

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

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Amendment of Pa.R.Civ.P. 1930.2**

The Domestic Relations Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Civil Procedure 1930.2 relating to reconsideration for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

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All communications in reference to the proposal should be received by **August 16, 2024**. 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,

Carolyn Moran Zack, Esq., Chair

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

**Rule 1930.2. No Post-Trial [Practice] Motion. Motion for Reconsideration of Final Orders.**

- (a) **Post-Trial Motion.** 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.**

(b) A party aggrieved by the decision of the court may file a motion for reconsideration in accordance with Pa.R.A.P. 1701(b)(3). If the court does not grant the motion for reconsideration within the time permitted, the time for filing a notice of appeal will run as if the motion for reconsideration had never been presented to the court.

**Note: Pennsylvania Rule of Appellate Procedure 903 states that the Notice of Appeal shall be filed within 30 days after the entry of the order from which the appeal is taken, except as otherwise set forth in that rule.**

(c) The court shall render its reconsidered decision within 120 days of the date the motion for reconsideration is granted, except as set forth in subdivision (e). If the court's decision is not rendered within 120 days, the motion shall be deemed denied.

(d) If the court does not enter a reconsidered decision within 120 days, the time for filing a notice of appeal will begin to run anew from the date of entry of the reconsidered decision or from the 121st day after the motion for reconsideration was granted.

(e) If the court grants the motion for reconsideration and files its order within the 30-day appeal period, the court may issue an order during the applicable 120-day period directing that additional testimony be taken. If the court issues an order for additional testimony, the reconsidered decision need not be rendered within 120 days, and the time for filing a notice of appeal will run from the date the reconsidered decision is rendered.]

**(b) Motion for Reconsideration. Within 10 days of the entry of a final order, a party aggrieved by the order may file a motion for reconsideration. The motion shall identify the specific issues to be reconsidered by the court. The filing of a motion for reconsideration does not toll the 30-day appeal period pursuant to Pa.R.A.P. 903.**

**(c) Decision on Motion for Reconsideration. Within 10 days of the filing of a motion, the court shall either:**

**(1) Deny Reconsideration. A motion for reconsideration may be expressly denied by the court, or it shall be deemed denied if not expressly granted. The time for filing a notice of appeal pursuant**

to Pa.R.A.P. 903 is not tolled if the motion for reconsideration is denied; or

(2) Grant Reconsideration. If the court expressly grants the motion for reconsideration, the underlying order shall be a non-final, interlocutory order for purposes of appeal that the court may amend or stay until the court has entered a reconsidered final order. The time for filing a notice of appeal pursuant to Pa.R.A.P. 903 begins to run anew from the date of the entry of the reconsidered final order, regardless of whether that decision reaffirms the prior determination of the court.

(3) Deemed Denial. If the court fails to decide the motion for reconsideration within 10 days of the filing of the motion, the motion shall be deemed denied by operation of law. If a motion for reconsideration is denied by operation of law, the prothonotary shall:

(i) enter an order on behalf of the court denying the motion for reconsideration by operation of law; and

(ii) furnish a copy of the order, by mail or personal delivery, to the parties.

(d) Reconsidered Final Order.

(1) Custody Matters. But for extraordinary circumstances, the court shall enter a reconsidered final order in custody matters within 30 days from the date the court expressly granted the motion for reconsideration. If extraordinary circumstances exist, the court shall enter an order identifying those circumstances and a date by which the reconsidered order shall be entered, not more than 90 days thereafter.

(2) Other Matters. The court shall enter a reconsidered decision in all other matters within 90 days from the date the court expressly granted the motion for reconsideration.

Comment: The filing of a motion for reconsideration does not toll the 30-day appeal period pursuant to Pa.R.A.P. 903. If the court denies the motion or fails to decide the motion within 10 days of the filing of the motion for reconsideration, the party must file a notice of appeal pursuant to Pa.R.A.P. 903 within 30 days of the entry of the original order to preserve their right to an appeal.

See Pa.R.A.P. 108(b) which states that the date of the entry of an order is the day

**on which the prothonotary makes the notation in the docket that notice of the order has been given as required by Pa.R.Civ.P. 236(b). Pursuant to Pa.R.Civ.P. 236(b), the prothonotary is required to immediately provide written notice of the entry of an order.**

**A court may expressly grant a motion for reconsideration for the purpose of hearing argument, briefing, or re-opening the record.**

**See Pa.R.A.P. 1701 for the authority of the trial court after an appeal is taken.**

**See Pa.R.A.P. 1731(b) regarding supersedeas in domestic relations matters.**

**If a motion for reconsideration is granted, either before or after a notice of appeal is filed, the trial court shall have jurisdiction pursuant to Pa.R.A.P. 1701(b), until a final reconsidered order is entered.**

**If a motion for reconsideration is granted, the time for filing an appeal shall begin to run anew from the date of the entry of the reconsidered final order.**

### **Historical Commentary**

**The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:**

#### **Explanatory Comment–1994**

All post-trial practice in domestic relations cases is abolished by this rule. In order to allow the trial court to take a second look at a case before it is appealed to the Superior Court, the rule allows a request for reconsideration to be filed in accordance with Appellate rule 1701(b)(3). The aim of these rules is to ensure that domestic cases are moved as quickly as possible toward a final resolution, and thus the requirement of Appellate Rule 1701 that the motion for reconsideration be filed and granted within the thirty day appeal period is adopted here. If the motion for reconsideration is granted, the time for filing the notice of appeal is tolled. However, if it is not granted, there is no extension of the appeal period, so that the matter proceeds without delay.

If the court grants the motion for reconsideration, it has 120 days in which to enter a reconsidered decision. The appeal period begins to run anew upon the entry of the reconsidered decision, or on the 121st day if the decision is not entered within the 120 day period. The time limit does not apply where the court determines that it is necessary to take additional testimony. In that event, the time for filing a notice of appeal begins to run anew when the reconsidered decision is entered.

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

**PUBLICATION REPORT**

**Proposed Amendment of Pa.R.Civ.P. 1930.2**

The Domestic Relations Procedural Rules Committee (Committee) is considering proposing amendment of Pennsylvania Rule of Civil Procedure 1930.2 insofar as that rule relates to reconsideration. Prior proposals have been published for comment at 51 Pa.B. 3597 (July 3, 2021) and 50 Pa.B. 7008 (December 12, 2020).

For three decades, there has been a rules-based prohibition on post-trial motions in “any domestic relations matter,” including proceedings involving protection orders, as governed by Pa.R.Civ.P. 1901-1959. Instead, parties have been permitted to seek reconsideration. Permitting reconsideration is more efficient than awaiting appellate court review, especially if there has been a misappreciation of the record, an erroneous evidentiary ruling, or a new legal authority. Not infrequently, family court proceedings may span several, non-consecutive days. Such proceedings can be emotionally charged with evidence and legal argument often presented by self-represented parties. Even for those learned in the law, the lack of discovery in most types of proceedings can cause an avalanche of unanticipated evidence to enter the record. Because family court proceedings require swift decision making, motions for reconsideration provide a mechanism to again contemplate the application of the facts to the law.

The Committee proposes, through amendment, the rescission and replacement of the reconsideration procedures in Pa.R.Civ.P. 1930.2(b)-(e). The proposal provides for an expedited process, deemed denial of motions for reconsideration, the authority of the court to continue enforceability of a reconsidered order, and guidance on the interplay between reconsideration and an appeal.

Preliminarily, the rule clarifies that the subdivisions pertaining to reconsideration apply only to reconsideration of final orders. The rule would not govern interlocutory orders not appealable as of right. The application only to final orders is inferred in the current rule text and commentary.

Concerning an expedited process, the Committee focused on the overall length of time involving reconsideration. As proposed, subdivision (b) would require a motion for reconsideration to be filed within 10 days of the final order. This would shorten the current 30-day period. Readers would be advised that the filing of a reconsideration motion does not toll the appeal window. This information is reiterated in the first sentence of the Comment to emphasize its importance and to avoid waiver.

Per subdivision (c), the trial court would then have 10 days to decide the motion, or the motion would be deemed denied. A denied or deemed denied motion would not toll the time for filing a notice of appeal. Therefore, the motion for reconsideration would be resolved in 20 days and the party would still have 10 days thereafter to decide whether to appeal.

Pursuant to subdivision (c)(2), if the court expressly grants a motion for reconsideration, the underlying order is then transformed into a non-appealable interlocutory order. That order can remain in effect, be amended, or stayed during the period after the motion for reconsideration is granted. The continued effect of the underlying order is a matter of judicial discretion.

The case law suggests that, when a trial court expressly grants a motion for reconsideration, the underlying order is vacated until the reconsidered decision is entered. *See generally Jackson ex rel. Sanders v. Hendrick*, 746 A.2d 574, 579 (Pa. 2000) (Zappala, J., concurring) (decision to grant reconsideration “has the effect of vacating the original order; until the court enters its decision on reconsideration, the status of the case is as if no order had been entered”); *Barron v. City of Philadelphia*, 754 A.2d 738, 740 (Pa. Cmwlth. 2000) (“when a court enters an order expressly granting reconsideration, it would follow that the order under reconsideration is effectively vacated”). While there is certainly merit to applying this approach in “episodic litigation” of past harms, family court matters are generally neither episodic nor retrospective in nature.

Family court decisions involving custody and support address both immediate and anticipated needs. Maintaining the *status quo* during reconsideration may not be appropriate in all cases because needs remain unaddressed. Additionally, family law decisions, such as custody orders, often address multiple aspects of physical and legal custody, including schedules and schools. Support orders may simultaneously involve a deviation and the allocation of myriad expenses. For an express grant of a motion for reconsideration to vacate an entire order may be unnecessary if only a discrete aspect of the order warrants reconsideration.

The deemed denial aspect of subdivision (c)(3) is borrowed from the Pennsylvania Rules of Criminal Procedure, *see e.g.*, Pa.R.Crim.P. 608(B), 720(B)(3), and the Pennsylvania Rules of Juvenile Court Procedure, *see e.g.*, Pa.R.J.C.P. 620(D). If a reconsideration motion is deemed denied by operation of law, then the prothonotary is to enter a denial order without prompt by a party. *See* 42 Pa.C.S. § 2737(6). This will bring the rule into compliance with Pa.R.A.P. 108, as well as subdivision (b) of that rule. *See also* Pa.R.Civ.P. 236(b). Additionally, it will keep the case moving.

Subdivision (d) establishes deadlines for the judge to enter a reconsidered order. Subdivision (d)(1) contains a 30-day deadline for custody matters but includes an

additional 90 days for “extraordinary circumstances.” Subdivision (d)(2) sets a 90-day deadline for non-custody matters.

The subdivision (d)(1) custody deadline is shorter from what was previously proposed. Custody, unlike other matters, is non-fungible. The Committee was concerned about custody appeals being unduly delayed pending reconsideration. See *also* Pa.R.Civ.P. 1915.4(d) (prompt custody decisions); 30 Pa.B. 6423 (December 16, 2000) (Explanatory Comment accompanying adoption of Pa.R.C.P. 1915.4 stating: “A new rule requiring prompt custody trials was recommended by a special committee established by the Pennsylvania Superior Court. That committee concluded that the interests of children who are the subjects of custody litigation would best be served by a requirement that the litigation be concluded within specific time frames.”). One option considered, but rejected, was to eliminate motions for reconsideration altogether for custody matters. However, that would preclude the trial court from correcting errors and require the lengthier path of appellate review before an error can be corrected, depending on the nature of the error.

As mentioned, the Comment, in part, reiterates what the rule text already provides regarding motions for reconsideration and the 30-day window for a timely appeal. The Comment also states that a court may expressly grant a motion for reconsideration for the purpose of hearing argument, briefing, or re-opening the record. Further, readers are referred to the Pennsylvania Rules of Appellate Procedure for further procedures after an appeal has been taken.

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