

Rule 1910.4. Domestic Relations Section. Commencement of Action. No Filing Fees. Authorized Fees.

- (a) **Filing Office.** Each court of common pleas shall have a domestic relations section that shall be the filing office for pleadings and documents for child support, spousal support, and alimony *pendente lite* actions.
- (b) **Commencement of Support Action.** A party shall commence actions for child support and spousal support by filing a complaint in the domestic relations section. A party shall commence an action for alimony *pendente lite* by filing a complaint in the domestic relations section if a divorce complaint has been filed with the prothonotary.

[Note: See Pa.R.C.P. No. 1910.27(a) for the form of the complaint.

See Pa.R.C.P. No. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions (e.g., divorce, custody), the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* shall apply.

See the Pennsylvania Department of Human Services Child Support Program for e-services, including filing for support or requesting a modification of an existing support order at <https://www.humanservices.state.pa.us/csws/>.

See Pa.R.C.P. No. 1920.31(a)(2) regarding the filing of alimony *pendente lite* actions in the domestic relations section.]

- (c) **Filing Fee.** The domestic relations section shall not require payment of a filing fee to commence or modify an action.
- (d) **Additional Fees.** Unless authorized by statute, a judicial district shall not impose additional fees in actions for child support, spousal support, and alimony *pendente lite*. The domestic relations section shall collect fees through the Pennsylvania Child Support Enforcement System (PACSES).

[Note: The statutorily authorized fees in actions for child support, spousal support, and alimony *pendente lite* include the genetic testing fee, the federally mandated annual fee, and fees associated with statewide court operations referenced in 204 Pa. Code § 29.351.]

- (e) Petition for Judicial Relief – Arbitration. If a complaint was not previously filed, a complaint shall be filed in the domestic relations section contemporaneously with a petition seeking the collection or**

enforcement of a confirmed arbitration award for support by the domestic relations section. A complaint need not be filed with the domestic relations section for petitions seeking other judicial relief concerning arbitration.

Comment: See Pa.R.Civ.P. 1910.27(a) (form of complaint).

See Pa.R.Civ.P. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions, e.g., divorce, custody, the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania shall apply.

For the Pennsylvania Department of Human Services Child Support Program's e-services, including filing for support or requesting a modification of an existing support order, see <https://www.humanservices.dhs.pa.gov/csws/>.

See Pa.R.Civ.P. 1920.31(a)(2) regarding the filing of alimony *pendente lite* actions in the domestic relations section.

The statutorily authorized fees in actions for child support, spousal support, and alimony *pendente lite* include the genetic testing fee, the federally mandated annual fee, and fees associated with statewide court operations referenced in 204 Pa. Code § 29.351.

Concerning subdivision (e), see Pa.R.Civ.P. 1960-1965 governing the Uniform Family Law Arbitration Act, 42 Pa.C.S. §§ 7371-7398.

(These are entirely new rules.)

Rule 1960. Applicability of Rules to Arbitration.

The rules in this chapter shall apply to court proceedings arising from the Uniform Family Law Arbitration Act, 42 Pa.C.S. §§ 7371-7398 (hereinafter “Act”).

Comment: The Act provides for limited judicial review of arbitration proceedings and awards. Readers are advised to consult the Act for the permitted bases for review, the timing for seeking review, and the conditions and limits on the scope of review. Petitioners are required to allege sufficient facts and cite the Act with specificity in support of the relief sought. See Pa.R.Civ.P. 1964(d)(1), 1965(d)(1).

The Act incorporates by reference the Revised Statutory Arbitration Act, 42 Pa.C.S. §§ 7321.1-7321.31, where not inconsistent with provisions of the Act. See 42 Pa.C.S. § 7374(a).

Rule 1961. Petition for Judicial Relief - Forum.

A petition for judicial relief, as permitted by the Act, shall be filed in the appropriate forum:

- (a) the court in which a proceeding is pending involving a dispute subject to arbitration under the Act; or
- (b) if no proceeding is pending, a court with jurisdiction over the parties and the subject matter.

Comment: See 42 Pa.C.S. § 7377(a).

Rule 1962. Petition for Judicial Relief - Compulsion.

- (a) **Compulsion by Party.** A party seeking to compel arbitration of an arbitrable claim shall file a petition naming the other party as respondent.
- (b) **Service.** The petition shall be served pursuant to Pa.R.Civ.P. 1930.4, unless the claim has previously been raised and remains pending before the court, in which case the petition shall be served in accordance with Pa.R.Civ.P. 440.
- (c) **Contents of Petition.**
 - (1) The petition shall include an allegation that the claim sought to be reviewed is subject to an agreement to submit the claim to arbitration.
 - (2) The petition shall include an allegation that a notice to arbitrate was given in the manner specified in the arbitration agreement or, if there is no specified manner, pursuant to 42 Pa.C.S. § 7321.3.
 - (3) A copy of the notice to arbitrate shall be appended to the petition.
 - (4) A copy of the arbitration agreement shall be appended to the petition.
- (d) **Notice to File Answer.** The petition shall contain a notice substantially in the following form:

Notice to File Answer

The petition attached to this notice asks the court to enforce an agreement to submit claims to arbitration. If you oppose submission of this claim to arbitration, you must file an answer to the petition with the Prothonotary within 20 days of the date of service of this notice. If you fail to respond, this case will proceed to arbitration, and you may lose custody, money, property, or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(Name)

(Address)

(Telephone Number)

- (e) **No Response or Admission by Respondent.** If the respondent fails to file an answer or files an answer admitting that the claim is subject to arbitration, the petitioner may file a *praecipe* directing the prothonotary to enter on the docket a stay of proceedings pending arbitration.
- (f) **Denial by Respondent.** If the respondent files an answer denying that the claim is subject to arbitration, a judge shall decide the petition without delay.
- (g) **Compulsion by Responding Party.** A party seeking to compel arbitration of an arbitrable claim which the other party has raised before the court shall proceed by petition.
- (h) **Court Order.** If the court grants a petition to compel arbitration, the court shall enter an order compelling the parties to proceed with arbitration and staying proceedings pending arbitration.

Comment: See 42 Pa.C.S. § 7377(b) (compulsion of arbitration). Nothing in this rule is intended to prevent the parties from filing an action in the appropriate court or otherwise preserving a claim. For a stay of court proceedings, see 42 Pa.C.S. § 7321.8(f).

Concerning subdivision (c)(2), if verbal notice to arbitrate was provided, the notice must be represented by an affidavit attached to the petition.

Pursuant to subdivision (g), if a party has commenced an action in court raising an arbitrable claim, the other party is to seek to compel arbitration by filing a petition rather than a responsive pleading.

Rule 1963. Petition for Judicial Relief: Prior to Arbitration Award.

A petition seeking judicial relief prior to an arbitration award not otherwise specified in this Chapter shall conform to the requirements of Pa.R.Civ.P. 1964(a)-(d) and contain a notice substantially in the following form:

To: (Name of Adverse Party)

You are hereby notified to file a written response to the enclosed petition within 20 days of the date of service of this notice or an order may be entered against you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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(Name)

(Address)

(Telephone Number)

Comment: This rule is intended to govern petitions, including, but not limited to, those seeking court selection of an arbitrator, objecting to the selection or continued service of an arbitrator, staying arbitration, terminating arbitration, or consolidating separate arbitrations.

See Pa.R.Civ.P. 1962 for a petition to compel arbitration.

Rule 1964. Petition for Judicial Relief: Arbitration Award.

- (a) **Petition.** A party seeking to confirm, amend, correct, or vacate an arbitrator's award shall file a timely petition naming the other party as respondent.
- (b) **Docket Number.** If the claim has been raised in a matter stayed pending arbitration, or a petition pursuant to Pa.R.Civ.P. 1963 has been previously filed, the petition shall be filed on that docket. Otherwise, the petition shall be filed as a new action in conformity with the forum requirement of Pa.R.Civ.P. 1961.
- (c) **Service.** If the claim has been raised in a matter stayed pending arbitration, or a petition pursuant to Pa.R.Civ.P. 1963 has been previously filed, the petition shall be served in accordance with Pa.R.Civ.P. 440. Otherwise, the petition shall be served pursuant to Pa.R.Civ.P. 1930.4.
- (d) **Contents of Petition.**
 - (1) The petition shall allege sufficient facts and cite the Act with specificity in support of the relief sought.
 - (2) A copy of the arbitrator's award shall be appended to the petition.
- (e) **Notice to File Answer.** The petition shall contain a notice substantially in the following form:

Notice to File Answer

A party to these proceedings has filed a petition to (confirm/amend/correct/vacate) an arbitration award. If you oppose the petition, you are required to file an answer to the petition within 20 days of the date of service of this notice setting forth your objections to the petition. If you fail to file an answer, a court order based on the arbitration award may be entered against you without further notice. You may lose custody, money, property, or other rights important to you.

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(Name)

(Address)

(Telephone Number)

(f) **Court Order.** A petition to confirm, amend, correct, or vacate an arbitrator's award shall be heard by a judge directly and decided promptly.

Comment: The scope of this rule is intended to include temporary awards. A petition to confirm an arbitration award should also seek to lift any stay if an action was previously commenced in court and stayed.

Readers should consult the Act on the timeliness requirements for certain petitions. See, e.g., 42 Pa.C.S. §§ 7388(a), 7389(e).

Rule 1965. Petition for Judicial Relief: Post-Confirmation.

- (a) **Petition.** A party seeking to modify or enforce a confirmed arbitration award shall file a petition naming the other party as respondent.
- (b) **Docket Number.** The petition shall be filed on the same docket in which the award was confirmed.
- (c) **Service.** The petition shall be served in accordance with Pa.R.Civ.P. 440.
- (d) **Contents of Petition.**
 - (1) The petition shall allege sufficient facts and cite the Act with specificity in support of the relief sought.
 - (2) A copy of the confirmed arbitration award shall be appended to the petition.
- (e) **Support-Related Petition.** If the petition seeks the collection or enforcement by the domestic relations section of a confirmed arbitration award for support, the petition shall be accompanied by the contemporaneous filing of a support complaint if one has not previously been filed.
- (f) **Notice to File Answer.** The petition shall contain a notice substantially in the following form:

Notice to File Answer

A party to these proceedings has filed a petition to (modify/enforce) a confirmed arbitration award. If you oppose the petition, you are required to file an answer to the petition within 20 days of the date of service of this notice setting forth your objections to the petition. If you fail to file an answer, a court order based on the arbitration award may be entered against you without further notice. You may lose custody, money, property, or other rights important to you.

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(Name)

(Address)

(Telephone Number)

Comment: This rule applies when the parties have not otherwise agreed to arbitrate the clarification or modification of a confirmed award.

For judicial clarification of a confirmed award, see 42 Pa.C.S. § 7390. An action for declaratory judgment should be filed in the family court.

For the filing of a support complaint, see Pa.R.Civ.P. 1910.4.