

Rule 1910.10. Alternative Hearing Procedures.

(a) The action shall proceed as prescribed by Pa.R.C.P. No. 1910.11 unless the court by local rule adopts the alternative hearing procedure of Pa.R.C.P. No. 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 Pa.R.C.P. No. 1910.11 or Pa.R.C.P. No. 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 Pa.R.C.P. No. _____.

(PRESIDENT JUDGE)

(ADMINISTRATIVE JUDGE)

[Note: Pursuant to Pa.R.C.P. No. 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.]

Adams	1910.11
Allegheny	1910.12
Armstrong	1910.12
Beaver	1910.11
Bedford	1910.11
Berks	1910.12
Blair	1910.11
Bradford	1910.12
Bucks	1910.11
Butler	1910.11
Cambria	1910.12
Cameron	1910.11
Carbon	1910.12
Centre	1910.11
Chester	1910.12
Clarion	1910.12
Clearfield	1910.11
Clinton	1910.11
Columbia	1910.12

Crawford	1910.11
Cumberland	1910.12
Dauphin	1910.11
Delaware	1910.11
Elk	1910.12
Erie	1910.11
Fayette	1910.11
Forest	1910.12
Franklin	1910.12
Fulton	1910.11
Greene	1910.11
Huntingdon	1910.11
Indiana	1910.12
Jefferson	1910.11
Juniata	1910.11
Lackawanna	1910.12
Lancaster	1910.11
Lawrence	1910.11
Lebanon	1910.12
Lehigh	1910.12
Luzerne	1910.12
Lycoming	1910.12
McKean	1910.12
Mercer	1910.11
Mifflin	1910.11
Monroe	1910.12
Montgomery	1910.11
Montour	1910.12
Northampton	1910.11
Northumberland	1910.11
Perry	1910.11
Philadelphia	1910.12
Pike	1910.11
Potter	1910.11
Schuylkill	1910.12

Snyder	1910.11
Somerset	1910.11
Sullivan	1910.11
Susquehanna	1910.12
Tioga	1910.11
Union	1910.11
Venango	1910.12
Warren	1910.12
Washington	1910.12
Wayne	1910.11
Westmoreland	1910.12
Wyoming	1910.11
York	1910.11

EXPLANATORY COMMENT--1995

Rule 1910.10 allows counties to choose one of two procedures for hearing support matters. The procedure in Rule 1910.11 provides for a conference before a conference officer, a conference summary and entry of an interim order for support calculated in accordance with the guidelines, and a right to demand a hearing de novo before a judge. The hearing must be held and the final order entered within sixty days of the written demand for hearing.

The procedure set forth in Rule 1910.12 provides for a conference before a conference officer, a record hearing before a hearing officer, and issuance of a report and recommendation to which exceptions may be filed within ten days. The court must hear argument and enter a final order within sixty days of the filing of exceptions.

Individual counties may, by local rule, permit interstate actions to proceed directly to a hearing officer or judge without a conference.

Subdivision (b) was added in response to requests from appellate court judges who find that it is often difficult to determine the rule with which actual support procedure is intended to comply. If a county wishes at any time to change its support procedure, the president or administrative judge has only to file a new certification with the staff of the Domestic Relations Procedural Rules Committee, indicating the rule according to which support matters will henceforth proceed.]

Note: For a complete list of the Alternative Hearing Procedures for each county: <http://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>.

Explanatory Comment

In accordance with Pa.R.C.P. No. 1910.10, a judicial district may opt for one of two procedures for support matters; the procedure selected is then certified by the president judge or administrative judge to the Domestic Relations Procedural Rules Committee as prescribed in subdivision (b). Subdivision (b) was added in response to requests from appellate court judges who find that it is often difficult to determine the rule with which the actual support procedure is intended to comply. Subsequently, a judicial district may, at any time, change its support procedure by filing a new certification with the staff of the Domestic Relations Procedural Rules Committee indicating the rule according to which support matters will proceed. However, a judicial district may, by local rule, permit interstate actions to proceed directly to a hearing officer or judge without a conference.

The procedure set forth in Pa.R.C.P. No. 1910.11 provides for a conference before a conference officer, a conference summary and entry of an interim order for support calculated in accordance with the guidelines, and a right to demand a hearing *de novo* before a judge. The hearing must be held and the final order entered within 60 days of the written demand for hearing.

The alternate procedure, as set forth in Pa.R.C.P. No. 1910.12, provides for a conference before a conference officer, a record hearing before a hearing officer, and issuance of a report and recommendation to which exceptions may be filed within ten days. The court must hear argument and enter a final order within 60 days of the filing of exceptions.

In lieu of continuing the practice of including in the Note a 67-county list identifying the hearing procedure selected by the local county court, the list can now be found on the Domestic Relations Procedural Rules Committee website.

Rule 1915.4-1. Alternative Hearing Procedures for Partial Custody Actions.

(a) A custody action shall proceed as prescribed by Pa.R.C.P. No. 1915.4-3 unless the court, by local rule, adopts the alternative hearing procedure authorized by Pa.R.C.P. No. 1915.4-2 pursuant to which an action for partial custody may be heard by a hearing officer, except as provided in subdivision (b).

(b) Promptly after the parties' initial contact with the court as set forth in Pa.R.C.P. No. 1915.4(a), a party may move the court for a hearing before a judge, rather than a hearing officer, in an action for partial custody where:

- (1) there are complex questions of law, fact or both; or
- (2) the parties certify to the court that there are serious allegations affecting the child's welfare.

(c) The president judge or the administrative judge of the family division of each county shall certify that custody proceedings generally are conducted in accordance with either Pa.R.C.P. No. 1915.4-2 or Pa.R.C.P. No. 1915.4-3. The certification shall be filed with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania and shall be substantially in the following form:

I hereby certify that _____ County conducts its custody proceedings in accordance with Pa.R.C.P. No. _____.

(PRESIDENT JUDGE)

(ADMINISTRATIVE JUDGE)

[Note: Pursuant to Pa.R.C.P. No. 1915.4-1, the following counties have certified to the Domestic Relations Procedural Rules Committee that their custody proceedings generally are conducted in accordance with the rule specified below:

COUNTY	RULE
Adams	1915.4-3
Allegheny	1915.4-2
Armstrong	1915.4-3
Beaver	1915.4-3
Bedford	1915.4-3
Berks	1915.4-3
Blair	1915.4-3
Bradford	1915.4-2
Bucks	1915.4-3
Butler	1915.4-3
Cambria	1915.4-2

Cameron	1915.4-3
Carbon	1915.4-2
Centre	1915.4-3
Chester	1915.4-3
Clarion	1915.4-3
Clearfield	1915.4-3
Clinton	1915.4-3
Columbia	1915.4-3
Crawford	1915.4-3
Cumberland	1915.4-3
Dauphin	1915.4-3
Delaware	1915.4-2
Elk	1915.4-3
Erie	1915.4-3
Fayette	1915.4-2
Forest	1915.4-2
Franklin	1915.4-3
Fulton	1915.4-3
Greene	1915.4-2
Huntingdon	1915.4-3
Indiana	1915.4-3
Jefferson	1915.4-3
Juniata	1915.4-3
Lackawanna	1915.4-2
Lancaster	1915.4-3
Lawrence	1915.4-3
Lebanon	1915.4-3
Lehigh	1915.4-2
Luzerne	1915.4-2
Lycoming	1915.4-3
McKean	1915.4-3
Mercer	1915.4-3
Mifflin	1915.4-3
Monroe	1915.4-3
Montgomery	1915.4-3
Montour	1915.4-3

Northampton	1915.4-3
Northumberland	1915.4-3
Perry	1915.4-3
Philadelphia	1915.4-2
Pike	1915.4-2
Potter	1915.4-3
Schuylkill	1915.4-2
Snyder	1915.4-3
Somerset	1915.4-3
Sullivan	1915.4-3
Susquehanna	1915.4-3
Tioga	1915.4-2
Union	1915.4-3
Venango	1915.4-3
Warren	1915.4-2
Washington	1915.4-3
Wayne	1915.4-2
Westmoreland	1915.4-3
Wyoming	1915.4-3
York	1915.4-3

Explanatory Comment—1994

These rules provide an optional procedure for using hearing officers in partial custody cases. The procedure is similar to the one provided for support cases in Rule 1910.12: a conference, record hearing before a hearing officer and argument on exceptions before a judge. The terms “conference officer” and “hearing officer” have the same meaning here as in the support rules.

It is important to note that use of the procedure prescribed in Rules 1915.4-1 and 1915.4-2 is optional rather than mandatory. Counties which prefer to have all partial custody cases heard by a judge may continue to do so.

These procedures are not intended to replace or prohibit the use of any form of mediation or conciliation. On the contrary, they are intended to be used in cases which are not resolved through the use of less adversarial means.

Explanatory Comment—2007

The intent of the amendments to Rules 1915.4-1 and 1915.4-2, and new Rule 1915-4.3, is to clarify the procedures in record and non-record custody proceedings. When the first proceeding is non-record, no exceptions are required and a request for a de novo hearing may be made.]

Note: For a complete list of the Alternative Hearing Procedures for each county: <http://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>.

Explanatory Comment

These rules provide an optional procedure for using hearing officers in partial custody cases. The procedure is similar to the one provided for support cases in Pa.R.C.P. No. 1910.12: a conference, record hearing before a hearing officer and argument on exceptions before a judge. The terms “conference officer” and “hearing officer” have the same meaning here as in the support rules.

It is important to note that use of the procedure prescribed in Pa.R.C.P. Nos. 1915.4-1 and 1915.4-2 is optional rather than mandatory. Counties which prefer to have all partial custody cases heard by a judge may continue to do so.

These procedures are not intended to replace or prohibit the use of any form of mediation or conciliation. On the contrary, they are intended to be used in cases which are not resolved through the use of less adversarial means.

The intent of the 2007 amendments to Pa.R.C.P. Nos. 1915.4-1 and 1915.4-2, and Pa.R.C.P. No. 1915-4.3, was to clarify the procedures in record and non-record custody proceedings. When the first proceeding is non-record, no exceptions are required and a request for a de novo hearing may be made.

In lieu of continuing the practice of including in the Note a 67-county list identifying the hearing procedure selected by the local county court, the list can now be found on the Domestic Relations Procedural Rules Committee website.

Rule 1920.55-1. Alternative Hearing Procedures for Matters Referred to a Master.

(a) Matters referred to a master for hearing shall proceed as prescribed by **[Rule]Pa.R.C.P. No. 1920.55-2** unless the court by local rule adopts the alternative procedure of **[Rule]Pa.R.C.P. No. 1920.55-3**.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all divorce proceedings which are referred to a master in that county are conducted in accordance with either **[Rule]Pa.R.C.P. No. 1920.55-2** or **[Rule]Pa.R.C.P. No. 1920.55-3**. 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 divorce proceedings that are referred to a master in accordance with **[Rule]Pa.R.C.P. No. _____**.

(PRESIDENT JUDGE)

(ADMINISTRATIVE JUDGE)

[Note: Pursuant to Rule 1920.55-1, the following counties have certified to the Domestic Relations Procedural Rules Committee that divorce proceedings referred to a master are conducted in accordance with the rule specified below.

Adams	1920.55-2
Allegheny	1920.55-2
Armstrong	1920.55-2
Beaver	1920.55-2
Bedford	1920.55-2
Berks	1920.55-2
Blair	1920.55-2
Bradford	1920.55-2
Bucks	Both
Butler	1920.55-2
Cambria	1920.55-2
Cameron	1920.55-2
Carbon	1920.55-2
Centre	1920.55-2
Chester	1920.55-2
Clarion	1920.55-2
Clearfield	1920.55-2

Clinton	no masters
Columbia	1920.55-2
Crawford	1920.55-2
Cumberland	1920.55-2
Dauphin	1920.55-2
Delaware	1920.55-3
Elk	1920.55-2
Erie	1920.55-2
Fayette	1920.55-2
Forest	1920.55-2
Franklin	1920.55-2
Fulton	1920.55-2
Greene	1920.55-2
Huntingdon	no masters
Indiana	1920.55-2
Jefferson	1920.55-2
Juniata	1920.55-2
Lackawanna	1920.55-2
Lancaster	1920.55-2
Lawrence	1920.55-2
Lebanon	1920.55-2
Lehigh	1920.55-2
Luzerne	1920.55-2
Lycoming	1920.55-2
McKean	1920.55-2
Mercer	1920.55-2
Mifflin	no masters
Monroe	1920.55-2
Montgomery	1920.55-3
Montour	1920.55-2
Northampton	1920.55-2
Northumberland	1920.55-2
Perry	1920.55-2
Philadelphia	1920.55-3
Pike	1920.55-2
Potter	no masters

Schuylkill	1920.55-2
Snyder	1920.55-2
Somerset	1920.55-2
Sullivan	1920.55-2
Susquehanna	1920.55-2
Tioga	1920.55-2
Union	1920.55-2
Venango	1920.55-2
Warren	1920.55-2
Washington	1920.55-2
Wayne	1920.55-2
Westmoreland	1920.55-2
Wyoming	1920.55-2
York	1920.55-2

Explanatory Comment—1995

The proposed amendments create alternative procedures for appeal from the recommendation of a master in divorce. Rule 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in proposed Rule 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of proposed Rule 1920.55-3.]

Note: For a complete list of the Alternative Hearing Procedures for each county: <http://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>.

Explanatory Comment

The 1995 amendments created alternative procedures for appeal from the recommendation of a master in divorce. Pa.R.C.P. No. 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in proposed Pa.R.C.P. No. 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of proposed Pa.R.C.P. No. 1920.55-3.

In lieu of continuing the practice of including in the Note a 67-county list identifying the hearing procedure selected by the local county court, the list can now be found on the Domestic Relations Procedural Rules Committee website.