

SUPREME COURT OF PENNSYLVANIA

In Re: Order Amending Rules 1920.17, 1920.31, 1920.33, 1920.42, 1920.54, 1920.55-2, 1920.71, 1920.72 and 1920.75 of the Pennsylvania Rules of Civil Procedure

Supreme Court of Pennsylvania (May 7, 2015)

SUMMARY

This document is a Pennsylvania Supreme Court order amending specified Pennsylvania Rules of Civil Procedure governing divorce actions and related economic claims. The amendments address discontinuance, financial disclosures, inventories, equitable distribution, divorce decrees, master reports, notices, counter-affidavits, and inventory forms.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
JURISDICTION	Pennsylvania
DECIDED	May 7, 2015
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Pennsylvania issued a per curiam rulemaking order amending specified Pennsylvania Rules of Civil Procedure governing divorce and related claims.
PRECEDENTIAL VALUE	Binding Pennsylvania Supreme Court rulemaking order amending procedural rules

TOPICS

family law procedure civil procedure divorce equitable distribution alimony

PRACTICE AREAS

civil procedure family law divorce equitable distribution alimony

QUESTIONS PRESENTED

1. What amendments should be made to Pennsylvania Rules of Civil Procedure governing divorce proceedings and related economic claims?

2. What procedural requirements should govern withdrawal of divorce and equitable-distribution claims, financial disclosures, inventories, pretrial statements, divorce-decree notices, masters' reports, exceptions, counter-affidavits, and inventories?

HOLDINGS

1. A plaintiff may withdraw a divorce complaint and discontinue the divorce action by praecipe only when the specified certification is made; a party may withdraw an equitable-distribution claim only by written consent or after the prescribed twenty-day notice procedure. When a party dies after grounds for divorce have been established, withdrawal of the complaint or economic claims is restricted as provided by the amended rule.
2. Parties asserting alimony, counsel fees, costs, or expenses must file the specified financial documents before seeking appointment of a master or court action, and parties asserting equitable-distribution claims must file inventories describing marital and nonmarital property and liabilities as of the date of separation, including estimated values.
3. Parties must file pretrial statements containing the specified asset, liability, witness, exhibit, income, expense, retirement-benefit, fee, and proposed-resolution information. Absent good cause, a party may be barred from presenting evidence outside or inconsistent with the statement, and the court may impose sanctions for failure to file the required inventory or pretrial statement.
4. Before entry of a decree under the specified Divorce Code provisions, the required affidavits, counter-affidavits, notices, and waiting periods must be satisfied, subject to the stated waiver and diligent-search exceptions. No master is appointed when the record is transmitted under the amended procedure.
5. A master must file the report within the prescribed period and serve notice of the right to file exceptions. Exceptions must be filed within twenty days, matters not raised are generally waived, and no motion for post-trial relief may be filed from the final decree entered under the amended procedure.

FACTUAL BACKGROUND

This is a rulemaking order rather than an adjudication arising from disputed litigant facts. The amendments address divorce discontinuance, economic claims, equitable-distribution inventories and pretrial statements, divorce affidavits and notices, masters' reports and exceptions, service notices, counter-affidavits, and inventory forms.

PROCEDURAL HISTORY

The text consists of amendments to Pennsylvania Rules of Civil Procedure and explanatory notes. No individualized trial-court or appellate litigation history is stated.

DISPOSITION

other

CASES CITED

- Tosi v. Kizis, 85 A.3d 585 (Pa. Super. 2014)

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