you who would be knowledgeable of your work, temperament, and abilities. b) Prior quasi-judicial service: Name of agency: _____ Position held: _____ Hearings on what types of issues: _____ Number of cases adjudicated: _____ Dates of service: _____</p> <p>BUSINESS INVOLVEMENT</p> <p>30. a) If you are now an officer, director, or other wise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment to judicial office. a) Since being admitted to the Bar, have you ever engaged in any occupation, business, or profession other than the practice of law? □ Yes <input type="checkbox"/> No If yes, give the details, including dates. b) During the past five years have you received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind?</p>		
<p>PROFESSIONAL ADMISSIONS</p> <p>17. List all courts (including state bar admissions) and administrative bodies having special admission requirements in which you are presently admitted to practice, giving the dates of admission in each case:</p> <p>Court or Administrative Body Date of Admission</p> <p>LAW PRACTICE</p> <p>18. State the names, addresses, and dates of employment for all law firms with which you have been associated in practice, all government agencies, and all private business organizations in which you have been employed. Also provide all dates during which you have practiced as a sole practitioner.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Organization Position</td> <td style="width: 50%;">Address Dates</td> </tr> </table>	Organization Position	Address Dates	
Organization Position	Address Dates		

## Court Notices

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Yes       No

If yes, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved, and the dates such compensation was paid.

31. a) Have you ever been arrested, charged, or convicted for violation of any federal law, state law, county or municipal law, regulation, or ordinance?

Yes       No

If yes, give details. (Do not include traffic violations for which a fine of \$200 or less was imposed unless it also included a jail sentence.)

a) Have you, to your knowledge, ever been under federal, state or local investigation for possible violation of a criminal statute?

Yes       No      If yes, give particulars.

32. a) Have you ever been sued by a client?

Yes       No      If yes, give particulars.

a) Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice?

Yes       No      If yes, give particulars, including the amounts involved.

33. Have you ever been charged in any civil or criminal proceedings with conduct alleged to involve moral turpitude, dishonesty, or unethical conduct?

Yes       No      If yes, give particulars.

34. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group?

Yes       No      If yes, give particulars.

35. Have you filed appropriate tax returns as required by federal, state, local, and other government authorities?

Yes       No      If no, explain.

36. Have any liens or claims ever been instituted against you by the federal, state, or local authorities?

Yes       No      If yes, explain.

### PROFESSIONAL AND OTHER ACTIVITIES

37. a) List all bar associations and legal professional societies of which you are a member and give the titles and dates of any office you have held in such groups, and committees to which you belonged.

a) List all organizations and clubs, other than bar associations and professional societies identified in response to Question No. 37. a), of which you have been a member during the past ten years, including the titles and dates of any offices you have held in each such organization.

b) Have you ever served on a merit selection panel to consider the appointment or reappointment of a United States magistrate judge in this district? If yes, please provide date(s) or appointment(s).

### SUPPLEMENTAL INFORMATION

38. State any achievements or actions you have accomplished, demonstrating your commitment to equal justice under the law.

39. State any additional education or other experiences you believe would assist you in holding judicial office.

40. State any other pertinent information reflecting positively or adversely on you, which you believe should be disclosed to the district court and the selection panel in connection with your possible selection as United States magistrate judge.

41. a) List three individuals as references who are familiar with your abilities.

Name	Address	Telephone
Name	Address	Telephone
Name	Address	Telephone

a) List three individuals as references who are familiar with your personal character.

Name	Address	Telephone
Name	Address	Telephone
Name	Address	Telephone

### CONFIDENTIALITY STATEMENT

This form will be kept confidential and will be examined only by members of the merit selection panel and the judges of the district court. The individuals whom you have listed as references above may be contacted by the panel, but no other employers, colleagues, or other individuals will be contacted without your prior approval.

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Applicant

Date

To publish your Corporate Notices,  
Call: Jennifer McCullough at 215-557-2321  
Email : jennifer.mccullough@alm.com

# PUBLIC NOTICES

Jennifer McCullough ■ 215.557.2321 ■ jmccullough@alm.com

## ESTATE NOTICES

**NOTICE TO COUNSEL**  
Your attention is directed to Section 3162 of the Probate, Estates and Fiduciaries Code of June 30, 1972 (Act No. 164) which requires advertisement of grant of letters to contain the name and address of the personal representatives.

ORPHANS' COURT OF PHILADELPHIA COUNTY

Letters have been granted on the Estate of each of the following decedents to the representatives named, who request all persons having claims against the Estate to present them in writing and all persons indebted to the Estate to make payment to them (unless otherwise noted all addresses being in Philadelphia)

**AMODEI, JEAN M. (a/k/a JEAN MARIE AMODEI)** -- Donna Marie Barrett, Executor, 16 Valleybrook Court, Blackwood, NJ 08012; Joseph M. Kemper, Atty., 76 E. Euclid Avenue, Suite 300, Haddonfield, NJ 08033.

12-22-3\*

**BROWN, ODESSA** -- Sonya Brown, Executrix, c/o Bess M. Collier, Esq., 820 Homestead Rd., Jenkintown, PA 19046; Bess M. Collier, Atty., Feldman & Feldman, LLP 820 Homestead Rd., Jenkintown, PA 19046.

12-22-3

**CALLAHAN, GILBERT C.** -- Kathleen A. Callahan, Administratrix, 7356 Ryers Ave., Philadelphia, PA 19111; Scott S. Polsky, Atty., Scott Polsky Law, 300 Welsh Rd., Bldg. One, Ste. 100, Horsham, PA 19044.

12-22-3

**CASHMAN, JAMES P.** -- Joseph Cashman, Administrator, c/o Gary B. Freedman, Esq., 7909 Bustleton Ave., Philadelphia, PA 19152; Gary B. Freedman, Atty., Freedman & Grinshpun, PC, 7909 Bustleton Ave., Philadelphia, PA 19152.

12-22-3

**COMLY, RONALD W.** -- Daniel Comly, Executor, 212 Oak Tree Rd., Norristown, PA 19401; David R. White, Jr., Atty., Horst Krekstein & Runyon LLC, 610 Germantown Pike, Ste. 350, Plymouth Meeting, PA 19462.

12-22-3

**DUNN, RAYMOND** -- John Dunn, Administrator, c/o Maureen L. Anderson, Esq., 605 Farm Ln., Doylestown, PA 18901; Maureen L. Anderson, Atty., Maureen L. Anderson Elder Law, 605 Farm Ln., Doylestown, PA 18901.

12-22-3

**FORSTER, DIETER** -- Sara W. Forster, Executrix, c/o Rebecca Rosenberger Smolen, Esq., 1 Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004; Rebecca Rosenberger Smolen, Atty., Bala Law Group, LLC, 1 Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004.

12-22-3

**FRANCIS, ROBIN DENISE (a/k/a ROBIN D. FRANCIS)** -- Dezerae Francis, Executrix, 7860 Saturn Place, Philadelphia, PA 19153; Kristen R. Matthews, Atty., Kristen Matthews Law, 14 E. Welsh Pool Rd., Exton, PA 19341.

12-22-3

**GENTNER, EDWARD** -- David A. Gentner, Executor, 17 Wynmere Dr., Horsham, PA 19044; Joseph P. McGowan, Atty., Joseph P. McGowan, P.C., 701 Lakeside Park, Southampton, PA 18966.

12-22-3

## ESTATE NOTICES

**GLENN, ROBERT** -- Nathaniel Glenn, Administrator, 50 E. Wynnewood Rd., Ste 22, P.O. Box 82, Wynnewood, PA 19096.

12-22-3\*

**HALL, FAY L. HINES** -- Debra G. Speyer, Esq., Administrator, Two Bala Plaza, Suite 300, Bala Cynwyd, PA 19004; Debra G. Speyer, Attorney, Two Bala Plaza, Suite 300, Bala Cynwyd, PA 19004.

12-22-3\*

**HARRIS, EVA DELL (a/k/a EVA D. HARRIS)** -- Late of Greensboro, Guilford County, NC and Phila. County, PA. Erskine Harris, III, 161 E. Duval St., Philadelphia, PA 19144 & Deborah Harris Richardson, 5907 Shenandoah Rd., Greensboro, NC 27405, Ancillary Administrators; Mary E. Melso, Atty. Commons & Commons, LLP, 30 Pelham Rd., Philadelphia, PA 19119.

12-22-3

**JOHNSON, CLARA** -- Leslie McDuffy, Executrix, c/o Daniel J. Tann, Esquire, 100 South Broad Street, Suite 1355, Philadelphia, PA 19110; Daniel J. Tann, Attorney, Law Offices of Daniel J. Tann, 100 South Broad Street, Suite 1355, Philadelphia, PA 19110.

12-22-3\*

**JOHNSON, GLORIA** -- Clarence G. Johnson, Executor, c/o Daniel J. Tann, Esquire, 100 S. Broad St., Suite 1355, Philadelphia, PA 19110; Daniel J. Tann, Attorney, 100 S. Broad St., Suite 1355, Philadelphia, PA 19110.

12-22-3\*

**LAZARO, FRED** -- Charles A. J. Halpin, III, Administrator, The Land Title Bldg., 100 S. Broad St., Ste. 1830, Philadelphia, PA 19110; Charles A. J. Halpin, III, Atty., The Land Title Bldg., 100 S. Broad St., Ste. 1830, Philadelphia, PA 19110.

12-22-3

**LAZO, MARIA CAMELA** -- Pierre Hannecart, Administrator, 414 W. Stafford St., Philadelphia, PA 19144; Katherine B. Commons, Atty., Commons & Commons, LLP, 30 Pelham Rd., Philadelphia, PA 19119.

12-22-3

**LEVISTE-CASAL, ADORACION (a/k/a ADORACION L. LEVISTE)** -- Emma E. Zimmer, Executrix, 8840 Bradford St., Philadelphia, PA 19115; David W. Birnbaum, Atty., Howland Hess Birnbaum, 2444 Huntingdon Pike, Huntingdon Valley, PA 19006.

12-22-3

**LIBERATORE, SUZANNE, R. (a/k/a SUZANNE R. LIBERTORE, SUZANNE R. ABBATE)** -- Jay J. Liberatore, Executor, c/o Douglas T. Mormello, Jr., Esq., 2410 Bristol Rd., Bensalem, PA 19020; Douglas T. Mormello, Jr., Atty., The Swain Law Firm, 2410 Bristol Rd., Bensalem, PA 19020.

12-22-3

**LUKSHIDES, JEFFREY S. (a/k/a JEFFREY SCOTT LUKSHIDES)** -- Stephen J. Lukshides, Administrator, 4163 Maurice Dr., Delray Beach, FL 33445; Joseph P. McGowan, Atty., Joseph P. McGowan, P.C., 701 Lakeside Park, Southampton, PA 18966.

12-22-3

**MERCANTE, PHILIP A.** -- Cecelia Wood, Executrix, c/o Douglas T. Mormello, Jr., Esq., 2410 Bristol Rd., Bensalem, PA 19020; Douglas T. Mormello, Jr., Atty., The Swain Law Firm, 2410 Bristol Rd., Bensalem, PA 19020.

12-22-3

## ESTATE NOTICES

**MILES, CLAUDETTE** -- David R. Miles, Administrator, c/o Daniella A. Horn, Esq., 1 Roberts Ave., Glenside, PA 19038; Daniella A. Horn, Atty., Klenk Law, LLC, 1 Roberts Ave., Glenside, PA 19038.

12-22-3\*

**PASSANANTE, GIRARD E. (a/k/a GIRARD PASSANANTE)** -- Christine M. Grimm, Executrix, c/o Michael W. Mills, Esq., 131 W. State St., P.O. Box 50, Doylestown, PA 18901; Michael W. Mills, Atty., Antheil, Maslow & MacMinn, LLP, 131 W. State St., P.O. Box 50, Doylestown, PA 18901.

12-22-3

**PETRY, JOSEPH A.** -- Jo Anne Petry, Administratrix, c/o Rebecca Rosenberger Smolen, Esq., 1 Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004; Rebecca Rosenberger Smolen, Atty., Bala Law Group, LLC, 1 Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004.

12-22-3

**PIERCE, MAXINE PATRICIA** -- Linda McGrier, Administratrix, 2211 Chichester Ave., Ste. 201, Upper Chichester, PA 19061; Linda McGrier, Atty., 2211 Chichester Ave., Ste. 201, Upper Chichester, PA 19061.

12-22-3

**RHODES, JANIE F.** -- Melissa Sealy, Executrix, 186 Widener Street, Philadelphia, PA 19120; Samuel Drew Miller, Attorney, Christopher L. Giddings, P.C., 1880 John F. Kennedy Blvd., Suite 1710, Philadelphia, PA 19103.

12-22-3\*

**ROBLES, HECTOR MANUEL PEREZ** -- Graciela Arias De Perez, Administratrix, c/o Rebecca Sallen, Esq., 325 Merion Rd., Merion Station, PA 19006; Rebecca Sallen, Atty., Sallen Law, LLC, 325 Merion Rd., Merion Station, PA 19006.

12-22-3

**ROBLES, JOSE ALBERTO** -- Marisol Dominguez Paulino, Administratrix, c/o Daniel Gustavo Loza, Esq., 9200 Academy Rd., Philadelphia, PA 19114; Daniel Gustavo Loza, Atty., The Loza Law Firm, 9200 Academy Rd., Philadelphia, PA 19114.

12-22-3

**ROZIER, THOMAS** -- Christopher Rozier, Executor, c/o Howard M. Solomon, Esq., 1819 JFK Blvd., Ste. 303, Philadelphia, PA 19103; Howard M. Solomon, Atty., 1819 JFK Blvd., Ste. 303, Philadelphia, PA 19103.

12-22-3

**SCHMOOKLER, MARK G.** -- Mark L. Kasakevich, Executor, c/o Rebecca Sallen, Esq., 325 Merion Rd., Merion Station, PA 19006; Rebecca Sallen, Atty., Sallen Law, LLC, 325 Merion Rd., Merion Station, PA 19006.

12-22-3

**STATON, LARRY** -- Rudolph Alberts, Jr., Administrator, c/o Daniel J. Tann, Esquire, 100 South Broad Street, Suite 1355, Philadelphia, PA 19110; Daniel J. Tann, Attorney, Law Offices of Daniel J. Tann, 100 South Broad Street, Suite 1355, Philadelphia, PA 19110.

12-22-3\*

# The Legal Intelligencer

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## MISCELLANEOUS GENERAL NOTICES

**City of Philadelphia Administrative Board 2026 Meeting Schedule**

The City of Philadelphia's Administrative Board will meet on the following dates in 2026:

January 9, 2026  
February 13, 2026  
March 13, 2026  
April 10, 2026  
May 8, 2026  
June 12, 2026  
July 10, 2026  
August 14, 2026  
September 11, 2026  
October 9, 2026  
November 13, 2026  
December 11, 2026

All meetings will begin at 2:00 p.m. and will be held via Zoom. Information on how to access the meetings can be found at <https://www.phila.gov/departments/administrative-board/>

01-05-1\*

## ESTATE NOTICES

**WILLIAMS, LORRAINE M.** -- Joseph G. Williams, Executor, c/o E. Nego Pile, Esq., 930 Harvest Dr., Ste. 360, Blue Bell, PA 19422; E. Nego Pile, Atty., Pile Law Firm, 930 Harvest Dr., Ste. 360, Blue Bell, PA 19422.

12-22-3

**WILLIAMS, MARY H. (a/k/a MARY WILLIAMS)** -- Bruce A. Rosenfield and Elizabeth Williams Beck, Executors, c/o Roy S. Ross, Esq., 1650 Market St., Ste. 1200, Philadelphia, PA 19103; Roy S. Ross, Atty., Dilworth Paxson LLP, 1650 Market St., Ste. 1200, Philadelphia, PA 19103.

12-22-3

**WOODCOCK, RICHARD CLARENCE** -- Ronald R. Woodcock, Executor, c/o John G. Simolike, Esq., 1200 Bustleton Pike, #15-A, Feasterville, PA 19053; John G. Simolike, Atty., 1200 Bustleton Pike, #15-A, Feasterville, PA 19053.

12-22-3

**VARALLO, PAUL** -- Donna L. Varallo, Administrator, c/o Debra G. Speyer, Esq., Two Bala Plaza, Suite 300, Bala Cynwyd, PA 19004; Debra G. Speyer, Atty., Two Bala Plaza, Suite 300, Bala Cynwyd, PA 19004.

12-29-3\*



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