

**SUPREME COURT OF PENNSYLVANIA  
CIVIL PROCEDURAL RULES COMMITTEE**

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Amendment of Pa.R.Civ.P. 400**

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P. 400 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.

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:

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Civil Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
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All communications in reference to the proposal should be received by **May 21, 2026**. 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 Civil Procedural Rules Committee,

Casey Alan Coyle  
Chair

**Rule 400. Person to Make Service.**

- (a) **General Rule.** Except as provided in subdivisions (b) and (c) and in Rules 400.1 and 1930.4, original process shall be served within the Commonwealth only by the sheriff.
- (b) **Service by Sheriff or Competent Adult.** In addition to service by the sheriff, original process may be served also by a competent adult in the following actions:
- (1) a civil action in which the complaint includes a request for injunctive relief under Rule 1531, perpetuation of testimony under Rule 1532, or appointment of a receiver under Rule 1533;
  - (2) partition;
  - (3) a declaratory judgment when declaratory relief is the only relief sought; and
  - (4) a civil action in which there is a complete diversity of citizenship between all plaintiffs and all defendants, **[and] at least one defendant is a citizen of Pennsylvania, and the amount in controversy meets the Federal jurisdictional limit set forth in 28 U.S.C. § 1332(a).**

**[Note: See Rule 76 for the definition of “competent adult”.**

**Service of original process in domestic relations matters is governed by Rule 1930.4.]**

- (c) **Service When Sheriff is Original Party to Action.** When the sheriff is a party to the action, original process shall be served by the coroner or other officer authorized by law to perform the duties of coroner.
- (d) **Service by Sheriff in Another County.** If service is to be made by the sheriff in a county other than the county in which the action was commenced, the sheriff of the county where service may be made shall be deputized for that purpose by the sheriff of the county where the action was commenced.

**Comment: See Rule 76 for the definition of “competent adult”.**

**Service of original process in domestic relations matters is governed by Rule 1930.4.**

**Subdivision (b)(4) provides an option for service of original process by either the sheriff or a competent adult for those civil actions subject to removal to Federal court pursuant to 28 U.S.C. § 1441.**

**Historical Commentary**

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

**Explanatory Comment—1985**

See Explanatory Comment preceding Rule 400.

**SUPREME COURT OF PENNSYLVANIA  
CIVIL PROCEDURAL RULES COMMITTEE**

**PUBLICATION REPORT**

**Proposed Amendment of Pa.R.Civ.P. 400**

The Civil Procedural Rules Committee is considering recommending the amendment of Pennsylvania Rule of Civil Procedure 400(b)(4) to limit service of original process by the sheriff or a competent adult to those cases in which there is a complete diversity of citizenship of all plaintiffs and all defendants, at least one defendant is a citizen of Pennsylvania, and the amount in controversy meets the threshold for Federal diversity jurisdiction under 28 U.S.C. § 1332(a).

The 2022 amendment of Pa.R.Civ.P. 400 added subdivision (b)(4), providing a narrow category of cases for which a competent adult, in addition to the sheriff, may serve original process in any civil action in which there is a complete diversity of citizenship between all plaintiffs and all defendants, and at least one defendant is a citizen of Pennsylvania. As indicated in the Committee’s Adoption Report, the amendment was intended to ameliorate the practice of “snap” or pre-service removal, which was a practice that developed to obviate the “forum defendant rule.” See 52 Pa.B. 682 (January 29, 2022). The amendment was intended to apply to those cases for which removal to Federal court was possible because the requirements for Federal diversity jurisdiction were met.

Notwithstanding, it was reported to the Committee that some litigants have been serving original process by a competent adult in certain cases that technically comply with the rule’s stated requirements but were never its intended focus. To further limit the application of the rule to those cases that may be subject to removal to Federal court, the Committee proposes amending subdivision (b)(4) to allow service by the sheriff or a competent adult in those civil actions that meet the diversity of citizenship requirements set forth in the rule and also meet the amount in controversy threshold for Federal diversity jurisdiction.

The Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.