

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

RECOMMENDATION 65

RULE 1910.10. Alternative Hearing Procedures.

(a) The action shall proceed as prescribed by Rule 1910.11 unless the court by local rule adopts the alternative hearing procedure of Rule 1910.12.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all support proceedings in that county are conducted in accordance with either Rule 1910.11 or Rule 1910.12. The certification shall be filed with the Domestic Relations Procedural Rules Committee, and shall be substantially in the following form:

I hereby certify that _____ County conducts its support proceedings in accordance with Rule _____.

(PRESIDENT JUDGE) (ADMINISTRATIVE JUDGE)

* * *

Note

Pursuant to Rule 1910.10, the following counties have certified to the Domestic Relations Procedural Rules Committee that their support proceedings are conducted in accordance with the rule specified below.

* * *

Lehigh

[~~1910.11~~1910.12]

* * *

RULE 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.

* * *

(b) Health Insurance Premiums.

* * *

(2) When the health insurance covers other persons who are not parties to the support action or children who are not the subjects of the support action, the portion of the premium attributable to them must be excluded from the allocation. In the event this portion is not known or cannot be verified, it shall be calculated as follows. First, determine the cost per person by dividing the total cost of the premium by the number of persons covered under the policy. Second, multiply the cost per person by the number of persons who are not parties to, or the subject of, the support action. The resulting amount is excluded from allocation.

* * *

Explanatory Comment--2003

Subdivision (b)(2) has been amended to clarify 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, but not the portion of the premium attributable to non-parties and children who are not the subjects of the support order.

* * *

RULE 1920.46. [Vital Statistics Information.] Affidavit of Non-Military Service.

[(a) The form of report required by the Commonwealth of Pennsylvania, Department of Health, Vital Statistics Division, shall be filed with the prothonotary upon the filing of the praecipe as prescribed by Rule 1920.42 or the motion for appointment of master under Rule 1920.51.

(b)] If the defendant fails to appear in the action, the plaintiff shall file an affidavit regarding military service with the motion for appointment of a master, prior to a trial by the court, or with the plaintiff's affidavit required by Rule 1920.42(a)(2).

Official Note

The Soldier's and Sailor's Civil Relief Act of 1940, 50 U.S.C.A.App. §520, requires that in cases of default in appearance by the defendant, the plaintiff must file an affidavit of non-military service before entering judgment. If the defendant is in the military service and an attorney has not entered **[his]** an appearance on behalf of the defendant, no judgment may be entered until the court appoints an attorney to represent the defendant and protect his or her interest.

Rule 1920.42 (a)(2) governs an action for divorce under Section 3301(d)(1)(i) of the Divorce Code.

[Explanatory Comment--1994

Section 602 of the Act of June 29, 1953, P.L. 304, 35 P.S. §450.602, requires a certificate of each divorce and annulment of marriage decreed in the Commonwealth to be transmitted to the Department of Health.]

Explanatory Comment--2003

35 P.S. §450.602 previously required a certificate of each divorce or annulment decreed in the commonwealth to be transmitted to the Vital Statistics Division of the Commonwealth of Pennsylvania Department of Health. The statute was amended October 30, 2001, P.L. 826, No. 82 §1, effective in 60 days, to require that the prothonotary submit a monthly statistical summary of divorces and annulments, rather than individual forms for each decree. Thus, subdivision (a) of Rule 1920.46, requiring the filing of the vital statistics form, is no longer necessary. Former subdivision (b) now comprises the entirety of the rule and the title has been amended to reflect that the rule applies only to the affidavit regarding military service.