

DIVORCE

RULE NCV-1920.16 SEVERANCE, BIFURCATION

- A. All requests for severance or bifurcation shall be set forth by petition filed with the Prothonotary and shall be processed through the Office of the Court Administrator. The Court may, for good cause shown, issue a divorce decree prior to a determination of other matters raised, in which event the decree shall contain the following statement: "The Court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered.
- B. A petition for severance or bifurcation may be filed at any time. However, the request will not be considered by the Court until either the Notice of Intention to Request Entry of Divorce Decree has been duly mailed or delivered in the case of divorce actions proceeding on no fault grounds where no hearing is required on the issue of the divorce, or the Master's Report has been filed in the case of divorce actions proceedings on fault grounds or no fault ground if a hearing has been required on the issue of divorce.
- C. All petitions for bifurcation shall be scheduled for a hearing before the Court unless a stipulation is filed with the petition for bifurcation and both parties have signed the stipulation.

RULE NCV-1920.31. ALIMONY, ALIMONY PENDENTE LITE, COUNSEL FEES AND OR COSTS

- A. Unless set forth in the Complaint or in another appropriate pleading, all claims for alimony pendente lite, interim counsel fees and/or costs, and final counsel fees and/or costs shall be set forth by petition filed with the Prothonotary, and shall be processed through the Office of the Court Administrator. Where a Complaint contains a claim of alimony, alimony pendent lite, interim counsel fees and/or costs, and final counsel fees and/or costs, a separate petition need not be filed, but scheduling will be accomplished by the Office of the Court Administrator upon the filing of a praecipe with the Prothonotary.
 - 1. Where a claim for alimony pendente lite has been made, a conformed copy of the Complaint, other appropriate pleading, or petition, together with a fee for the Domestic Relations Office in the amount of Fifty Dollars \$50.00, shall be delivered to to the Domestic Relations Office. The filing date shall be the effective date of any subsequent Order for alimony pendente lite.
 - 2. Claims for alimony and final counsel fees and costs shall be referred by the Office of the Court Administrator to a Master unless otherwise directed by the Court.
 - 3. Claims for interim counsel fees and costs shall be scheduled by the Office of the Court Administrator for hearing by the Court. The Complaint, other appropriate pleading, or petition shall be accomplished by a certification from counsel setting forth the services rendered or to be rendered, the hourly fee charged or to be charged for the same, and a listing of all costs and expenses for which reimbursement is sought.
- B. No hearing shall be scheduled within the thirty (30) day period following the service of the Complaint or petition, this being the time period within which the parties are required pursuant to Pa.R.C.P. No. 1920.31(a)(1), to file the most recent federal income

tax return, pay stubs for the preceding six months, and a completed income and expense statement in the form required in an action for support.

- C. A party in whose favor an Order for alimony has been entered may, upon payment to the Domestic Relations Office of a registration fee of Fifty Dollars (\$50.00), register the Order. Upon registration, the Order shall be enforced in the same manner as are all other support Orders.

RULE NCV-1920.33 EQUITABLE DISTRIBUTION

- A. The pre-trial statement required by Pa.R.C.P. No. 1920.33(b) shall be filed and served upon the other party at least twenty (20) days prior to the scheduled hearing.
- B. In addition to the items required in Pa.R.C.P. No. 1920.33(b), the pretrial statement shall include an analysis of each of the relevant factors in Section 3502 of the Divorce Code setting forth in detail their applicability or inapplicability in the case at hand.
- C. A willful violation of these rules and the Pennsylvania Rules of Civil Procedure by failing to comply with filing requirements or not providing required information shall be grounds for contempt of Court and imposition of sanctions, and the Master is empowered to recommend that any person who willfully fails to comply be cited for contempt of Court.

RULE NCV-1920.42. AFFIDAVITS AND DECREES

- A. A Praecipe to Transmit Record shall be filed with the Prothonotary. Attached thereto shall be a proposed decree and any agreement which the parties wish to have incorporated into the decree.
 - 1. Any related claims that may have been raised but not pursued shall be withdrawn. The party filing the Praecipe to Transmit Record may withdraw any such claims by so noting on the Praecipe. Any outstanding claims by the opposing party may only be withdrawn by a praecipe signed by the party or his attorney of record in the following or a similar form: "The following claims are hereby withdrawn: _____", and such withdrawal shall be noted on the Praecipe to Transmit Record.
 - 2. If severance or bifurcation has been granted, that fact and the pending claims shall be noted on the Praecipe to Transmit Record.

RULE NCV-1920.51. HEARING BY THE COURT, APPOINTMENT OF A MASTER

- A. All claims for divorce, annulment, equitable distribution, counsel fees, costs and expenses (other than alimony pendente lite and disputed claims as to custody or paternity) shall be heard by a Master, and any requests for hearing before the Court instead of the Master shall be made by petition and rule and will be granted by the Court only upon good cause shown.
- B. Where no other issues are involved except termination of the marriage by divorce or annulment under Section 3301(a) and (b) and Sections 3303-3305 of the Divorce Code, the motion for appointment of a Master may be filed by either party as soon as twenty (20) days have elapsed following the service of the complaint.
- C. If, in addition to a claim for divorce or annulment of marriage, a claim is made for alimony, equitable distribution of marital property, of final counsel fee and/or costs,

either party may move for the appointment of the Master after [1] one of the following has taken place: [a] a decree has been entered wherein a divorce has been granted but the Court has retained jurisdiction over unresolved claims, or [b] an Order has been entered approving the grounds for divorce but deferring the decree in divorce until a Master's hearing is held on unresolved claims, and [2] both parties have complied with Pa.R.C.P. Rules 1920.31(a)(1) and 1920.33(a).

1. If a party fails to comply with Pa.R.C.P. Rules 1920.31(a)(1) and 1920.33(a), on praecipe of any party who has complied therewith, a rule shall be entered upon a non-complying party to file the information required by said Rules within thirty (30) days of the service of the rule.

a. The praecipe shall be prepared substantially in the following form:

"The [plaintiff][defendant] having complied fully with Pa.R.C.P. 1920.31(a)(1) and 1920.33(a), and the opposing party having failed to do so, it is hereby requested that a rule be entered as of course directing the opposing party to comply with Pa.R.C.P. Rules 1920.31(a)(1) and 1920.33(a) within thirty (30) days of the of the date of the service of the rule.

Attorney for [plaintiff][defendant]

RULE: AND NOW, this ____ day of _____, 20__, the [plaintiff][defendant] is hereby directed to comply with Pa.R.C.P. Rules 1920.31(a)(1) and 1920.33(a) within thirty (30) days of the date of the service of this rule.

Judge

b. If it is necessary for the Court subsequently to issue an Order directing compliance with Pa.R.C.P. Rules 1920.31(a)(1) and 1920.33(a) such Order shall, in the absence of compelling circumstances, contain inter alia a provision for payment to the moving party of the counsel fees and costs incurred in obtaining compliance.

D. The Motion for Appointment of Master shall be accompanied by a proposed Order Appointing Master setting forth the issues to be referred by the Court to the Master, and shall contain a certification that a copy of said Motion and the Proposed Order were served at least ten (10) days prior to the filing of said Motion upon opposing counsel, or the opposing party, if unrepresented.

RULE NCV-1920.51A FILING FEE: COMPENSATION OF MASTER

- A. Upon the filing of the Complaint, the plaintiff shall pay to the Prothonotary, in addition to any other fees, an administrative fee in the amount of \$125.00.
- B. Upon the filing of a Motion for Appointment of a Master, an additional administrative fee of \$150.00 shall be paid to the Prothonotary.
- C. The appearance fee, if any, by a stenographer for recording the master's proceedings shall be paid by the party requesting the hearing. The costs of transcripts shall be borne by any requested party.