

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 1910]

#### Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 61

The Domestic Relations Procedural Rules Committee proposes the following amendments to Rules of Civil Procedure 1910.16-1, 1910.16-5 and 1910.16-6. The Committee solicits comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania.

Written comments relating to the proposed rules must be received no later than Friday, September 6, 2002. Please direct comments to:

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The notes and explanatory comments which appear with the proposed amendments have been inserted by the Committee for the convenience of those using the rules. They will not constitute part of the rules and will not officially be adopted or promulgated by the Supreme Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

##### Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.*

(1) **Except as set forth in subdivision (2) below, [The ] the support guidelines set forth the amount of support which a spouse or parent should pay on the basis of both parties' net monthly incomes as defined in Rule 1910.16-2 and the number of persons being supported.**

(2) **In actions in which the plaintiff is a public body or private agency pursuant to Rule 1910.3, the amount of the order shall be calculated under the guidelines based upon the defendant's net monthly income as defined in Rule 1910.16-2, with the public or private entity's income as zero. The public or private entity may seek support in separate proceedings against each parent as a separate obligor. In such cases, the parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent. In light of the cost of institutional or foster care placement, it is unlikely that the combined amount both parents are required to pay will equal the cost of such placement. However, in the event that the combined amount the parents are required to pay exceeds the cost of placement, the court should**

**deviate to reduce each parent's obligation in proportion to his or her share of the combined obligation.**

(3) The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her other expenditures.

#### Explanatory Comment—2002

**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.**

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##### Rule 1910.16-5. Support Guidelines. Deviation.

\* \* \* \* \*

(c) **In determining the duration of an award for spousal support or alimony pendente lite, the trier of fact shall consider the period of time during which the parties lived together from the date of marriage to the date of final separation.**

##### Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.

\* \* \* \* \*

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. **[and ] The court may direct that obligor's share be added to his or her basic support obligation, or paid directly to the health care provider.**

(1) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person **[which are recurring and can be reasonably predicted by the court at the time of establishment or modification of the support order ]**. Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, and orthodontia. Medical expenses do not include cosmetic, chiropractic, psychiatric or psychological services unless specifically directed in the order of court.

**[ (2) If there are annual medical expenses in excess of \$250 per person which are unpredictable or non-recurring, the court may order that such expenses, if incurred, be allocated in proportion to the parties' net incomes. The court may direct obligor to pay his or her share either to the obligee or directly to the health care provider.**

(3) ] (2) \* \* \*

[ (4) ] (3) \* \* \*

**[ Official Note: If the trier of fact determines that the obligee acted reasonably in obtaining services**

**which were not specifically set forth in the order of support, payment for such services may be ordered retroactively. ]**

[Pa.B. Doc. No. 02-1245. Filed for public inspection July 19, 2002, 9:00 a.m.]

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## Title 25—LOCAL COURT RULES CUMBERLAND COUNTY

**Rules of the Court of Common Pleas; No. 96-1335  
Civil Term**

### Order of Court

*And Now*, this 8th day of October 2001, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective October 8, 2001, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Microsoft Word for Windows reflecting the text in the hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or

the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

*By the Court:*

GEORGE E. HOFFER,  
*President Judge*

### **Rule 1910.10 Hearing Procedure**

The Court of Common Pleas of Cumberland County adopts the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

### **Rule 1910.12 Conduct of Hearing: Exceptions**

(a) Hearings shall be conducted by the Support Master.

(b) The Support Master shall engage the services of a stenographer; however, the notes of testimony shall not be transcribed unless:

(1) required by the Support Master to prepare the report and recommendation to the Court, or

(2) ordered by the Court following the filing of exceptions.

(c) It shall be the responsibility of the party who first files exceptions to obtain an order directing that the notes of testimony be transcribed. The party filing the exceptions shall bear the cost of the original transcript. If both parties file exceptions, the cost of the original transcript shall be shared equally. Nothing herein shall prevent the Court from thereafter reallocating the costs of the transcript as part of a final order.

(d) When exceptions are filed, the Domestic Relations Office shall forthwith forward the cases to the Court Administrator who shall assign them to the Judges of the Court of Common Pleas on a rotating basis.

NOTE: In Cumberland County the "Hearing Officer" referred to in Rule 1910.12 Pa.R.C.P. is designated as the Support Master.

[Pa.B. Doc. No. 02-1246. Filed for public inspection July 19, 2002, 9:00 a.m.]

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