

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

On February 21, 2023, the Supreme Court of Pennsylvania amended Pa.R.Civ.P. 1920.76, which outlines the form of a divorce decree. Specifically, the amendment incorporates language required in Act 106 of 2022. The Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained in this Adoption Report are those of the Committee, not the Court.

The Act amends 23 Pa.C.S. § 3323(b.1) to require an order accompanying a divorce decree to include a provision informing the parties to reaffirm or change the beneficiary status on a life insurance policy, annuity contract, pension, profit sharing plan, or other contractual arrangement providing for payment to a spouse if it is the intention of one of the parties to keep or change the other party as beneficiary. The amended statute will also require warning the parties that failure to do so may result in revocation of the beneficiary designation pursuant to 20 Pa.C.S. § 6111.2, which relates to the effect of divorce or pending divorce on the designation of beneficiaries. The statute provides that this requirement shall be a form as may be prescribed by general rule. The Act becomes effective May 2, 2023.

The amendment to Pa.R.Civ.P. 1920.76 includes the operative language of the Act. Additionally, the “note” was moved to a comment at the end of the rule and the explanatory comments were removed as they are historical in nature, and they do not provide assistance to the reader in the execution of the rule.

Given the effective date of the Act and its clear language, the amendment was not published pursuant to Pa.R.J.A. 103(a)(3). The additional language added to the form decree in divorce replicated the wording of the Act, for which no wording changes are necessary.

The following text in the Explanatory Comments was removed:

EXPLANATORY COMMENT--1983

See Explanatory Comment following Rule 1920.73.

EXPLANATORY COMMENT--1988

The amendment to Rule 1920.76 revises the form of divorce decree so that the court will no longer be required to list the claims as to which a final order has not been entered at the time of entry of the final divorce decree. Rather, the decree will simply state that the court retains jurisdiction over unresolved issues.

The amendment becomes effective May 2, 2023.