

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1850]

Proposed Adoption of Pa.R.Civ.P. 1850

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.Civ.P. 1850 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 August 30, 2024. 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*

MAUREEN MURPHY McBRIDE,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1850. JUDICIAL CHANGE OF NAME

Rule
1850. Judicial Change of Name.

(This is an entirely new rule.)

(Editor's Note: The following rule is proposed to be added and is printed in regular type to enhance readability.)

Rule 1850. Judicial Change of Name.

(a) *Authorization.* This rule governs a change of name authorized pursuant to 54 Pa.C.S. §§ 701 *et seq.*

(b) *Petition.* An individual seeking a change of name shall file a petition in the office of the prothonotary of the county in which the individual resides. If the petitioner is married, the petitioner's spouse may join the petition as a party.

(c) *Content of Petition.* The petition shall set forth:

- (1) the intention to change the petitioner's name;
- (2) the reason for the name change;
- (3) the current residence of the petitioner;

(4) any residence of the petitioner for the five years prior to the date of the petition; and

(5) whether the petitioner intends to file a motion to waive notice and seal the record pursuant to subdivision (f) because the notice and the petition, if made public, would jeopardize the safety of the petitioner or the petitioner's child or ward.

(d) *Fingerprint Card.* A set of the petitioner's fingerprints shall be submitted with the petition. The court shall promptly forward a duplicate copy of the petition and a set of the petitioner's fingerprints to the Pennsylvania State Police for timely processing of the background check required by 54 Pa.C.S. § 702(b).

(e) *Notice and Publication.* Except as provided by subdivision (f), upon filing of the petition, the court shall:

(1) set a date for a hearing on the petition to be held not less than one month nor more than three months after the petition is filed; and

(2) order that notice be given of the filing of the petition and of the date set for the hearing on the petition and that the notice be:

(i) published in two newspapers of general circulation, one of which may be the official paper for the publication of legal notices, in the county where the petitioner resides or a county contiguous to that county; and

(ii) given to any non-petitioning parent of a child whose name may be affected by the proceedings.

(f) *Motion to Waive Notice and Seal the Record.*

(1) A petitioner proceeding under this subdivision shall file a motion to waive notice and seal the record at the same time as or after the filing of the petition.

(2) The motion shall be verified and set forth the reasons the petitioner believes public knowledge of the petition would jeopardize the safety of the petitioner or the petitioner's child or ward.

(3) The court may, but is not required to, schedule a hearing on the motion. The petitioner may request oral argument on the motion. The hearing or oral argument on the motion shall be closed to the public.

(4) In determining the motion, the court shall consider:

(i) the petitioner's safety concerns and whether publication of the notice or public access to the petition would jeopardize the safety of the petitioner or the petitioner's child or ward; and

(ii) the totality of the evidence presented and shall not require evidence of past incidents or future incidents in which safety was or may be jeopardized.

(5) If the court finds that publication of the notice or public access to the petition would jeopardize the safety of the petitioner or the petitioner's child or ward, the court shall enter an order to:

(i) waive the notice required by 54 Pa.C.S. § 701(a.1)(3)(ii);

(ii) set a date for a hearing, which shall be closed to the public, on the petition to be held not less than one month nor more than three months after the petition is filed;

(iii) seal the record; and

(iv) direct the prothonotary to amend the caption on the docket using the initials of the petitioner's name only.

(6) Until the court decides the motion, there shall be no public access to any case record of the petition, motion, or proceeding.

(7) If the motion is denied, the court shall enter an order in accordance with subdivision (e)(2). The petitioner may at any time withdraw the petition without order of court. Upon such withdrawal, all filings shall remain sealed.

(g) *Court Requirements.* For petitions in which the petitioner intends to file a motion pursuant to subdivision (f), each court shall:

(1) designate a judge to adjudicate those petitions;

(2) establish procedures for maintaining the confidentiality of the name of the petitioner and the contents of the petition, motion, and other documents submitted to the court in connection with the petition; and

(3) maintain the confidentiality of the identity of the petitioner and the contents of the petition, motion, and other documents. All court employees assigned to the case shall be instructed as to their confidentiality obligations regarding the proceedings.

(h) *Hearing.* The petitioner shall present to the court:

(1) proof of publication of the notice under subdivision (e)(2) unless the notice has been waived; and

(2) an official search of the proper offices of the county where petitioner resides and of any other county where petitioner has resided within five years prior to filing the petition showing that there are no judgments, decrees of record, or other similar matters against the petitioner.

(i) *Order.* The court may enter an order changing the name as petitioned if the court is satisfied after the hearing that there is no lawful objection to the granting of the petition.

Comment:

This rule provides detailed procedures for how individuals, including, but not limited to, domestic violence victims, crime victims, and persons seeking to change their name related to their gender identity, may request to waive notice of the name change and to seal the filings and proceedings related to the petition because the disclosure could jeopardize the safety of that individual or that individual's child or ward.

The documents filed pursuant to subdivision (f) are not accessible to the public pursuant to Sections 9.0(G) and 10.0(A)(1) of the *Case Records Public Access Policy of the Unified Judicial System*. A detailed list of the documents subject to Sections 9.0(G) and 10.0(A)(1) can be found at <https://www.pacourts.us/public-records/public-records-policies>.

Subdivision (g)(1) is generally intended to require each judicial district to designate one judge who will specialize in processing name change petitions with a request to waive notice and publication under subdivision (c)(5) due to the safety concerns raised by the petitioner. Recognizing that the volume of petitions will vary depending on the judicial district, the subdivision is not intended to preclude the assignment of more than one judge if needed.

Subdivision (h)(2) may be satisfied by a certificate given by a corporation authorized by law to make such a search.

SUPREME COURT OF PENNSYLVANIA CIVIL PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Adoption of Pa.R.Civ.P. 1850

The Civil Procedural Rules Committee is considering recommending the adoption of Pennsylvania Rule of Civil Procedure 1850 relating to the procedure governing name change petitions.

The Committee received a request from the Pennsylvania Bar Association to codify in the Rules of Civil Procedure the name change procedure to address the safety, confidentiality, and consistency concerns that impact transgender persons during the name change process. The rulemaking request sought uniformity in procedure and, if a petitioner seeks to have publication of the notice of name change waived, to establish parameters for making the safety assessment based on the potential impact that publication of notice may have on a petitioner.

Currently, there is no Pennsylvania Rule of Civil Procedure governing name change petitions. Instead, 54 Pa.C.S. §§ 701 *et seq.* sets forth the procedure and requires the filing of a petition in the court of common pleas of the county in which the petitioner resides. The statute specifies certain content to be included in the petition. Further, it directs the court to hold a hearing within one month of the filing of the petition and to order the publication of the notice of filing of the name change petition in two newspapers of general circulation in the county where the petitioner resides. The court must also order the notice to be given to any non-petitioning parent of a child whose name may be affected by the proceedings. The statute permits waiver of the notice if the court finds that the notice would jeopardize the safety of the petitioner or the petitioner's child or ward. Upon such a determination, the court must also then direct the file to be sealed.

In developing this proposal, the Committee observed the rulemaking request would result in a rule providing an exception to the general name change procedure set forth in statute. The Committee believed that the better approach would be to develop a rule governing the procedure for all name change petitions and to include detailed waiver requirements as the exception. In doing so, the rule would provide context for all individuals seeking to change their name rather than having to consult both the statute and a rule. The Committee concluded that expanding the scope of the rule in this manner may also protect other vulnerable populations, such as domestic violence victims or crime victims, who may also benefit from the protections afforded by the rule.

As noted above, 54 Pa.C.S. § 701 sets forth specific procedural requirements for the filing of a name change petition. However, the Committee observed there are procedural gaps in the statute regarding waiver of publication of the notice and for sealing the record. With regard to waiver, the statute does not provide any standard to evaluate a petitioner's perceived safety risk. With regard to sealing the record, the statute provides no standard nor any procedures on how to request sealing. Accordingly, the Committee concluded the rule should fill these procedural gaps, while tracking the procedural language found in 54 Pa.C.S. § 701.

To address those procedural gaps, subdivision (f) of the proposed rule would require a petitioner seeking waiver of notice to file a combined motion to waive notice and to seal the record. The combined motion may be filed with or after the filing of the petition to change name. The motion must be verified and set forth the reasons why the petitioner believes publication will jeopardize the petitioner's safety, or the petitioner's child or ward. The trial court has the option to schedule a hearing on the motion. Additionally, the petitioner may request oral argument. The ability to request oral argument allows the petitioner to inform the judge about the circumstances of the name change. All hearings and oral argument on the motion would be closed to the public. If the motion is granted, the court must enter an order waiving notice and direct the sealing of the record. If the motion is denied, subdivision (f) requires the court to enter an order directing the publication of the notice unless the petitioner elects to withdraw the petition.

To encourage uniformity in the consideration of a petition seeking to waive notice and publication, the proposed rule would impose requirements on each judicial district. One judge in each judicial district would be assigned to adjudicate those petitions. However, recognizing that, in larger judicial districts, the potential volume of petitions may be too burdensome for a single judge, the Comment provides that an additional judge or judges may be assigned if necessary.

In addition, the proposed rule would require each court to establish procedures to maintain the confidentiality of the petition and other documents filed, any motion to waive notice and to seal the record, and the identity of the petitioner. The courts would also be required to instruct court employees in their duty of confidentiality regarding the proceedings.

* * *

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 24-932. Filed for public inspection July 5, 2024, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1930]

Proposed Amendment of Pa.R.Civ.P. 1930.2

The Domestic Relations Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Civil Procedure 1930.2 relating to reconsideration 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.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel
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All communications in reference to the proposal should be received by August 16, 2024. 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 Domestic Relations
Procedural Rules Committee*

CAROLYN MORAN ZACK, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

(Editor's Note: Rule 1930.2 as printed in 231 Pa. Code reads "Official Note" rather than "Note" and the "Explanatory Comment" text is not codified.)

Rule 1930.2. No Post-trial [**Practice**] **Motion**. Motions for Reconsideration **of Final Orders**.

(a) **Post-Trial Motion**. There shall be no motions for post-trial relief in any domestic relations matter, including Protection of Victims of Sexual Violence or Intimidation matters.

[**Note: See Pa.R.C.P., No. 1957.**

(b) **A party aggrieved by the decision of the court may file a motion for reconsideration in accordance with Pa.R.A.P. 1701(b)(3). If the court does not grant the motion for reconsideration within the time permitted, the time for filing a notice of appeal will run as if the motion for reconsideration had never been presented to the court.**

Note:

Pennsylvania Rule of Appellate Procedure 903 states that the Notice of Appeal shall be filed within 30 days after the entry of the order from which the appeal is taken, except as otherwise set forth in that rule.

(c) **The court shall render its reconsidered decision within 120 days of the date the motion for reconsideration is granted, except as set forth in subdivision (e). If the court's decision is not rendered within 120 days, the motion shall be deemed denied.**

(d) **If the court does not enter a reconsidered decision within 120 days, the time for filing a notice of appeal will begin to run anew from the date of entry of the reconsidered decision or from the 121st day after the motion for reconsideration was granted.**

(e) **If the court grants the motion for reconsideration and files its order within the 30-day appeal period, the court may issue an order during the applicable 120-day period directing that additional testimony be taken. If the court issues an order for additional testimony, the reconsidered decision**

need not be rendered within 120 days, and the time for filing a notice of appeal will run from the date the reconsidered decision is rendered.]

(b) Motion for Reconsideration. Within 10 days of the entry of a final order, a party aggrieved by the order may file a motion for reconsideration. The motion shall identify the specific issues to be reconsidered by the court. The filing of a motion for reconsideration does not toll the 30-day appeal period pursuant to Pa.R.A.P. 903.

(c) Decision on Motion for Reconsideration. Within 10 days of the filing of a motion, the court shall either:

(1) Deny Reconsideration. A motion for reconsideration may be expressly denied by the court, or it shall be deemed denied if not expressly granted. The time for filing a notice of appeal pursuant to Pa.R.A.P. 903 is not tolled if the motion for reconsideration is denied; or

(2) Grant Reconsideration. If the court expressly grants the motion for reconsideration, the underlying order shall be a non-final, interlocutory order for purposes of appeal that the court may amend or stay until the court has entered a reconsidered final order. The time for filing a notice of appeal pursuant to Pa.R.A.P. 903 begins to run anew from the date of the entry of the reconsidered final order, regardless of whether that decision reaffirms the prior determination of the court.

(3) Deemed Denial. If the court fails to decide the motion for reconsideration within 10 days of the filing of the motion, the motion shall be deemed denied by operation of law. If a motion for reconsideration is denied by operation of law, the prothonotary shall:

(i) enter an order on behalf of the court denying the motion for reconsideration by operation of law; and

(ii) furnish a copy of the order, by mail or personal delivery, to the parties.

(d) Reconsidered Final Order.

(1) Custody Matters. But for extraordinary circumstances, the court shall enter a reconsidered final order in custody matters within 30 days from the date the court expressly granted the motion for reconsideration. If extraordinary circumstances exist, the court shall enter an order identifying those circumstances and a date by which the reconsidered order shall be entered, not more than 90 days thereafter.

(2) Other Matters. The court shall enter a reconsidered decision in all other matters within 90 days from the date the court expressly granted the motion for reconsideration.

Comment:

The filing of a motion for reconsideration does not toll the 30-day appeal period pursuant to Pa.R.A.P. 903. If the court denies the motion or fails to decide the motion within 10 days of the filing of the motion for reconsideration, the party must file a notice of appeal pursuant to Pa.R.A.P. 903 within 30 days of the entry of the original order to preserve their right to an appeal.

See Pa.R.A.P. 108(b) which states that the date of the entry of an order is the day on which the prothonotary makes the notation in the docket that notice of the order has been given as required by Pa.R.Civ.P. 236(b). Pursuant to Pa.R.Civ.P. 236(b), the prothonotary is required to immediately provide written notice of the entry of an order.

A court may expressly grant a motion for reconsideration for the purpose of hearing argument, briefing, or re-opening the record.

See Pa.R.A.P. 1701 for the authority of the trial court after an appeal is taken.

See Pa.R.A.P. 1731(b) regarding supersedeas in domestic relations matters.

If a motion for reconsideration is granted, either before or after a notice of appeal is filed, the trial court shall have jurisdiction pursuant to Pa.R.A.P. 1701(b), until a final reconsidered order is entered.

If a motion for reconsideration is granted, the time for filing an appeal shall begin to run anew from the date of the entry of the reconsidered final order.

Historical Commentary

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

Explanatory Comment—1994

All post-trial practice in domestic relations cases is abolished by this rule. In order to allow the trial court to take a second look at a case before it is appealed to the Superior Court, the rule allows a request for reconsideration to be filed in accordance with Appellate rule 1701(b)(3). The aim of these rules is to ensure that domestic cases are moved as quickly as possible toward a final resolution, and thus the requirement of Appellate Rule 1701 that the motion for reconsideration be filed and granted within the thirty day appeal period is adopted here. If the motion for reconsideration is granted, the time for filing the notice of appeal is tolled. However, if it is not granted, there is no extension of the appeal period, so that the matter proceeds without delay.

If the court grants the motion for reconsideration, it has 120 days in which to enter a reconsidered decision. The appeal period begins to run anew upon the entry of the reconsidered decision, or on the 121st day if the decision is not entered within the 120 day period. The time limit does not apply where the court determines that it is necessary to take additional testimony. In that event, the time for filing a notice of appeal begins to run anew when the reconsidered decision is entered.

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

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P. 1930.2

The Domestic Relations Procedural Rules Committee (Committee) is considering proposing amendment of Pennsylvania Rule of Civil Procedure 1930.2 insofar as that rule relates to reconsideration. Prior proposals have been published for comment at 51 Pa.B. 3597 (July 3, 2021) and 50 Pa.B. 7008 (December 12, 2020).

For three decades, there has been a rules-based prohibition on post-trial motions in “any domestic relations matter,” including proceedings involving protection orders, as governed by Pa.R.Civ.P. 1901—1959. Instead, parties have been permitted to seek reconsideration. Permitting reconsideration is more efficient than awaiting appellate court review, especially if there has been a misappreciation of the record, an erroneous evidentiary ruling, or a new legal authority. Not infrequently, family court proceedings may span several, non-consecutive days. Such proceedings can be emotionally charged with evidence and legal argument often presented by self-represented parties. Even for those learned in the law, the lack of discovery in most types of proceedings can cause an avalanche of unanticipated evidence to enter the record. Because family court proceedings require swift decision making, motions for reconsideration provide a mechanism to again contemplate the application of the facts to the law.

The Committee proposes, through amendment, the rescission and replacement of the reconsideration procedures in Pa.R.Civ.P. 1930.2(b)—(e). The proposal provides for an expedited process, deemed denial of motions for reconsideration, the authority of the court to continue enforceability of a reconsidered order, and guidance on the interplay between reconsideration and an appeal.

Preliminarily, the rule clarifies that the subdivisions pertaining to reconsideration apply only to reconsideration of final orders. The rule would not govern interlocutory orders not appealable as of right. The application only to final orders is inferred in the current rule text and commentary.

Concerning an expedited process, the Committee focused on the overall length of time involving reconsideration. As proposed, subdivision (b) would require a motion for reconsideration to be filed within 10 days of the final order. This would shorten the current 30-day period. Readers would be advised that the filing of a reconsideration motion does not toll the appeal window. This information is reiterated in the first sentence of the Comment to emphasize its importance and to avoid waiver.

Per subdivision (c), the trial court would then have 10 days to decide the motion, or the motion would be deemed denied. A denied or deemed denied motion would not toll the time for filing a notice of appeal. Therefore, the motion for reconsideration would be resolved in 20 days and the party would still have 10 days thereafter to decide whether to appeal.

Pursuant to subdivision (c)(2), if the court expressly grants a motion for reconsideration, the underlying order is then transformed into a non-appealable interlocutory order. That order can remain in effect, be amended, or stayed during the period after the motion for reconsideration is granted. The continued effect of the underlying order is a matter of judicial discretion.

The case law suggests that, when a trial court expressly grants a motion for reconsideration, the underlying order is vacated until the reconsidered decision is entered. *See generally Jackson ex rel. Sanders v. Hendrick*, 746 A.2d 574, 579 (Pa. 2000) (Zappala, J., concurring) (decision to grant reconsideration “has the effect of vacating the original order; until the court enters its decision on reconsideration, the status of the case is as if no order had been entered”); *Barron v. City of Philadelphia*, 754 A.2d 738, 740 (Pa. Cmwlth. 2000) (“when a court enters an order expressly granting reconsideration, it would follow that the order under reconsideration is

effectively vacated”). While there is certainly merit to applying this approach in “episodic litigation” of past harms, family court matters are generally neither episodic nor retrospective in nature.

Family court decisions involving custody and support address both immediate and anticipated needs. Maintaining the *status quo* during reconsideration may not be appropriate in all cases because needs remain unaddressed. Additionally, family law decisions, such as custody orders, often address multiple aspects of physical and legal custody, including schedules and schools. Support orders may simultaneously involve a deviation and the allocation of myriad expenses. For an express grant of a motion for reconsideration to vacate an entire order may be unnecessary if only a discrete aspect of the order warrants reconsideration.

The deemed denial aspect of subdivision (c)(3) is borrowed from the Pennsylvania Rules of Criminal Procedure, *see e.g.*, Pa.R.Crim.P. 608(B), 720(B)(3), and the Pennsylvania Rules of Juvenile Court Procedure, *see e.g.*, Pa.R.J.C.P. 620(D). If a reconsideration motion is deemed denied by operation of law, then the prothonotary is to enter a denial order without prompt by a party. *See* 42 Pa.C.S. § 2737(6). This will bring the rule into compliance with Pa.R.A.P. 108, as well as subdivision (b) of that rule. *See also* Pa.R.Civ.P. 236(b). Additionally, it will keep the case moving.

Subdivision (d) establishes deadlines for the judge to enter a reconsidered order. Subdivision (d)(1) contains a 30-day deadline for custody matters but includes an additional 90 days for “extraordinary circumstances.” Subdivision (d)(2) sets a 90-day deadline for non-custody matters.

The subdivision (d)(1) custody deadline is shorter from what was previously proposed. Custody, unlike other matters, is non-fungible. The Committee was concerned about custody appeals being unduly delayed pending reconsideration. *See also* Pa.R.Civ.P. 1915.4(d) (prompt custody decisions); 30 Pa.B. 6423 (December 16, 2000) (Explanatory Comment accompanying adoption of Pa.R.C.P. 1915.4 stating: “A new rule requiring prompt custody trials was recommended by a special committee established by the Pennsylvania Superior Court. That committee concluded that the interests of children who are the subjects of custody litigation would best be served by a requirement that the litigation be concluded within specific time frames.”). One option considered, but rejected, was to eliminate motions for reconsideration altogether for custody matters. However, that would preclude the trial court from correcting errors and require the lengthier path of appellate review before an error can be corrected, depending on the nature of the error.

As mentioned, the Comment, in part, reiterates what the rule text already provides regarding motions for reconsideration and the 30-day window for a timely appeal. The Comment also states that a court may expressly grant a motion for reconsideration for the purpose of hearing argument, briefing, or re-opening the record. Further, readers are referred to the Pennsylvania Rules of Appellate Procedure for further procedures after an appeal has been taken.

All comments, concerns, and suggestions concerning this rule proposal are welcome.

[Pa.B. Doc. No. 24-933. Filed for public inspection July 5, 2024, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1960]

Proposed Adoption of Pa.R.Civ.P. 1960—1964

The Domestic Relations Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pennsylvania Rules of Civil Procedure 1960—1964 to implement the Uniform Family Law Arbitration Act, 42 Pa.C.S. §§ 7371—7398, 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.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel
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Supreme Court of Pennsylvania
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All communications in reference to the proposal should be received by August 16, 2024. 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 Domestic Relations
Procedural Rules Committee*

CAROLYN MORAN ZACK, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1960. PROCEEDINGS UNDER THE UNIFORM FAMILY LAW ARBITRATION ACT

Rule	
1960.	Applicability of Rules to Arbitration.
1961.	Petition for Judicial Relief—Forum.
1962.	Petition for Judicial Relief—Not Specified.
1963.	Petition for Judicial Relief—Compulsion.
1964.	Petition for Judicial Relief—Confirming, Amending, Correcting, or Vacating Award.

(These are entirely new rules.)

(*Editor's Note:* The following rules are proposed to be added and are printed in regular type to enhance readability.)

Rule 1960. Applicability of Rules to Arbitration.

The rules in this chapter shall apply to court proceedings arising from the Uniform Family Law Arbitration Act, 42 Pa.C.S. §§ 7371—7398 (hereinafter “Act”).

Comment:

The Act provides for limited judicial review of arbitration proceedings and awards. Readers are advised to

consult the Act for the permitted bases for review, the timing for seeking review, and the conditions and limits on the scope of review. Petitioners are required to allege sufficient facts and cite the Act with specificity in support of the relief sought. *See* Pa.R.Civ.P. 1962, 1963(c)(1).

Rule 1961. Petition for Judicial Relief—Forum.

A petition for judicial relief, as permitted by the Act, shall be filed in the appropriate forum:

(a) the court in which a proceeding is pending involving a dispute subject to arbitration under the Act; or

(b) if no proceeding is pending, a court with jurisdiction over the parties and the subject matter.

Comment:

See 42 Pa.C.S. § 7377(a).

Rule 1962. Petition for Judicial Relief—Not Specified.

A petition seeking judicial relief not otherwise specified in this Chapter shall conform to the requirements of Pa.R.Civ.P. 1964(a)—(d) and contain a notice substantially in the following form:

To: (Name of Adverse Party)

You are hereby notified to file a written response to the enclosed petition within 20 days from service hereof or an order may be entered against you.

(Party Filing Pleading or the Party's Attorney)

Comment:

This rule is intended to govern petitions, including, but not limited to, those seeking court selection of an arbitrator, objecting to the selection or continued service of an arbitrator, staying arbitration, terminating arbitration, and clarifying, modifying, or enforcing a confirmed award, or consolidating separate arbitrations.

Rule 1963. Petition for Judicial Relief—Compulsion.

(a) *Compulsion by Party.* A party seeking to compel arbitration of an arbitrable claim shall file a petition against the other party.

(b) *Service.* The petition shall be served pursuant to Pa.R.Civ.P. 1930.1 unless the claim has previously been raised and remains pending before the court. Otherwise, the petition shall be served in accordance with Pa.R.Civ.P. 440.

(c) *Contents of Petition.*

(1) The petition shall include an allegation that the claim sought to be reviewed is subject to an agreement to submit these claims to arbitration.

(2) A copy of the arbitration agreement shall be appended to the petition.

(d) *Notice to File Answer.* The petition shall contain a notice substantially in the following form:

Notice to File Answer

The petition attached to this notice asks the court to enforce an agreement to submit claims to arbitration. If you oppose submission of this claim to arbitration, you must file an answer to the petition with the Prothonotary within 20 days of mailing or other service of this notice. If you fail to respond, this case will proceed to arbitration, and you may lose custody, money, property, or other rights important to you.

(e) *No Response or Admission by Responding Party.* If the responding party fails to file a responsive pleading, or files an answer admitting that the claim is subject to arbitration, the moving party may file a *praecipe* directing the prothonotary to enter on the docket a stay of proceedings pending arbitration.

(f) *Denial by Responding Party.* If the responding party files either preliminary objections or an answer denying that the claim is subject to arbitration, the court shall decide any preliminary objections and the petition without delay.

(g) *Compulsion by Party.* A party seeking to compel arbitration of an arbitrable claim for which the other party is not seeking arbitration shall proceed by preliminary objection.

(h) *Court Order.* If the court grants the motion to compel arbitration, the court shall enter an order compelling the parties to proceed with arbitration and staying proceedings pending arbitration.

Rule 1964. Petition for Judicial Relief—Confirming, Amending, Correcting, or Vacating Award.

(a) *Petition.* A party seeking to confirm, amend, correct, or vacate an arbitrator's award shall file a timely petition naming the other party as respondent.

(b) *Docket Number.* If the claim has been raised in a matter stayed pending arbitration, the petition shall be filed on that docket. Otherwise, the petition shall be filed as new action.

(c) *Service.* If the claim has been raised in a matter stayed pending arbitration, the petition shall be served in accordance with Pa.R.Civ.P. 440. Otherwise, the petition shall be served pursuant to Pa.R.Civ.P. 1930.4.

(d) *Contents of Petition.*

(1) The petition shall allege sufficient facts and cite the Act with specificity in support of the relief sought.

(2) A copy of the arbitrator's award shall be appended to the petition.

(e) *Notice to File Answer.* The petition shall contain a notice substantially in the following form:

Notice to File Answer

A party to these proceedings has filed a motion to (confirm/amend/correct/vacate) an arbitration award. If you oppose the motion, you are required to file an answer to the motion within 20 days from the date below setting forth your objections to the motion. If you fail to file an answer, a court order based on the arbitration award may be entered against you without further notice. You may lose custody, money, property, or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(Name)

(Address)

(Telephone Number)

Comment:

The scope of this rule is intended to include temporary awards and unconfirmed awards by an arbitrator.

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

PUBLICATION REPORT

Proposed Adoption of Pa.R.Civ.P. 1960—1964

The Domestic Relations Procedural Rules Committee (Committee) is considering proposing the adoption of Pennsylvania Rules of Civil Procedure 1960—1964 to implement the Uniform Family Law Arbitration Act, 42 Pa.C.S. §§ 7371—7398, insofar as the arbitration process may interface with the court.

While the concept of arbitration is an agreement between the parties to have disputes resolved privately, the Act does involve the court in limited aspects. The court's involvement is generally limited to issues regarding arbitrability, compulsion of arbitration, specific irregularities involving the arbitration process, confirmation of an arbitration award, and enforcement of an award.

The Committee proposes a set of rules providing procedures for seeking the court's involvement. The rules are intended to be general in nature so as not to overreach into the arbitration process or restate portions of the Act. The Committee consulted Pa.R.Civ.P. 1326—1331, which govern arbitration in consumer credit transactions.

As stated in the Comment to Pa.R.Civ.P. 1960, the burden would be on the reader to consult the Act. Pa.R.Civ.P. 1961, concerning forum, instructs a petitioner where to seek judicial action. *See* 42 Pa.C.S. § 7377(a). Pa.R.Civ.P. 1962 pertains to petitions for judicial relief other than those for compulsion, which is governed by Pa.R.Civ.P. 1963, and for confirming, amending, correcting, or vacating an arbitration award, which are governed by Pa.R.Civ.P. 1964. Pa.R.Civ.P. 1962 incorporates by reference the requirements of Pa.R.Civ.P. 1964(a)—(d). All petitions are required to contain a rule-based notice to the other party. Please note the requirement of Pa.R.Civ.P. 1964(d)(1), which requires specific citation of the Act in support of the relief sought. This requirement is intended to avoid the need to reiterate portions of the Act within the rule text or commentary, as well as require that the petition inform the court about the specific part of the Act relied upon for the relief sought.

The rules are intended to respect that the parties have knowingly, intelligently, and voluntarily entered into a contract to have their disputes heard by an arbitrator. At this juncture, it is anticipated that much of a court's involvement will focus on confirmation of awards. The Committee presumes that arbitrators will explain the arbitration process to the parties, including the confirmation process. After some experience is gained through the application of the Act, the Committee can reassess whether additional procedures are necessary.

The Committee discussed whether a petition seeking confirmation of an award can be filed as a "miscellaneous matter" and without an underlying complaint having

been docketed. The Committee specifically seeks input on this aspect of family law arbitration governed by the Act.

All comments, concerns, and suggestions concerning this rule proposal are welcome.

[Pa.B. Doc. No. 24-934. Filed for public inspection July 5, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Regional Booking Fees; AD-10-8-2024

Administrative Order of Court

And Now, this 20th day of June, 2024, on the Court's own motion, the Order of Court under date of August 18, 2009, filed at AD-10-5-2009, relative to Regional Booking fees, is hereby vacated.

Pursuant to Title 42 Pa.C.S.A §§ 1725.5 & 1725.6, on August 18, 2009, the Court established a Booking Center fee of One Hundred Dollars (\$100.00). The Court notes that since the imposition of this fee on August 18, 2009, the costs associated with Booking Centers have risen substantially. Therefore, it is hereby Ordered that the Booking Center fee is increased to One Hundred and Fifty Dollars (\$150.00). This fee shall be assessed against any defendant who meets the requirements of that Title.

It is further Ordered that such assessment shall be levied by the Office of the Clerk of Courts of Butler County, Pennsylvania, as set forth in the Act. Magisterial District Judges shall assess the fee in those cases that are eligible and disposed of at a Magisterial District Court in Butler County, Pennsylvania. This Administrative Order of Court shall take effect thirty (30) days after publication in the *Pennsylvania Bulletin*.

In accordance with Pa.R.J.A. 103(c), the District Court Administrator is Ordered and Directed to:

1. File one (1) copy, via E-mail, of this Administrative Order of Court with the Administrative Office of Pennsylvania Courts.

2. File one (1) paper copy, via mail, of this Administrative Order of Court with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. File one (1) electronic copy, via E-mail, of this Administrative Order of Court with the Legislative Reference Bureau.

3. Publish a copy of this Administrative Order of Court on the Court's website.

4. Distribute a copy of this Administrative Order of Court to all Magisterial District Judges within Butler County, Pennsylvania.

5. Forward one (1) copy of this Administrative Order of Court to the Butler County Law Library.

6. Keep continuously available for public inspection and copying this Administrative Order of Court in the Clerk of Court's Office of Butler County, Pennsylvania.

By the Court

S. MICHAEL YEAGER,
President Judge

[Pa.B. Doc. No. 24-935. Filed for public inspection July 5, 2024, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated June 25, 2024, Bruce K. Warren, Jr. (# 89677), whose registered address is in Cherry Hill, NJ, is suspended from the practice of law in this Commonwealth for a period of six months, effective July 25, 2024. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 24-936. Filed for public inspection July 5, 2024, 9:00 a.m.]