

EXPLANATORY COMMENT - 2016

Act 102 of 2016 (the Act) amended the Divorce Code by reducing the separation period required by § 3301(d) from two years to one year for parties separating after the Act's effective date: December 5, 2016. The Act provides that the one-year separation period is only applicable to married persons separating after the effective date of the Act. However, the current two-year separation period remains applicable to married persons that separated prior to the effective date of the Act. As such, the current forms could not be amended merely by substituting one-year for two-year on the affidavit and counter-affidavit in Pa.R.C.P. No. 1920.72(d) and (e)(2), respectively. Instead, the current forms have been amended to delineate when the parties separated *vis-à-vis* the Act's effective date. Therefore, a party alleging a date of separation prior to December 5, 2016, should proceed under a two-year separation period. A party alleging a date of separation on or after December 5, 2016 should proceed under a one-year separation period.