

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

NOTICE OF PROPOSED RULEMAKING

Proposed amendment of Pa.R.C.P. No. 1930.2

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 1930.2 — No Post-Trial Motions. Motions for Reconsideration — for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

**Bruce J. Ferguson, Counsel
Domestic Relations Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
Fax: 717-231-9531
domesticrules@pacourts.us**

All communications in reference to the proposal should be received by **August 6, 2021**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Domestic Relations Procedural Rules
Committee

The Honorable Daniel J. Clifford
Chair

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

**RULE PROPOSAL 182
REPUBLICATION**

Rule 1930.2. No Post-Trial Practice. Motions for Reconsideration

(a) There shall be no motions for post-trial relief in any domestic relations matter, including Protection of Victims of Sexual Violence or Intimidation matters.

[Note: See Pa.R.C.P. No. 1957.]

*** * * The following text replaces subdivisions (b) - (e) entirely * * ***

(b) *Motion for Reconsideration.* Within 30 days of the entry of an order, a party aggrieved by a court's order may file with the court a motion for reconsideration.

(1) *Reconsideration Granted.*

(i) If the court expressly grants the motion for reconsideration, the court's order granting reconsideration shall state the underlying order's status pending reconsideration. The court may:

(A) maintain the underlying order as entered;

(B) stay the underlying order;

(C) vacate the underlying order; or

(D) enter an interim order amending the underlying order as necessary.

(ii) *Reconsidered Decision.* Except as set forth in subdivision (b)(1)(iii):

(A) the court shall enter the reconsidered decision within 120 days from the date the court expressly granted the motion for reconsideration; or

(B) if the court does not enter a reconsidered decision within 120 days, the underlying order shall be deemed affirmed.

(iii) During the 120-day period provided in subdivision (b)(1)(ii), the

court may order additional testimony, and as a result, the court need not render its reconsidered decision within 120 days.

(iv) *Notice of Appeal.* The time for filing a notice of appeal will begin to run anew from:

(A) the day the court enters the reconsidered decision; or

(B) when the underlying order has been deemed affirmed as provided in subdivision (b)(1)(ii)(B), the 121st day after the motion for reconsideration was expressly granted.

(2) *Reconsideration Denied.* When the court denies the motion for reconsideration within 30 days, the time for filing a notice of appeal will run as if a party had never presented the motion for reconsideration to the court.

*** * * The preceding text replaces subdivisions (b) - (e) entirely * * ***

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

REPUBLICATION REPORT

Rule Proposal 182

The Domestic Relations Procedural Rules Committee (Committee) is proposing an amendment to Pa.R.C.P. No. 1930.2 as that rule relates to a motion for reconsideration. The proposed amendment would address the status of the underlying order pending the trial court's reconsideration. Currently, the Rules of Civil Procedure do not address the order's status. The Committee previously published the Rule Proposal in the *Pennsylvania Bulletin*, 50 Pa.B. 7008 (December 12, 2020) with a comment period ending February 12, 2021. After reviewing the comments, the Committee revised the Rule Proposal, which is being republished for comment.

As noted in the previous Publication Report, subdivisions (b) through (e) have been entirely rewritten into an outline format with the substantive changes included in subdivision (b)(1)(i). Otherwise, Pa.R.C.P. No. 1930.2 remains substantively unchanged. However, based on the comments received, the Committee proposes a few revisions.

Unlike other civil actions, post-trial motions are precluded for domestic relations actions. See Pa.R.C.P. No. 1930.2(a). A party seeking relief from a court's order may appeal, request the trial court reconsider its order, or both. And, unlike other civil actions, the parties in domestic relations actions typically have an ongoing relationship and may have a support order or a custody order in place in the action prior to requesting reconsideration, which places a special significance on the underlying order's status pending reconsideration.

The Committee received a comment suggesting that the underlying order is automatically vacated upon a court expressly granting reconsideration with the exception of a custody order. The Committee could not find case law supporting this position or the exception. Instead, the Committee opined that the court should have discretion in determining the underlying order's status pending reconsideration. As such, the republished Rule Proposal clarifies that the court shall determine the underlying orders status in its order expressly granting reconsideration. Further, the Rule Proposal provides additional discretionary options for the court to consider when expressly granting reconsideration. Proposed subdivision (b)(1)(i) now proposes adding four options for the court: (1) maintain the underlying order as entered; (2) stay the underlying order; (3) vacate the underlying order; or (4) enter an interim order amending the underlying order as necessary.

The Committee is also proposing two additional revisions. From the previously published Rule Proposal, the sequence of subdivisions (b)(1)(ii) and (iii) have been reversed. The Committee believed this revised sequence is more appropriate and provided more clarity to the rule's operation.

Finally, the Committee revised the Rule Proposal by indicating that the court must "expressly" grant reconsideration. This change is consistent with the case law discussing motions for reconsideration and related timing issues.

All comments, concerns, and suggestions concerning this rule proposal are welcome.