

PROPOSED RULES

AMENDMENTS TO THE RULES OF CIVIL PROCEDURE RELATING TO DOMESTIC RELATIONS MATTERS

SUPREME COURT OF PENNSYLVANIA DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE

RECOMMENDATION 120

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than **Friday, August 10, 2012** directed to:

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Deleted material is **bold** and **[bracketed]**. New material is **bold** and underlined.

By the Domestic Relations Procedural Rules Committee

Carol S. Mills McCarthy, *Chair*

SUPREME COURT OF PENNSYLVANIA
DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE

RECOMMENDATION 120

Rule 1901.8 Withdrawal, Modification or Discontinuance.

A petitioner who has a protection from abuse order against another party and wishes to withdraw, discontinue or modify the action shall file a petition with the court. The court shall enter an order granting or denying the petition following an appearance by the petitioner before the court.

Explanatory Comment—2012

Some jurisdictions have allowed the discontinuance of a protection from abuse action by praecipe, even after a temporary or final order has been entered. Rule 1901.8 requires that the plaintiff in a protection from abuse case must file a petition and appear before the court so that the court can make an informed decision as to whether or not to grant the requested relief.