

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

ADOPTION REPORT

**Amendment of Pa.R.Civ.P. 1910.1, 1910.11, 1910.12, 1910.16-1, 1910.16-2,
1910.16-3, 1910.16-3.1, 1910.16-4, 1910.16-5, 1910.16-6, 1910.16-7,
1910.19, 1910.21, 1910.27, and 1910.29**

On August 11, 2025, the Supreme Court amended Pennsylvania Rules of Civil Procedure 1910.1, 1910.11, 1910.12, 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-3.1, 1910.16-4, 1910.16-5, 1910.16-6, 1910.16-7, 1910.19, 1910.21, 1910.27, and 1910.29 as part of the quadrennial support guidelines review. The Domestic Relations Procedural Rules 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 herein are those of the Committee, not the Court.

Pennsylvania's support guidelines are subject to review every four years. See 23 Pa.C.S. § 4322(a); 45 C.F.R. § 302.56(e). The Committee is tasked with conducting that review. See Pa.R.Civ.P. 1910.16.1(e). As with previous reviews, the Committee was assisted in its review by Jane Venohr, Ph.D., an economist with the Center for Policy Research. Dr. Venohr's services were contracted through the Pennsylvania Bureau of Child Support Enforcement.

As has been the practice in prior reviews, the Committee incorporated other proposed amendments to the support procedures into the guidelines proposal. This approach was intended to avoid piecemeal amendments to the support rules. The Committee published the proposal for comment. See 54 Pa.B. 8395 (December 28, 2024).¹

Through this Adoption Report, the Committee intends to explain any substantive revisions between the amendments proposed for comment and the amendments adopted by the Court. If there has not been a substantive revision to an aspect of the proposal, readers are referred to the Publication Report accompanying the proposal for a discussion of the rationale.

Dr. Venohr authored a report, which can be found on the Committee's website: <https://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>. The report concluded that Pennsylvania meets the

¹ The Publication Report informed readers that Dr. Venohr's report could be found on the Committee's webpage, together with a link to that webpage.

federal requirements of state guidelines. Report, at p. 5. The guidelines' schedule is being updated based on more current data on price levels and the Federal Poverty Guidelines.

As an anticipated compliance matter, the Committee proposed amending Pa.R.Civ.P. 1910.16-2 to add "incarceration" to subdivision (d)(2)(i) (Involuntary Income Reduction) and to rescind subdivision (d)(2)(ii) containing the "exception[s]." To provide rationale for this amendment within the rule, the Comment has been revised post-publication to add: "Concerning subdivision (d)(2)(i) and the inclusion of 'incarceration,' see 45 C.F.R. § 302.56(c)(3) ('[I]ncarceration may not be treated as voluntary unemployment in establishing or modifying support orders.')."

The Committee proposed amending Pa.R.Civ.P. 1910.11(c) and Pa.R.Civ.P. 1910.27(b) to add a requirement that the parties exchange copies of their documents prior to or at the conference. While some commenters were supportive of the proposal, the Committee was made aware of the potential risk involved with domestic violence victims, anticipated noncompliance, and operational issues involved with the document exchange requirement. Weighing the comments, the Committee discontinued its recommendation of the proposal. Instead, if the parties wished to obtain the source documents, they may seek a separate listing and discovery pursuant to Pa.R.Civ.P. 1910.11(j)(2) and Pa.R.Civ.P. 1910.12(c)(3).

The Committee also sought input on whether Pa.R.Civ.P. 1910.16-2(d)(2)(i), concerning involuntary income reduction, should specifically address whether terminating employment for a "necessitous and compelling reason" should be treated as an involuntary income reduction. See, e.g., *Beachem v. UCBR*, 760 A.2d 68 (Pa. Cmwlth. 2000) (child needing the emotional and psychological support of a parent may be a "necessitous and compelling reason" to voluntarily terminate employment). If a parent terminates employment for a "necessitous and compelling reason," the parent may be entitled to receive unemployment compensation under the Unemployment Compensation Law, see 43 P.S. § 802(b), assuming the parent meets all other qualifications, see *id.* § 801. If the parent receives unemployment compensation, it is income for support purposes. See 23 Pa.C.S. § 4302 (defining "income"). There may also be a scenario when a parent is not qualified to receive unemployment compensation but would otherwise have a "necessitous and compelling reason" for not being employed.

There was support for the concept of this proposal, but additional refinements were deemed necessary so that it stands on its own lest it becomes unintentionally subjugated by unemployment compensation jurisprudence. Accordingly, this aspect will be further considered through separate rulemaking.

In 2022, Pa.R.Civ.P. 1910.16-2(d)(4) and Pa.R.Civ.P. 1910.16-6(a) were amended to permit the consideration and allocation of hypothetical child care expenses

when an earning capacity is determined. See 51 Pa.B. 5539 (September 4, 2021). In 2024, the rules were amended to provide additional clarification. See 54 Pa.B. 7348 (November 9, 2024). Through the current guidelines proposal, the Committee proposed amendments seeking to further clarify the rules and their application.

The Committee received several comments objecting to the discretionary allocation of hypothetical child care expenses. However, these comments did not offer an alternative method to account for such expenses when an earning capacity is determined.

The substance of the proposed amendments of Pa.R.Civ.P. 1910.16-2(d)(4), Pa.R.Civ.P. 1910.16-5, and Pa.R.Civ.P. 1910.16-6(a) have been adopted. The Committee intends to continue to study hypothetical child care expenses, as well as the factors in Pa.R.Civ.P. 1910.16-2(d)(4)(ii) and their application.

The Committee proposed to remove the requirement in Pa.R.Civ.P. 1910.16-3.1(b)(2)(iii) that the trier-of-fact consider the parties' expense statements required by Pa.R.Civ.P. 1910.11(c)(2) and Pa.R.Civ.P. 1910.27(c)(2)(B). The Committee also proposed a corollary amendment of Pa.R.Civ.P. 1910.27(c)(2)(A)-(c)(2)(B) concerning the use and forms of expense statements in support proceedings, and Pa.R.Civ.P. 1910.11(c)(2). Based upon the irreconcilable opinions of commenters, the Committee discontinued this proposal. The adjudicatory process, rather than the rulemaking process, appeared to be the better forum for resolution.

As part of the guidelines proposal, the Committee republished a proposed amendment of Pa.R.Civ.P. 1910.29, including a new version of the "Advanced Practice Provider's Statement" form. An aspect of the amendment would require the exchange of the completed form at the support conference.

A commenter objected to the exchange requirement on the same grounds as the proposed requirement to exchange financial source documents at conference. That requirement has been removed from Pa.R.Civ.P. 1910.29.

These amendments become effective on January 1, 2026.