

SUPREME COURT OF PENNSYLVANIA
DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE
RECOMMENDATION 130

Rule 1915.5. Question of Jurisdiction, [or] Venue or Standing. No Responsive Pleading by Defendant Required. Counterclaim. Discovery.

(a) A party must raise any question of jurisdiction of the person or venue, **and may raise any question of standing**, by preliminary objection filed within twenty days of service of the pleading to which objection is made or at the time of hearing, whichever first occurs. No other pleading shall be required, but if one is filed it shall not delay the hearing.

Note: The court may raise at any time a question of (1) jurisdiction over the subject matter of the action (2) the exercise of its jurisdiction pursuant to § 5426 of the Uniform Child Custody Jurisdiction and Enforcement Act, relating to simultaneous proceedings in other courts, § 5427, relating to inconvenient forum, and § 5428, relating to jurisdiction declined by reason of conduct. The Uniform Child Custody Jurisdiction and Enforcement Act, 23 Pa.C.S.[A]. § 5407, provides that, upon request of a party, an action in which a question of the existence or exercise of jurisdiction is raised shall be given calendar priority and handled expeditiously. **The court also may raise at any time a question of standing. See, e.g., Grom v. Burgoon, 448 Pa.Super. 616, 672 A.2d 823 (1996).**

(b) A party may file a counterclaim asserting the right of physical or legal custody within twenty days of service of the complaint upon that party or at the time of hearing, whichever first occurs. The claim shall be in the same form as a complaint as required by Rule 1915.3.

(c) There shall be no discovery unless authorized by special order of court.

Note: The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

Explanatory Comment—1994

Under subdivision (a), the defendant may but is not required to plead to the complaint. All averments may be disputed by the defendant at the custody hearing. An attorney who wished to file another pleading may do so. However, the action is not to be delayed to permit its filing.