

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

RECOMMENDATION 57

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.

* * *

Cumberland

[1910.11]1910.12

* * *

**RULE 1910.19. SUPPORT MODIFICATION. TERMINATION. GUIDELINES AS
SUBSTANTIAL CHANGE IN CIRCUMSTANCES.**

* * *

(e) Within one year of the date a child who is the subject of a child support order reaches eighteen (18) years of age, the domestic relations section shall issue an emancipation inquiry and notice to the obligee, with a copy to the obligor, seeking the following information:

(1) confirmation of the child's date of birth, date of graduation or withdrawal from high school;

(2) whether the child has left the obligee's household and, if so, the date of departure;

(3) the existence of any agreement between the parties requiring payments for the benefit of the child after the child has reached age eighteen (18) or graduated from high school; and

(4) any special needs of the child which may be a basis for continuing support for that child beyond the child's eighteenth birthday or graduation from high school, whichever is last to occur

The notice shall advise the obligee that if the inquiry is not returned within thirty (30) days of mailing or if there is no agreement or the child does not have any special needs, the charging order may be modified or terminated by the court. When no other children are subjects of the child support order and the obligee either does not return the emancipation inquiry within thirty (30) days of its mailing or does not assert grounds for continuing support for the child, then the court shall have the authority to administratively terminate the child support charging order without further proceedings at any time on or after the last to occur of the date the last child reaches age eighteen (18) or graduates from high school. Termination of the charging order shall not affect any arrears accrued through the date of termination. The court shall have the authority to enter an order requiring the obligor to pay on arrears in an amount equal to the amount of the charging order until all arrears are paid.

If the order applies to another child or children and/or the obligee asserts that there is an agreement between the parties or that a child has special needs requiring

continued support, then the domestic relations section may schedule a conference to determine if the charging order should be modified.

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Explanatory Comment--2002

Although support orders do not terminate automatically, many obligors are unaware of the necessity of filing a petition to terminate a child support order when the child becomes emancipated. As a result, old orders have continued to charge long after the subject child has become an adult. New subdivision (e) is intended to address this problem by giving the obligee notice of a proposed modification or termination of the order and the opportunity to object. If no objection is made, or if the obligee fails to respond with a reason to continue the order, the rule gives the court the authority to terminate or modify the charging order, depending upon whether or not other children are covered under the order.

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RULE 1920.73. NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE. PRAECIPE TO TRANSMIT RECORD. FORMS.

* * *

(b) The praecipe to transmit the record prescribed by Rule 1920.42 shall be in substantially the following form:

(Caption)

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a divorce decree:

* * *

3. **[Complete either paragraph (a) or (b).]**

* * *

5. ~~[(a)]~~ Complete either (a) or (b).~~[(b)]~~

(a) Date and manner of service of the notice of intention to file praecipe to transmit record, a copy of which is attached:_____

(b) Date plaintiff's Waiver of Notice was filed with the prothonotary:_____

~~[(c)]~~ Date defendant's Waiver of Notice was filed with the prothonotary:_____

(Attorney for)(PLAINTIFF)(DEFENDANT)

* * *

RULE 1930.4. SERVICE OF ORIGINAL PROCESS IN DOMESTIC RELATIONS MATTERS.

(a) Persons Who May Serve. Original process in all domestic relations matters may be served by the sheriff or a competent adult:

(1) by handing a copy to the defendant; or

(2) by handing a copy

(i) at the residence of the defendant to an adult member of the family with whom **[he]** the defendant resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which **[he]** the defendant resides; or

(iii) at any office or usual place of business of the defendant to **[his]** the defendant's agent or to the person for the time being in charge thereof.

(3) or pursuant to special order of court.

Note

See Rule 76 for the definition of "competent adult".

(b) Service in Protection From Abuse Matters. In Protection From Abuse matters only, original process may also be served by an adult[.] using any means set forth in subdivision (a) above. If personal service cannot be completed within forty-eight (48) hours after a Protection From Abuse petition is filed, the court may, by special order as set forth in subdivision (a)(3) above, authorize service by another means including, but not limited to, service by mail pursuant to subdivision (c) of this rule.

(c) Service by Mail. Except in Protection from Abuse matters unless authorized by special order of court pursuant to subdivision (b) above, original process may also be served by mailing the complaint and order to appear, if required, to the defendant's last known address by both regular and certified mail. Delivery of the certified mail must be restricted to addressee only, and a return receipt must be requested.

(1) If the certified mail is refused by defendant, but the regular mail is not returned within fifteen (15) days, service may be deemed complete.

(2) If the mail is returned with notation by the postal authorities that it was unclaimed, service shall be made by another means pursuant to these rules.

(d) Acceptance of Service. In lieu of service pursuant to this rule, the defendant or **[his]** the defendant's authorized agent may accept service of original process by filing with the prothonotary a separate document which shall be substantially in the following form:

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