

RULE 1910.2 VENUE. TRANSFER OF ACTION

(a) An action may be brought in [any county in which]

(1) the county in which the defendant resides, or

(2) the county in which the defendant is regularly employed, or

(3) the county in which the plaintiff resides and that county is the county in which the last [family] marital domicile was located and in which the plaintiff has continued to reside, or

(4) the county in which the child resides if the relief sought includes child support.

(b) Where jurisdiction is acquired over the defendant pursuant to the long arm statute, 23 Pa.C.S.[A] § 4342(c) [and d], the action may be brought in the county where the plaintiff resides [whether or not the parties maintained a family domicile in that county].

Note

23 Pa.C.S. §7201 sets forth the specific bases for long arm jurisdiction over a non-resident defendant.

(c) If, at the time of the filing of the action, there is a divorce or custody action pending between the parties in an appropriate court in another county, the court upon good cause shown may transfer the support action to that county.

(d) For the convenience of the parties and witnesses the court may transfer an action to the appropriate court of any other county where the action could have been brought at the time of transfer.

Note

The standards for transfer of an action for the convenience of parties and witnesses are the same as the standards under Rule 1006(d).

(e) If neither party to an action presently resides in the county where the action is pending or a support order is in effect, and the defendant-obligor is not employed in that county, the court may transfer the action or order or both to any county where either party resides or where the defendant-obligor is regularly employed.

(f) It shall be the duty of the domestic relations section of the court in which the action is pending to forward to the domestic relations section of the court to which the action is transferred all papers filed in the action and a certified copy of the docket entries.

(g) A support order may be enforced in accordance with the Uniform Interstate Family Support Act, 23 Pa.C.S. §7101 et seq., if the defendant resides outside the Commonwealth, or in accordance with the Intrastate Family Support Act, 23 Pa.C.S. §8101 et seq., if the defendant resides in another county within the Commonwealth.

RULE 1910.8 [TRANSFER OF ACTION] RESCINDED

Note

The provisions in this Rule now appear in Rule 1910.2(d) through (f).

RULE 1910.18 SUPPORT ORDER. SUBSEQUENT PROCEEDINGS

(a) Subsequent proceedings to modify or terminate a support order pursuant to Rule 1910.19 shall be brought in the court which entered the order. If the action has been transferred pursuant to [Rule 1910.8] Rule 1910.2 following the entry of a support order, subsequent proceedings shall be brought in the court to which the action was transferred.

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RULE 1910.50 SUSPENSION OF ACTS OF ASSEMBLY

The following Acts or parts of Acts of Assembly are suspended insofar as they apply to the practice and procedure in an action for support:

(1) Section 3 of the Support Law of June 24, 1937, P.L. 2045, 62 P.S. §1973, insofar as it provides a procedure to enforce the liability of relatives for the support of an indigent person; [and]

(2) Section 4 of Act 1996-20, 23 Pa.C.S. §4342, insofar as it provides that long arm jurisdiction shall be used in preference to proceedings under Part VIII-A relating to intrastate family support actions; and

[2](3) All Acts or parts of Acts of Assembly inconsistent with these rules to the extent of such inconsistency.

ALL existing explanatory notes and comments pertaining

*to the rule listed below
are replaced by the following:*

Explanatory Comment - Rule 1910.2

The amendments to this Rule are intended to implement the Uniform Interstate Family Support Act (UIFSA) and the Intrastate Family Support Act (IFSA) to facilitate the fair and prompt establishment of child support by means of encouraging the support litigation to take place as a local action in one forum only. Under the former rule, venue in support matters was in the county where the defendant lived or worked, or in the county where the plaintiff lived if that county was the last family domicile. The amended Rule expands the circumstances under which venue lies in the county in which plaintiff resides. If the action is one for spousal and child support or child support only, plaintiff may bring the action in the county in which the child resides regardless of whether that county was the last family domicile. The defendant will be required to defend the action there unless he or she can establish sufficient grounds for transfer of the action pursuant to subdivisions (c) through (e) of the proposed rule. It is important to note, however, that the court may always permit a party or witness to testify by telephone, audiovisual or other electronic means at specially designated locations. 23 Pa.C.S. §4342(j).

If plaintiff seeks spousal support only, then venue continues to lie in plaintiff's county only if that county was also the last marital domicile.

Subdivisions (c) through (e) identify the circumstances under which a support action may be transferred to another county. New subdivision (c) is designed to avoid multiple claims from being litigated in different counties. Subdivisions (d) through (f) are adopted verbatim from former Rule 1910.8 and were moved to Rule 1910.2 only for the convenience of the practitioner in resolving questions of venue.

Explanatory Comment -- Rule 1910.18

Rule 1910.18 clarifies the question of jurisdiction which arises where parties wish to proceed for termination, modification or enforcement in counties other than the county which entered the order. Section 6710 of the Judicial Code provides that the county which entered the original order continues to retain jurisdiction for termination, modification or enforcement. Section 6710 also provides that this shall not limit the right of the plaintiff to "institute additional proceedings" in any county where the defendant resides or where his or her property is located. Additionally, Rule 1910.2(g) permits enforcement of a support order in accordance with the Intrastate Family Support Act, 23 Pa.C.S. §8101 et seq., if the defendant resides in another county within the Commonwealth.

There will be instances where the parties no longer reside in the original county.

In this situation, Rule 1910.18 permits a party to seek transfer of the entire matter under Rule 1910.2 and authorizes the transferee county to modify, terminate or enforce the order. There may be other instances where the parties retain some connection with the county which entered the order but circumstances require the enforcement of the order in another county. In such a case, the plaintiff, without an order of court may transfer the support order and seek enforcement under the Uniform Intrastate Family Support Act or the Transfer of Judgment Rule 3001 et seq.

Explanatory Comment -- Rule 1910.50

Insofar as long arm jurisdiction is an issue that arises only in the context of interstate cases in which the defendant resides outside of the Commonwealth, the language in 23 Pa.C.S. §4342(c) implying that it has relevance to intrastate support cases is suspended.