

CHAPTER 1910. ACTIONS FOR SUPPORT

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Source

The provisions of these Rules 1910.1—1910.31 adopted April 23, 1981, effective July 22, 1981, 11 Pa.B. 1625, unless otherwise noted.

Rule 1910.1. Scope. Definitions.

(a) Except as provided by subdivision (b), the rules of this chapter govern all civil actions or proceedings brought in the court of common pleas to enforce a duty of support, or an obligation to pay alimony pendente lite.

Official Note: A duty of support is imposed by the following statutes: 23 Pa.C.S.A. § 4321 and Section 3 of the Support Law of June 24, 1937, P. L. 2045, 62 P. S. § 1973 (repealed) now Act 43-2005, July 7, 2005, P. L. 196. The procedure under the rules of this chapter implements Chapter 43 of Part V of the Domestic Relations Code, Title 23 of the Consolidated Statutes, 23 Pa.C.S.A. § 4301 et seq., relating to support proceedings. The procedure under these rules provides an alternative to the intrastate and interstate procedures under Parts VIII and VIII-A of the Domestic Relations Code, 23 Pa.C.S.A. §§ 7101 et seq. and 8101 et seq. For alimony and alimony pendente lite, see Sections 3701 and 3702 of the Divorce Code, 23 Pa.C.S.A. §§ 3701, 3702.

Official Note: Long arm jurisdiction is available in support actions brought pursuant to these rules per 23 Pa.C.S.A. § 4342(c).

(b) The rules of this chapter shall not govern

(1) an action or proceeding for support based upon a contract or agreement which provides that it may not be enforced by an action in accordance with these rules,

(2) an application for a temporary order of support and other relief pursuant to the Protection from Abuse Act of December 19, 1990, P. L. 1240, No. 206, 23 Pa.C.S. § 6101 et seq. or

(3) an action for support of an indigent brought pursuant to Chapter 46 of the Domestic Relations Code, 23 Pa.C.S.A. § 4601 et seq.

Official Note: Where a contract or agreement provides that it cannot be enforced in accordance with the rules, actions upon a contract or agreement for support are to be heard by the court and not a conference officer or hearing officer under Rules 1910.11 or 1910.12. However, such actions should be expedited and given preference in court listings.

(c) As used in this chapter, unless the context of a rule indicates otherwise, the following terms shall have the following meanings:

“Conference officer,” the person who conducts an office conference pursuant to Rule 1910.11.

“Hearing officer,” the person who conducts a hearing on the record and makes recommendations to the court pursuant to Rule 1910.12.

“Overdue support,” the amount of delinquent support equal to or greater than one month’s support obligation which accrues after entry or modification of a support order as the result of obligor’s nonpayment of that order.

“Past due support,” the amount of support which accrues prior to entry or modification of a support order as the result of retroactivity of that order. When nonpayment of the order causes overdue support to accrue, any and all amounts of past due support owing under the order shall convert immediately to overdue support and remain as such until paid in full.

“Suspend,” eliminate the effect of a support order for a period of time.

“Terminate,” end not only the support order, but the support obligation as well.

“Trier of fact,” the judge, hearing officer, or conference officer who makes factual determinations.

“Vacate,” declare a particular support order null and void, as if it were never entered.

Explanatory Comment—1994

Nothing in this rule should be interpreted to eliminate the distinctions between spousal support and alimony pendente lite which are established by case law.

Alimony pendente lite must be distinguished from permanent alimony for purposes of this rule. The rule applies only to alimony pendente lite. The procedure for obtaining permanent alimony is governed by Section 3702 of the Divorce Code, 23 Pa.C.S.A. § 3702, and Rules of Civil Procedure 1920.1 et seq. Agreements for alimony approved by the court in connection with actions for divorce under Section 3701 of the Divorce Code are deemed to be court orders enforceable under Section 3703 of the Code.

Section 3105(a) of the Divorce Code provides that all agreements relating to matters under the code, whether or not merged or incorporated into the decree, are to be treated as orders for purposes of enforcement unless the agreement provides otherwise. Subdivision (b)(1) is amended to conform to the statute.

There is considerable diversity in the terminology used throughout the rules, and in the various counties, to describe the individuals who conduct conferences and hearings pursuant to the support rules. The addition of subdivision (c) to the rules standardizes terminology and eliminates the confusion which results from individual counties using inconsistent terms to refer to persons performing the same function. All references in the rules to conference or hearing officers have been amended to conform to the terminology set forth in subdivision (c).

In an effort to further standardize the terminology used in support matters, the additional terms are defined.

Explanatory Comment—2000

Act 1998-127 technically amended Act 1997-58 to define and differentiate between past due and overdue support to clarify that only overdue support constitutes a lien by operation of law against the obligor's real or personal property. 23 Pa.C.S.A. § 4302 now defines overdue support as "support which is delinquent under a payment schedule established by the court." Past due support is defined as "support included in an order of support which has not been paid."

The definitions of past due and overdue support in this rule do not substantively change the legislative definitions. They merely elaborate on them in terms which are more familiar and helpful to the bench and bar. Specifically, past due support consists of the purely retroactive arrearages which accumulate between the date of the filing of the complaint or petition for modification and the date of the hearing and entry of the initial or modified support order. Overdue support refers to the delinquent arrearages which accrue after entry of the order due to the obligor's failure to pay support pursuant to the order.

These definitions are important for determining the remedies available for collecting support arrearages. Pursuant to 23 Pa.C.S.A. § 4352(d), only overdue support (delinquent arrearages) constitutes a lien by operation of law against the obligor's property. Conversely, past due support (retroactive arrears) does not operate as a lien against this property as long as the obligor remains current on the support order.

Rule 1910.20 extends this legislative distinction between overdue and past due support to the following remedies available to collect support: (1) consumer agency reporting under 23 Pa.C.S.A. § 4303; (2) suspension of licenses under 23 Pa.C.S.A. § 4355; and (3) the full range of new collection remedies under 23 Pa.C.S.A. § 4305(b)(10). Accordingly, these remedies are available only to collect overdue support. They are not available to collect past due support as long as the obligor remains current on the order. If, however, the obligor subsequently defaults on the support order, Rule 1910.20(c) provides that any past due support still owing under the order immediately becomes overdue support subject to the full range of collection remedies. It remains overdue support until collected in full.

Pursuant to Rule 1910.20(c), all overdue support, including past due support which has converted to overdue support, remains subject to Act 58 remedies until paid in full. Any repayment plan subsequently agreed to by the parties, or ordered by the court pursuant to a contempt proceeding (including any arrearage component), does not preclude the use of these remedies for collecting overdue support more quickly, whenever feasible.

In cases involving past due support only, the obligee is not entirely without remedy in the event that additional income or assets of the obligor are discovered after the hearing which would enable collection of past due support more quickly. In these cases, identification of those income sources or assets provides a basis for modification pursuant to Rule 1910.19. Modification includes increasing the rate of repayment on past due support and, if appropriate, ordering that the past due support be paid in full. In these cases, the obligee may also petition the court for special relief pursuant to Rule 1910.26 to have the income or assets frozen and seized pending the petition for modification in order to secure payment of past due support.

Explanatory Comment—2007

Act 43-2005, July 7, 2005, P. L. 196, repealed the Act of June 24, 1937 (P. L. 2045, No. 397), known as The Support Law and added Chapter 46 to the Domestic Relations Code, 23 Pa.C.S.A. § 4601 et seq. Section 4 of Act 43-2005 states that the addition of Chapter 46 is a continuation of the Act of June 24, 1937 (P. L. 2045, No. 397). Chapter 46 addresses the responsibility of certain family members to maintain indigent relatives, whether or not the indigent person is a public charge. New subdivision (b)(3) clarifies that the support rules and guidelines do not apply to actions brought under Chapter 46 of the Domestic Relations Code.

Source

The provisions of this Rule 1910.1 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; amended April 15, 1994, effective July 1, 1994, 24 Pa.B. 2296; amended December 8, 1994, effective July 1, 1995, 24 Pa.B.

6399; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended February 2, 2007, effective February 3, 2007, 37 Pa.B. 522. Immediately preceding text appears at serial pages (324674) and (293831).

Rule 1910.2. Venue. Transfer of Action.

- (a) An action may be brought in
- (1) the county in which the defendant resides, or
 - (2) the county in which the defendant is regularly employed, or
 - (3) the county in which the plaintiff resides and that county is the county in which the last marital domicile was located and in which the plaintiff has continued to reside.
 - (4) the county in which the child resides if the relief sought includes child support.

Official Note: If an action for support is brought in the county in which the plaintiff resides but that county is not the county in which the last family domicile was located and in which the plaintiff has continued to reside, the action shall proceed in accordance with the Revised Uniform Reciprocal Enforcement of Support Act (1968), 23 Pa.C.S. § 4501 et seq. if the defendant is outside the Commonwealth, or in accordance with 23 Pa.C.S. § 4533 which provides for intrastate application of RUESA if the defendant is within the Commonwealth, and not in accordance with these Rules.

- (b) Where jurisdiction is acquired over the defendant pursuant to the long arm statute, 23 Pa.C.S. § 4342(c), the action may be brought in the county where the plaintiff resides.

Official Note: 23 Pa.C.S. § 7201 sets forth the specific bases for long arm jurisdiction over a non-resident defendant.

- (c) If, at the time of the filing of the action, there is a divorce or custody action pending between the parties in an appropriate court in another county, the court upon good cause shown may transfer the support action to that county.

- (d) For the convenience of the parties and witnesses the court may transfer an action to the appropriate court of any other county where the action could have been brought at the time of transfer.

Official Note: The standards for transfer of an action for the convenience of parties and witnesses are the same as the standards under Rule 1006(d).

- (e) A support order may be enforced in accordance with the Uniform Interstate Family Support Act, 23 Pa.C.S. § 7101 et seq., if the defendant resides outside the Commonwealth, or in accordance with the Intrastate Family Support Act, 23 Pa.C.S. § 8101 et seq., if the defendant resides in another county within the Commonwealth.

Source

The provisions of this Rule 1910.2 amended June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended December 8, 1994, effective July 1, 1995, 24 Pa.B. 6399; amended December 18, 1998, effective January 1, 1999, 29 Pa.B. 16; amended October 31, 2002, effective immediately, 32 Pa.B. 5632. Immediately preceding text appears at serial pages (267729) to (267730).

Rule 1910.2-1. Procedures Pursuant to the Intrastate Family Support Act.

(a) The court in the county in which the complaint for support is filed shall retain and process the case for so long as all of the following conditions are met:

- (1) there is proper venue pursuant to Rule 1910.2;
- (2) the defendant-obligor's mailing address is known;
- (3) sufficient information is known about the defendant-obligor's employment to enable the court to issue an earnings subpoena; and
- (4) the obligee consents.

Official Note: A support action should be maintained in the county in which the obligee and/or the child(ren) reside and should not involve a second county unless the county of residence is unable to obtain service on the defendant-obligor or obtain information regarding the defendant-obligor's employment. However, the obligee is permitted to request that the case proceed under the Intrastate Family Support Act (IFSA) in accordance with 23 Pa.C.S. § 8103.

If the venue requirements are met, the court in the obligee's county of residence should attempt to retain the case if there already is an order in that county against the same defendant-obligor in this or another child/spousal support case or if the defendant-obligor is incarcerated.

(b) If courts in two or more counties must be involved in the establishment and enforcement of an obligation for support:

- (1) the case must proceed pursuant to the Intrastate Family Support Act; and
- (2) venue shall follow the defendant-obligor in order to maintain the availability of statutory enforcement remedies.

(c) A support order shall not be registered in another county unless:

- (1) requested by the obligee, or
- (2) necessary to maintain an order for support, to obtain payment of the support obligation or to consolidate multiple cases involving the same defendant-obligor.

(d) Only one support order shall be charging against a defendant-obligor for the same spouse and/or child(ren) at one time.

Source

The provisions of this Rule 1910.2-1 adopted October 31, 2002, effective immediately, 32 Pa.B. 5632.

Rule 1910.3. Parties. Obligor. Obligee.

(a) An action may be brought

- (1) by a person, including a minor parent or a minor spouse, to whom a duty of support is owing, or
- (2) on behalf of a minor child by a person having custody of the child, without appointment as guardian ad litem, or
- (3) on behalf of a minor child by a person caring for the child regardless of whether a court order has been issued granting that person custody of the child, or
- (4) by a public body or private agency having an interest in the case, maintenance or assistance of a person to whom a duty of support is owing, or

(5) by a parent, guardian or public or private agency on behalf of an unemancipated child over eighteen years of age to whom a duty of support is owing, or.

(6) by any person who may owe a duty of support to a child or spouse. If the person to whom a duty of support may be owed does not appear, the action may be dismissed without prejudice for the petitioner to seek further relief from the court.

(b) The trier of fact shall enter an appropriate order based upon the evidence presented, without regard to which party initiated the support action, filed a modification petition or filed a petition for recovery of support overpayment. The determination of which party will be the obligee and which will be the obligor will be made by the trier of fact based upon the respective incomes of the parties, consistent with the support guidelines and existing law, and the custodial arrangements at the time of the initial or subsequent conference, hearing or trial. If supported by the evidence, the party named as the defendant in the initial pleading may be deemed to be the obligee, even if that party did not file a complaint for support. The provisions of this subdivision do not apply to parties seeking spousal support or alimony pendente lite. Parties seeking spousal support or alimony pendente lite must assert a claim in an appropriate pleading with proper notice served upon the other party.

(1) In general, the party who has primary custody of the children shall be the obligee of a child support order.

(2) When the parties share custody of the children equally, the party with the higher income shall be the obligor as provided in Rule 1910.16-4(c)(2).

Explanatory Comment—1999

New subdivision (c) incorporates 23 Pa.C.S. § 4341(b) to confer standing on any person who is caring for a child to seek support on behalf of that child even though there is no court order granting legal or physical custody to that person. The statutory provision effectively overrules *Larson v. Diveglia*, 549 Pa. 118, 700 A.2d 931 (1997), which held to the contrary.

Subdivision (e) is amended to eliminate the requirement of consent when the child is over 18 years of age. This requirement was originally intended only for applicable child support actions for higher educational support, which actions were abolished by *Curtis v. Kline*, 542 Pa. 249, 666 A.2d 265 (1995). This rule also is intended to apply to children who are unemancipated by reason of physical or mental disability, consistent with 23 Pa.C.S. § 4321(3) as interpreted by case law.

Explanatory Comment—2011

A new category has been added in subdivision (a) to allow a party who may not have primary custody of the parties' child or who may owe a duty of support to a spouse to initiate a support action in which an appropriate order may be entered. In some cases, the obligor may want to start paying spousal support or alimony pendente lite to the obligee as soon as possible to avoid the accumulation of retroactive arrears, but § 71 of the Internal Revenue Code provides that payments to a spouse or ex-spouse must be pursuant to an order or a divorce or separation instrument to receive alimony tax treatment. Thus, any payments made prior to the entry of a support order will not be deductible by the obligor. This provision is intended to allow an obligor to commence the process by which he or she may pay support earlier.

A new subdivision (b) has been added to clarify that in all initial and subsequent child support actions, the trier of fact may enter a support order against either party, without regard to which party filed the complaint or petition for modification. This facilitates judicial economy, and relieves the parties from incurring additional filing fees, losing time from work or family, losing retroactivity and having to wait for a new proceeding to be scheduled. It enables the trier of fact to base the order on the facts and circumstances at the time of the proceeding, which may be different than at the time of filing.

Source

The provisions of this Rule 1910.3 amended March 2, 2000, effective immediately, 30 Pa.B. 1646; amended October 30, 2001, effective immediately, 21 Pa.B. 6273; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended November 5, 2012, effective December 5, 2012, 42 Pa.B. 7091. Immediately preceding text appears at serial pages (358492) to (358494).

Rule 1910.4. Commencement of Action. Fee.

(a) An action shall be commenced by filing a complaint with the domestic relations section of the court of common pleas.

Official Note: For the form of the complaint, see Rule 1910.27(a).

Section 961 of the Judicial Code, 42 Pa.C.S. § 961, provides that each court of common pleas shall have a domestic relations section.

(b) No filing fee shall be required in advance.

Source

The provisions of this Rule 1910.4 amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (265459).

Rule 1910.5. Complaint. Order of Court.

(a) The complaint shall be substantially in the form provided by Rule 1910.27(a).

(b) The complaint shall not contain a notice to defend or be endorsed with a notice to plead.

Official Note: Neither Rule 1018.1 nor Rule 1361 applies to a complaint in an action for support.

(c) An order shall be attached at the front of the complaint directing the defendant to appear before an officer for a conference at the time and place directed by the court. The order shall be substantially in the form provided by Rule 1910.27(b) and must include notice that a child support order may be entered against either party without regard to which party initiated the action.

Official Note: For service of original process in support matters, see Rule 1930.4.

Source

The provisions of this Rule 1910.5 amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847. Immediately preceding text appears at serial pages (293833) to (293834).

Rule 1910.6. Notification.

Parties to a support action and their attorneys shall be provided notice of all proceedings in which support obligations might be established or modified. Notice must be provided at least 20 days prior to the proceeding. The parties and their attorneys shall also be provided with a copy of any order issued in the support action within 14 days after issuance of the order. If there is no activity in a support action for a period of three years, the domestic relations section shall send a notice to each of the parties' attorneys advising each attorney that his or her appearance in the support action shall be deemed to be withdrawn unless the attorney objects within thirty (30) days of the date the notice is mailed to the attorney. An attorney representing a party in a support action shall not be deemed

to be representing that party in any other action, nor shall a withdrawal of appearance in a support action be deemed to be a withdrawal of appearance for the party in any other proceeding.

Source

The provisions of this Rule 1910.6 rescinded June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended October 2, 1995, effective January 1, 1996, 25 Pa.B. 4518; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended October 30, 2001, effective immediately, 31 Pa.B. 6273. Immediately preceding text appears at serial page (267732).

Rule 1910.7. No Pleading by Defendant Required. Question of Jurisdiction or Venue or Statute of Limitations in Paternity.

(a) No pleading by the defendant shall be required, but if defendant elects to file a pleading, the domestic relations office conference required by the order of court shall not be delayed.

(b) If defendant raises a question of jurisdiction or venue or in paternity cases the defense of the statute of limitations, the court shall promptly dispose of the question and may, in an appropriate case, stay the domestic relations office conference.

Rule 1910.8. [Rescinded].

Official Note: The provisions in this Rule now appear in Rule 1910.2(a) through (f).

Source

The provisions of this Rule 1910.8 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; rescinded December 18, 1998, effective January 1, 1999, 29 Pa.B. 16. Immediately preceding text appears at serial page (231363).

Rule 1910.9. Discovery.

(a) Except as provided in Rule 1910.11(j) and Rule 1910.12(c), there shall be no discovery in an action for support unless authorized by special order of court.

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

(b) Where a party is employed, the court shall ascertain the party's earnings and may enter an order directing the employer to furnish earnings information to the court as provided by Rule 1910.28.

Source

The provisions of this Rule 1910.9 amended May 5, 1997, effective July 1, 1997, 27 Pa.B. 2532; amended March 2, 2000, effective immediately, 30 Pa.B. 1646; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (265460).

Rule 1910.10. Alternative Hearing Procedures.

(a) The action shall proceed as prescribed by Pa.R.C.P. No. 1910.11 unless the court by local rule adopts the alternative hearing procedure of Pa.R.C.P. No. 1910.12.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all support proceedings in that county are conducted in accordance with either Pa.R.C.P. No. 1910.11 or Pa.R.C.P. No. 1910.12. The

certification shall be filed with the Domestic Relations Procedural Rules Committee, and shall be substantially in the following form:

I hereby certify that _____ County conducts its support proceedings in accordance with Pa.R.C.P. No. _____ .

(PRESIDENT JUDGE)

(ADMINISTRATIVE JUDGE)

Official Note: For a complete list of the Alternative Hearing Procedures for each county: <http://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>.

Explanatory Comment

In accordance with Pa.R.C.P. No. 1910.10, a judicial district may opt for one of two procedures for support matters; the procedure selected is then certified by the president judge or administrative judge to the Domestic Relations Procedural Rules Committee as prescribed in subdivision (b). Subdivision (b) was added in response to requests from appellate court judges who find that it is often difficult to determine the rule with which the actual support procedure is intended to comply. Subsequently, a judicial district may, at any time, change its support procedure by filing a new certification with the staff of the Domestic Relations Procedural Rules Committee indicating the rule according to which support matters will proceed. However, a judicial district may, by local rule, permit interstate actions to proceed directly to a hearing officer or judge without a conference.

The procedure set forth in Pa.R.C.P. No. 1910.11 provides for a conference before a conference officer, a conference summary and entry of an interim order for support calculated in accordance with the guidelines, and a right to demand a hearing *de novo* before a judge. The hearing must be held and the final order entered within 60 days of the written demand for hearing.

The alternate procedure, as set forth in Pa.R.C.P. No. 1910.12, provides for a conference before a conference officer, a record hearing before a hearing officer, and issuance of a report and recommendation to which exceptions may be filed within ten days. The court must hear argument and enter a final order within 60 days of the filing of exceptions.

In lieu of continuing the practice of including in the Note a 67-county list identifying the hearing procedure selected by the local county court, the list can now be found on the Domestic Relations Procedural Rules Committee website.

Source

The provisions of this Rule 1910.10 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; amended September 5, 1995, effective January 1, 1996, 25 Pa.B. 4097; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended October 8, 2002, effective immediately, 32 Pa.B. 5262; amended July 30, 2003, effective immediately, 33 Pa.B. 4072; amended January 12, effective May 12, 2010, 40 Pa.B. 586; amended September 16, 2013, effective October 16, 2013, 43 Pa.B. 5701; amended October 13, 2015, effective January 1, 2016, 45 Pa.B. 6400; amended October 14, 2016, effective December 1, 2016, 46 Pa.B. 6819. Immediately preceding text appears at serial pages (378981) to (378983).

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

- (a)(1) The office conference shall be conducted by a conference officer.
(2) Any lawyer serving as a conference officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family

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law before a conference officer, hearing officer, permanent or standing master, or judge of the same judicial district.

Official Note: Conference officers preside at office conferences under Rule 1910.11. Hearing officers preside at hearings under Rule 1910.12. The appointment of masters to hear actions in divorce or for annulment of marriage is authorized by Rule 1920.51.

(b) If either party fails to appear at the conference before the officer as directed by the court, the conference may proceed.

(c) At the conference, the parties shall furnish to the officer true copies of their most recent federal income tax returns, their pay stubs for the preceding six months, verification of child care expenses and proof of medical coverage which they may have or have available to them. In addition, they shall provide copies of their Income and Expense Statements in the forms required by Rule 1910.27(c), completed as set forth below.

(1) For cases which can be determined according to the guideline formula, the Income Statement must be completed and the Expense Statement at Rule 1910.27(c)(2)(A) should be completed if a party is claiming unusual needs and unusual fixed expenses that may warrant a deviation from the guideline amount of support pursuant to Rule 1910.16-5 or seeks apportionment of expenses pursuant to Rule 1910.16-6. In a support case that can be decided according to the guidelines, even if the support claim is raised in a divorce complaint, no expense form is needed unless a party claims unusual needs or unusual fixed expenses or seeks apportionment of expenses pursuant to Rule 1910.16-6. However, in the divorce action, the Expense Statement at Rule 1910.27(c)(2)(B) may be required.

(2) For cases which are decided according to Rule 1910.16-3.1, the Income Statement and the Expense Statement at Rule 1910.27(c)(2)(B) must be submitted.

(d)(1) The conference officer shall make a recommendation to the parties of an amount of support calculated in accordance with the guidelines.

(2) If an agreement for support is reached at the conference, the officer shall prepare a written order substantially in the form set forth in Rule 1910.27(e) and in conformity with the agreement for signature by the parties and submission to the court together with the officer's recommendation for approval or disapproval. The court may enter the order in accordance with the agreement without hearing the parties.

(3) In all cases in which one or both parties are unrepresented, the parties must provide income information to the domestic relations section so that a guidelines calculation can be performed.

(4) In cases in which both parties are represented by counsel, the parties shall not be obligated to provide income information and the domestic relations section shall not be required to perform a guidelines calculation if the parties

have reached an agreement about the amount of support and the amount of contribution to additional expenses.

(e) At the conclusion of the conference or not later than 10 days after the conference, the conference officer shall prepare a conference summary and furnish copies to the court and to both parties. The conference summary shall state:

- (1) the facts upon which the parties agree;
- (2) the contentions of the parties with respect to facts upon which they disagree; and
- (3) the conference officer's recommendation; if any, of
 - (i) the amount of support and by and for whom the support shall be paid; and
 - (ii) the effective date of any order.

(f) If an agreement for support is not reached at the conference, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e). Each party shall be provided, either in person at the time of the conference or by mail, with a copy of the interim order and written notice that any party may, within twenty days after the date of receipt or the date of the mailing of the interim order, whichever occurs first, file a written demand with the domestic relations section for a hearing before the court.

(g) A demand for a hearing before the court shall not stay the interim order entered under subdivision (f) unless the court so directs.

(h) If no party demands a hearing before the court within the twenty day period, the interim order shall constitute a final order.

(i) If a demand is filed, there shall be a hearing de novo before the court. The domestic relations section shall schedule the hearing and give notice to the parties. The court shall hear the case and enter a final order substantially in the form set forth in Rule 1910.27(e) within sixty days from the date of the written demand for hearing.

(j)(1) Promptly after receipt of the notice of the scheduled hearing, a party may move the court for a separate listing where:

- (i) there are complex questions of law, fact or both; or
- (ii) the hearing will be protracted; or
- (iii) the orderly administration of justice requires that the hearing be listed separately.

(2) If the motion for separate listing is granted, discovery shall be available in accordance with Rule 4001 et seq.

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

(k) No motion for post-trial relief may be filed to the final order of support.

Explanatory Comment—1994

The domestic relations office conference provided by Rule 1910.11 constitutes the heart of the support procedure. There are two primary advantages to the inclusion of a conference. First, in many cases the parties will agree upon an amount of support and a final order will be prepared, to be entered by the court, thus dispensing with a judicial hearing. Second, those cases which do go to hearing can proceed more quickly because the necessary factual information has already been gathered by the conference officer.

Subdivision (a)(2) prohibits certain officers of the court from practicing family law before fellow officers of the same court. These officers are the conference officer who is an attorney (Rule 1910.11), the hearing officer (Rule 1910.12), and the standing or permanent master who is employed by the court (Rule 1920.51). The amendments are not intended to apply to the attorney who is appointed occasionally to act as a master in a divorce action.

Subdivision (e)(3) makes clear that even if the parties agree on an amount of support, the conference officer is still empowered to recommend to the court that the agreement be disapproved. This provision is intended to protect the destitute spouse who might out of desperation agree to an amount of support that is unreasonably low or which would in effect bargain away the rights of the children. The officer's disapproval of the agreement serves to prevent an inadequate order being entered unwittingly by the court.

The provision for an interim order in subdivision (f) serves two purposes. First, it ensures that the obligee will receive needed support for the period during which the judicial determination is sought. Second, it eliminates the motive of delay in seeking a judicial determination.

Because the guidelines are income driven, the trier of fact has little need for the expense information required in the Income and Expense Statement. Therefore in guideline cases, the rule no longer requires that expense information be provided. If a party feels that there are expenses so extraordinary that they merit consideration by the trier of fact, that party is free to provide the information. In cases decided according to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), living expenses are properly considered, and therefore must be presented on the Income and Expense Statement.

Explanatory Comment—1995

Rule 1910.11(e) is amended to eliminate the need for a party to request a copy of the conference summary.

Because the court is required to enter a guideline order on the basis of the conference officer's recommendation, there is no need for (g)(2), which provided for a hearing before the court where an order was not entered within five days of the conference. It is eliminated accordingly.

Pursuant to subdivision (g), support payments are due and owing under the interim order which continues in effect until the court enters a final order after the hearing de novo. The provision for an interim order serves two purposes. First, it ensures that the obligee will receive needed support for the period during which the judicial determination is sought. Second, it eliminates the motive of delay in seeking a judicial determination. Therefore, the plaintiff and the dependent children are not prejudiced by allowing the court sixty days, rather than the original forty-five, in which to enter its final order.

Explanatory Comment—2006

The time for filing a written demand for a hearing before the court has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry of the order, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

The amendments reflect the separated Income Statement and Expense Statements in Rule 1910.27(c).

Explanatory Comment—2010

When the parties' combined net income exceeds \$30,000 per month, calculation of child support, spousal support and alimony *pendente lite* shall be pursuant to Rule 1910.16-3.1. Rule 1910.16-2(e) has been amended to eliminate the application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), in high income child support cases.

Explanatory Comment—2011

The rule has been amended to require that income information be provided in all cases, unless both parties are represented in reaching an agreement, so that a guidelines calculation can be performed. The guidelines create a rebuttable presumption that the amount calculated pursuant to them is the correct amount, so there should be a calculation in every case. If parties agree to receive or to pay an order other than the guideline amount, they should know what that amount is so that they can enter an agreement knowingly. If both parties are represented by counsel, it is assumed that their entry into the agreement for an amount other than a guidelines amount is knowing as it is counsels' responsibility to advise the parties. In addition, part of the mandatory quadrennial review of the support guidelines mandates a study of the number of cases in which the support amount ordered varies from the amount that would result from a guidelines calculation. Federal regulations presume that if a large percentage of cases vary from the guideline amount, then the guidelines are not uniform statewide.

Source

The provisions of this Rule 1910.11 adopted April 23, 1981, effective July 22, 1981, 11 Pa.B. 1625; amended October 19, 1983, effective January 1, 1984, 13 Pa.B. 3629; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended September 29, 1989, effective October 15, 1989, 19 Pa.B. 4451; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263; amended September 8, 1995, effective January 1, 1996, 25 Pa.B. 4095; amended May 5, 1997, effective July 1, 1997, 27 Pa.B. 2532; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended August 8, 2006, effective immediately, 36 Pa.B. 4709; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7113; amended October 30, 2007, effective immediately, 37 Pa.B. 5976; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended December 23, 2011, effective January 31, 2012, 42 Pa.B. 379, 545; amended July 2, 2014, effective in 30 days on August 1, 2014, 44 Pa.B. 4476; amended March 4, 2015, effective in 30 days on April 3, 2015, 45 Pa.B. 1354. Immediately preceding text appears at serial page (373021).

Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

(a) There shall be an office conference as provided by Rule 1910.11(a) through (d). The provisions of Rule 1910.11(d)(3) and (4) regarding income information apply in cases proceeding pursuant to Rule 1910.12.

(b)(1) At the conclusion of a conference attended by both parties, if an agreement for support has not been reached, and the conference and hearing are not scheduled on the same day, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e), and the parties shall be given notice of the date, time and place of a hearing. A record hearing shall be conducted by a hearing officer who must be a lawyer.

(2) If either party, having been properly served, fails to attend the conference, the court may enter an interim order calculated in accordance with the

guidelines and substantially in the form set forth in Rule 1910.27(e). Within twenty days after the date of receipt or the date of mailing of the interim order, whichever occurs first, either party may demand a hearing before a hearing officer. If no hearing is requested, the order shall become final.

(3) Any lawyer serving as a hearing officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, permanent or standing master, or judge of the same judicial district.

Official Note: Conference officers preside at office conferences under Rule 1910.11. Hearing officers preside at hearings under Rule 1910.12. The appointment of masters to hear actions in divorce or for annulment of marriage is authorized by Rule 1920.51.

(c)(1) Except as provided in subdivision (c)(2), promptly after conclusion of the conference, a party may move the court for a separate listing of the hearing where:

- (i) there are complex questions of law, fact or both; or
- (ii) the hearing will be protracted; or
- (iii) the orderly administration of justice requires that the hearing be listed separately.

(2) Where the conference and hearing are scheduled on the same day, all requests for separate listing must be presented to the court at least seven days prior to the scheduled court date.

(3) If the motion for separate listing is granted, discovery shall be available in accordance with Rule 4001 et seq.

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

(d) The hearing officer shall receive evidence, hear argument and, not later than 20 days after the close of the record, file with the court a report containing a recommendation with respect to the entry of an order of support. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order substantially in the form set forth in Rule 1910.27(e) stating:

- (1) the amount of support calculated in accordance with the guidelines;
- (2) by and for whom it shall be paid; and
- (3) the effective date of the order.

(e) The court, without hearing the parties, shall enter an interim order consistent with the proposed order of the hearing officer. Each party shall be provided, either in person at the time of the hearing or by mail, with a copy of the interim order and written notice that any party may, within twenty days after the date of receipt or the date of mailing of the order, whichever occurs first, file with the domestic relations section written exceptions to the report of the hearing officer and interim order.

Official Note: Objections to the entry of an interim order consistent with the proposed order may be addressed pursuant to Rule 1910.26.

(f) Within twenty days after the date of receipt or the date of mailing of the report by the hearing officer, whichever occurs first, any party may file excep-

tions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of facts, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within twenty days of the date of service of the original exceptions.

(g) If no exceptions are filed within the twenty-day period, the interim order shall constitute a final order.

(h) If exceptions are filed, the interim order shall continue in effect. The court shall hear argument on the exceptions and enter an appropriate final order substantially in the form set forth in Rule 1910.27(e) within sixty days from the date of the filing of exceptions to the interim order. No motion for post-trial relief may be filed to the final order.

Explanatory Comment—1995

Language is added to subdivision (b) to acknowledge that the conference and hearing can be held on the same day, and to provide for the immediate entry of an interim order in judicial districts where the hearing occurs at a later date. New subdivision (b)(2) permits entry of a guideline order after a conference which the defendant, though properly served, fails to attend. New subdivision (c)(2) is intended to prevent delays in the hearing of complex cases by requiring that requests for separate listing be made at least seven days in advance where the conference and hearing are scheduled on the same day.

In addition, the phrase “record hearing” in subdivision (a) replaces the reference to a “steno-graphic record” in recognition of the variety of means available to create a reliable record of support proceedings.

Amended subdivision (e) allows an interim order to be entered and served on the parties at the conclusion of the hearing, rather than after the expiration of the exceptions period as was true under the old rule. In addition, the amended subdivision requires that the interim order include language advising the parties of their right to file exceptions within ten days of the date of the order.

Support payments are due and owing under the interim order which continues in effect until the court enters a final order after considering the parties’ exceptions. Therefore, extension of the deadline for entering the final order by fifteen days does not prejudice the persons dependent upon payment of the support.

Explanatory Comment—2006

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry of the order, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

Source

The provisions of this Rule 1910.12 adopted April 23, 1981, effective July 22, 1981, 11 Pa.B. 1625; amended October 19, 1983, effective January 1, 1984, 13 Pa.B. 3629; amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended September 29, 1989, effective October 15, 1989, 19 Pa.B. 4451; corrected October 27, 1989, effective October 15, 1989, 19 Pa.B. 4603; amended March 30, 1994, effective July

1, 1994, 24 Pa.B. 1953; amended September 28, 1995, effective January 1, 1996, 25 Pa.B. 4095; amended May 5, 1997, effective July 1, 1997, 27 Pa.B. 2532; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended August 8, 2006, effective immediately, 36 Pa.B. 4709; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended December 23, 2011, effective January 31, 2012, 42 Pa.B. 379, 545; amended July 2, 2014, effective in 30 days on August 1, 2014, 44 Pa.B. 4476; amended March 4, 2015, effective in 30 days on April 3, 2015, 45 Pa.B. 1354. Immediately preceding text appears at serial pages (373025) to (373027).

Rule 1910.13. [Rescinded].

Source

The provisions of this Rule 1910.13 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; rescinded March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949. Immediately preceding text appears at serial page (177461).

Rule 1910.13-1. Failure or Refusal to Appear Pursuant to Order of Court. Bench Warrant.

(a) If a party fails to appear at a conference and/or hearing as directed by order of court, the court may issue a bench warrant for the arrest of the party if it finds

- (1) following a hearing on the record that the party had actual notice that the party was ordered to attend the conference and/or hearing, or
- (2) upon the affidavit of a hearing officer or conference officer that
 - (i) the order of court scheduling the conference and/or hearing was served by ordinary mail with the return address of the domestic relations section appearing thereon, that the mail was not returned to the domestic relations section within fifteen days after mailing, and that, at a date after the order of court was mailed, the domestic relations section has verified through the U.S. Postal Service or by electronic means that mail for the party was being delivered at the address to which the court order was mailed; or
 - (ii) the party signed a receipt indicating acceptance of a copy of the court order; or
 - (iii) an employee of the court handed a copy of the order to the party; or
 - (iv) a competent adult handed a copy of the court order to the party, and filed an affidavit of service.

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

The support statute, at 23 Pa.C.S.A. § 4353(a), requires parties to a support proceeding to notify the domestic relations section within seven days of a change of personal address. Pursuant to 23 Pa.C.S.A. § 4353(a.1), the court may deem due process service requirements to have been met upon delivery of written notice to the most recent address the party filed with the domestic relations section.

(b) The request for a bench warrant shall be made by the domestic relations office within sixty days following the party’s failure to appear. The request shall be in the form provided by Rule 1910.13-2(b), and shall include the hearing offi-

cer or conference officer's certification that the party has not appeared for any domestic relations matter involving the same parties since the date the party failed to appear.

(c) Upon appearance in court by a party on the matter underlying the bench warrant, the bench warrant shall be vacated forthwith and the notice shall be given to all computer networks into which the bench warrant has been entered.

(d) When a bench warrant is executed, the case is to proceed in accordance with the following procedures.

(1) When an individual is arrested pursuant to a bench warrant, he or she shall be taken without unnecessary delay for a hearing on the bench warrant. The hearing shall be conducted by the judicial officer who issued the bench warrant, or, another judicial officer designated by the president judge or by the president judge's designee to conduct bench warrant hearings. As used in this rule, "judicial officer" is limited to the common pleas court judge who issued the bench warrant, or common pleas court judge designated by the president judge or by the president judge's designee to conduct bench warrant hearings.

(2) In the discretion of the judicial officer, the bench warrant hearing may be conducted using two-way simultaneous audio-visual communication.

(3) When the individual is arrested in the county of issuance, and the bench warrant hearing cannot be conducted promptly after the arrest, the individual shall be lodged in the county jail pending the hearing. The authority in charge of the county jail promptly shall notify the sheriff's office and the director of the domestic relations section that the individual is being held pursuant to the bench warrant.

(4) When the individual is arrested outside the county of issuance, the authority in charge of the county jail in the arresting county promptly shall notify the proper authorities in the county of issuance that the individual is being held pursuant to the bench warrant.

(5) The bench warrant hearing shall be conducted without unnecessary delay after the individual is lodged in the jail of the county of issuance of that bench warrant. The individual shall not be detained without a hearing on the bench warrant longer than 72 hours, or the close of the next business day if the 72 hours expires on a non-business day.

(6) At the conclusion of the bench warrant hearing following the disposition of the matter, the judicial officer immediately shall vacate the bench warrant.

(7) If a bench warrant hearing is not held within the time limits in paragraph (d)(5), the bench warrant shall expire by operation of law.

Explanatory Comment—1994

In 1988, Section 4342 of the Domestic Relations Code, 23 Pa.C.S. § 4342, was amended to require establishment of procedures for expedited contempt in support. Those procedures are set forth in new Rules 1910.13-1, 1910.13-2, and 1910.21-1 through 1910.21-7.

1910-16.2

Former Rule 1910.13 provided for the issuance of a bench warrant for failure of a person to obey a court order other than an order for support. It is replaced with new Rule 1910.13-1 which sets forth detailed procedures for the issuance of a bench warrant, and new Rule 1910.13-2 which provides the associated forms. The new rules apply only to a party who fails to appear at a support conference or hearing as directed by an order of court.

An individual arrested pursuant to a bench warrant can be incarcerated for a period not to exceed seventy-two hours prior to hearing as set forth in new Rule 1910.13-1(d). Under the old rules, if the court was unavailable at the time of arrest, the individual could not be held. Therefore, law enforcement officials were unable to execute bench warrants in the evenings or on weekends, when their efforts were most likely to be successful. By limiting the possible period of incarceration to seventy-two hours, new Rule 1910.13-1(d) balances the need to bring parties before the court with the desire to avoid lengthy pre-hearing detention. Bail can be set by the court where appropriate, providing additional protection for the respondent.

Explanatory Comment—1999

The rules of civil procedure governing service of original process and other legal papers have used the term “competent adult.” In certain circumstances, the term has been used with the restrictive language “who is not a party to the action.”

The Supreme Court of Pennsylvania has amended Definition Rule 76 by adding the following definition: “‘competent adult’ means an individual eighteen years of age or older who is neither a party to the action nor an employee or a relative of a party.” In view of this new definition, the rules of civil procedure which used the term “competent adult who is not a party to the action” have been amended by deleting as unnecessary the restrictive language “who is not a party to the action.” These rules using the term “competent adult” will be governed by the new definition. The rules which used the term “competent adult” without the restrictive language have been amended by deleting the word “competent,” thus continuing to permit service by an adult without further restriction.

Explanatory Comment—2006

Beginning in 2006, bench warrants issued for failure to obey a court order to appear in a support matter will be available through the Judicial Network (“JNET”) system. JNET expands the capacity of law enforcement officers throughout the commonwealth to be informed of outstanding bench warrants issued by both the criminal and civil courts. The Supreme Court of Pennsylvania has promulgated new Pa.R.Crim.P. 150, effective August 1, 2006, which sets forth the procedure related to criminal bench warrants. The amendments to Rules 1910.13-1 and 1910.13-2 track the new criminal procedural rule so that bench warrant procedures will be uniform throughout the commonwealth. For additional information see the Criminal Procedural Rules Committee’s Final Report explaining new Pa.R.Crim.P. 150, published with the promulgation order at 36 Pa.B. 184 (January 14, 2006).

Source

The provisions of this Rule 1910.13-1 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7110; amended July 30, 2010, effective immediately, 40 Pa.B. 4634. Immediately preceding text appears at serial pages (324680) to (324682)

Rule 1910.13-2. Form of Request for Bench Warrant and Supporting Affidavit. Form of Bench Warrant.

(a) Request for a bench warrant pursuant to Rule 1910.13-1 shall be in substantially the following form and shall be attached to the Bench Warrant form set forth in subdivision (b) of this rule:

1910-16.3

(384505) No. 506 Jan. 17

[CAPTION]
REQUEST FOR BENCH WARRANT AND
SUPPORTING AFFIDAVIT

1. _____ did not appear for a conference and/or hearing in the Court of Common Pleas of _____ County on the ____ day of _____, 20____, which was scheduled by an order of court compelling this person’s appearance, a copy of which is attached to this request.

2. The party received the order of court scheduling the conference and/or hearing in the following manner:

[] (a) The order of court (i) was served upon the party by ordinary mail with the return address of the court thereon; (ii) the mail was not returned to the court within fifteen (15) days after mailing; and (iii) at a date after the order of court was mailed, the United States Postal Service has verified that mail for the party was being delivered at the address to which the court order was mailed.

[] (b) The party signed a receipt indicating acceptance of the court order.

[] (c) An employee of the court handed a copy of the court order to the party. The employee’s affidavit of service is attached.

[] (d) A competent adult handed a copy of the court order to the party. The adult’s affidavit of service is attached.

3. [] This request for Bench Warrant is made within sixty days following the party’s failure to appear for the conference and/or hearing; and

[] I have reviewed the records of the Court and the Domestic Relations Office concerning this case, and attest that the party has not appeared for any domestic relations matter involving the same parties since the date upon which the party failed to appear in violation of the attached order of court.

4. In my capacity as hearing officer or conference officer, I request that the attached Bench Warrant be issued against the party named on account of the party’s failure to appear for a scheduled conference and/or hearing in violation of an order of court.

The records of the Domestic Relations Section show that:

[] the party owes support arrearages in the amount of \$ _____ .

[] the party has failed to appear for ____ hearings relating to this case.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

DATE: _____ NAME/OFFICIAL TITLE

(b) The Bench Warrant entered by a court pursuant to Rule 1910.13-1 shall be in substantially the following form, and shall be attached to the Request for Bench Warrant form set forth in subdivision (a) of this rule:

[CAPTION]

BENCH WARRANT

AND NOW, this ____ day of _____, 20 __, the Sheriff of _____ County, or any constable, or police officer, or other law enforcement officer is hereby ordered to take _____, residing at _____, into custody for appearance before this Court.

This bench warrant is issued because it appears that the (plaintiff) (defendant) has failed to appear, after notice, before the court for a scheduled conference and/or hearing.

We command you, the arresting officer, forthwith to convey and deliver the party into the custody of the Court of Common Pleas of _____ County, at

_____, _____,
(address) (city)

Pennsylvania, for a hearing.

DESCRIPTIVE INFORMATION

Social Security # _____ Sex _____
D.O.B. _____ Age _____ Height _____
Weight _____ Race _____ Eyes _____
Hair _____
Distinguishing features (scars, tattoos, facial hair, disability, etc.) _____

Alias _____
Telephone # _____

You are further commanded that if the court is unavailable, the party may be held in the County Jail until the court is opened for business, at which time the party shall be promptly conveyed and delivered into the custody of the court at

_____, _____,
(address) (city)

Pennsylvania, for hearing.

The authority in charge of the county jail shall notify the sheriff’s office and the director of the domestic relations section forthwith that the party is being held pursuant to the bench warrant.

Under no circumstances may the party be held in the county jail of the county that issued this bench warrant for more than 72 hours or the close of the next business day if the 72 hours expires on a non-business day. See Pa.R.Crim.P 150(A)(5).

Bail in this matter shall be set as follows:

- No bail.
- Bail to be set in the amount of _____.

Official Note: Standards for setting bail are set forth in Rule of Criminal Procedure 525.

BY THE COURT: _____
JUDGE

Explanatory Comment—2005

Act 207-2004 amended numerous titles of the Pennsylvania Consolidated Statutes changing the title of “district justice” to “magisterial district judge.” The amendments to Rule 1910.13-2 reflect the change in title.

Source

The provisions of this Rule 1910.13-2 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended May 9, 2005, effective immediately, 35 Pa.B. 2994;

amended November 6, 2006, effective February 6, 2007, 36 Pa.B. 7110. Immediately preceding text appears at serial pages (311801) to (311803).

Rule 1910.14. Defendant Leaving Jurisdiction. Security.

At any stage of the proceeding, upon affidavit that the defendant is about to leave the jurisdiction, the court may issue appropriate process directing that the defendant be brought before the court at such time as the court may direct. At that time the court may direct that the defendant give security, with one or more sureties, to appear when directed by the court or to comply with any order of court.

Rule 1910.15. Paternity.

(a) *Acknowledgment of Paternity.* If the action seeks support for a child born out of wedlock and the alleged father is named as defendant, the defendant may acknowledge paternity in a verified writing. The conference officer shall advise the parties that pursuant to Section 5103(d) of Title 23 of the Pennsylvania Consolidated Statutes an acknowledgment constitutes conclusive evidence of defendant's paternity without further judicial ratification in any action to establish support. Upon defendant's execution of the written acknowledgment, the action shall proceed as in other actions for support.

(b) *Genetic Testing.* If the defendant appears but does not execute an acknowledgment of paternity at the conference:

(1) The court shall enter an order directing the parties to appear for genetic testing. The order must advise the defendant that his failure to appear for the testing will result in entry of an order finding that he is the father of the child. The order must also advise the plaintiff that her failure to appear for testing may result in sanctions, including entry of an order dismissing the paternity action without prejudice.

(2) The conference officer shall advise and provide written notice to the parties that they may enter into a written stipulation whereby both agree to submit to genetic testing for the purpose of resolving finally the issue of paternity. If the test results indicate a 99% or higher probability of paternity, the defendant shall be stipulated to be the biological father of the child and the case referred for a child support conference. If the test results indicate an exclusion, the action shall be dismissed. The written stipulation constitutes a waiver of the right to a hearing on the genetic testing or trial on the issue of paternity.

(3) The conference officer shall advise and provide written notice to the parties that if they do not enter into a written stipulation and the test results do not indicate an exclusion, there will be a hearing regarding genetic testing or trial before a judge without a jury on the issue of paternity in accordance with the procedures set forth in subdivision (d) of this Rule.

(c) *Estoppel and Presumption of Paternity.* If either party or the court raises the issue of estoppel or the issue of whether the presumption of paternity is applicable, the court shall dispose promptly of the issue and may stay the order for genetic testing until the issue is resolved.

(d) *Post-Testing Procedures.*

(1) The results of the genetic tests shall be provided in writing to counsel for the parties or, if unrepresented, to the parties themselves.

(2) If the results of the genetic tests resolve the issue of paternity pursuant to the stipulation of the parties, a paternity order shall be entered and served on the parties. If the defendant is excluded, the action shall be dismissed. If the defendant is stipulated to be the biological father, the action shall proceed as in other actions for support.

(3) If the results of the genetic tests do not resolve the issue of paternity pursuant to the stipulation of the parties, but the test results indicate a 99% or more probability of paternity, the court shall issue a rule against the defendant to show cause why an order should not be entered finding him to be the father. The rule shall advise the defendant that pursuant to 23 Pa.C.S. § 4343 his defense is limited to a showing by clear and convincing evidence that the results of the genetic tests are not reliable. The rule shall direct that an answer be filed within 20 days after service of the rule on the defendant. The answer shall state the material facts which constitute this defense. Any allegation of fact which does not appear of record must be verified.

If an answer is not timely filed, the court shall enter an order finding paternity and refer the action to conference and hearing as in other actions for support. If an answer is filed raising a disputed issue of material fact relating to the reliability of the genetic testing, the case shall be listed promptly for expedited hearing before a judge. The burden of proof at the hearing is on the defendant and is limited to proof by clear and convincing evidence that the results of the genetic tests are not reliable.

(4) If the results of the genetic tests do not resolve the issue of paternity and the test results indicate less than a 99% probability of paternity, the case shall be promptly listed for expedited trial before a judge.

(5) If, after a hearing or trial, the decision is for the defendant on the issue of paternity, a final order shall be entered by the court dismissing the action as to the child. If the decision is against the defendant on the issue of paternity, an interlocutory order shall be entered by the court finding paternity. The court may enter an interim order for child support at that time and shall refer the action to conference and hearing as in other actions for support.

(e) *Failure to Appear.* If defendant fails to appear as ordered for a conference, hearing or trial, or for genetic tests, the court shall, upon proof of service on the defendant, enter an order establishing paternity. The court may also enter an interim order for child support at that time and shall refer the action to conference and hearing as in other actions for support.

(f) *Appeal of Paternity Order.* An order establishing paternity is not an appealable order. The issue of paternity may be included in an appeal from the final order of child support.

Source

The provisions of this Rule 1910.15 adopted April 23, 1981, effective July 22, 1981, 11 Pa.B. 1625; amended October 19, 1983, effective January 1, 1984, 13 Pa.B. 3629; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1941 and 1953; amended March 24, 1997, effective July 1, 1997, 27 Pa.B. 1549; amended May 21, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (256279) to (256280).

Rule 1910.16. Support Order. Allocation.

(a) In an order awarding child support and spousal support, the court may on its own motion or upon the motion of either party

- (1) Make an unallocated award in favor of the spouse and one or more children, or
- (2) State the amount of support allocable to the spouse and the amount allocable to each child.

Official Note: See 23 Pa.C.S. § 4348(d) for additional matters which must be specified in an order of support if arrearages exist when the order is entered.

(b) An unallocated order in favor of the spouse and one or more children shall be a final order as to all claims covered in the order. No motion for post-trial relief may be filed to the final order.

Official Note: The procedure relating to Motions for Reconsideration is set forth in Rule 1930.2.

Source

The provisions of this Rule 1910.16 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended September 29, 1989, effective October 1, 1989, 19 Pa.B. 4450; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1941. Immediately preceding text appears at serial page (177462).

Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.*

(1) Except as provided in subdivision (2), the support guidelines determine the amount of support which a spouse or parent should pay based on the parties' combined monthly net incomes as defined in Pa.R.C.P. No. 1910.16-2 and the number of persons being supported.

(2) In actions in which the plaintiff is a public body or private agency pursuant to Pa.R.C.P. No. 1910.3, the amount of the order shall be calculated under the guidelines based upon each obligor's monthly net income as defined in Pa.R.C.P. No. 1910.16-2, with the public or private entity's income as zero. In such cases, each parent shall be treated as a separate obligor and a parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent.

(i) The amount of basic child support owed to other children not in placement shall be deducted from each parent's monthly net income before calculating support for the child or children in placement, including the amount of direct support the guidelines assume will be provided by the custodial parent.

Example 1. Mother and Father have three children and do not live in the same household. Mother has primary custody of two children and monthly net income of \$2,000 per month. Father's monthly net income is \$3,000. The parties' third child is in foster care placement. Pursuant to the schedule in Pa.R.C.P. No. 1910.16-3, the basic child support amount for the two children with Mother is \$1,415. As Father's income is 60% of the par-

ties' combined monthly net income, his basic support obligation to Mother is \$849 per month. The guidelines assume that Mother will provide \$566 per month in direct expenditures to the two children in her home. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor's income will be \$2,151 for purposes of this calculation (\$3,000 less \$849 in support for the children with Mother). As the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the schedule amount of basic support for one child at the \$2,151 income level, or \$509 per month. Mother/obligor's income will be \$1,434 for purposes of this calculation (\$2,000 less \$566 in direct support to the children in her custody). Her support obligation will be 100% of the schedule amount for one child at that income level, or \$348 per month.

Example 2. Mother and Father have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as in Example 1, Father's income for determining his obligation to the children in placement would be \$2,500 (\$3,000 less \$500 support for two children of prior marriage). His obligation to the agency would be \$849 per month (100% of the schedule amount for two children at the \$2,500 per month income level). Mother's income would not be diminished as she owes no other child support. She would owe \$686 for the children in placement (100% of the schedule amount for two children at the \$2,000 income level).

(ii) If the parents reside in the same household, their respective obligations to the children who remain in the household and are not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and the calculated support amount shall be deducted from the parents' monthly net incomes for purposes of calculating support for the child(ren) in placement.

Example 3. Mother and Father have four children, two of whom are in placement. Mother's monthly net income is \$4,000 and Father's is \$3,000. The basic support amount for the two children in the home is \$1,660, according to the schedule in Pa.R.C.P. No. 1910.16-3. As Mother's income is 57% of the parties' combined monthly net incomes, her share would be \$946, and Father's 43% share would be \$714. Mother's income for purposes of calculating support for the two children in placement would be \$3,054 (\$4,000 less \$946). She would pay 100% of the basic child support at that income level, or \$1,032, for the children in placement. Father's income would be \$2,286 (\$3,000 less \$714) and his obligation to the children in placement would be \$784.

(iii) In the event that the combined amount the parents are required to pay exceeds the cost of placement, the trier of fact shall deviate to reduce each parent's obligation in proportion to his or her share of the combined obligation.

(3) The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her other expenditures.

(b) *Amount of Support.* The amount of support (child support, spousal support or alimony pendente lite) to be awarded pursuant to the procedures under Rules 1910.11 and 1910.12 shall be determined in accordance with the support guidelines which consist of the guidelines expressed as the child support schedule set forth in Rule 1910.16-3, the formula set forth in Rule 1910.16-4 and the operation of the guidelines as set forth in these rules.

(c) *Spousal Support and Alimony Pendente Lite.*

(1) Orders for spousal support and alimony pendente lite shall not be in effect simultaneously.

(2) In determining the duration of an award for spousal support or alimony *pendente lite*, the trier of fact shall consider the duration of the marriage from the date of marriage to the date of final separation.

(d) *Rebuttable Presumption.* If it has been determined that there is an obligation to pay support, there shall be a rebuttable presumption that the amount of the award determined from the guidelines is the correct amount of support to be awarded. The support guidelines are a rebuttable presumption and must be applied taking into consideration the special needs and obligations of the parties. The trier of fact must consider the factors set forth in Rule 1910.16-5. The presumption shall be rebutted if the trier of fact makes a written finding, or a specific finding on the record, that an award in the amount determined from the guidelines would be unjust or inappropriate.

(e) *Guidelines Review.* The guidelines shall be reviewed at least once every four years to insure that application results in the determination of appropriate amounts of support.

Explanatory Comment—2010

Introduction. Pennsylvania law requires that child and spousal support be awarded pursuant to a statewide guideline. 23 Pa.C.S. § 4322(a). That statute further provides that the guideline shall be "established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly." *Id.*

Pursuant to federal law, The Family Support Act of 1988 (P. L. 100-485, 102 Stat. 2343 (1988)), all states are required to have statewide child support guidelines. Federal regulations, 45 CFR 302.56, further require that the guidelines be reviewed at least once every four years and that such reviews include an assessment of the most recent economic data on child-rearing costs and a review of data from case files to assure that deviations from the guidelines are limited. The Pennsylvania statute also requires a review of the support guidelines every four years. 23 Pa.C.S.A. § 4322(a).

The Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania began the mandated review process in early 2007. The committee was assisted in its work by Jane Venohr, Ph.D., an economist with the Center for Policy Research, under contract between the Pennsylvania Department of Public Welfare and Policy Studies, Inc. As a result of the review, the committee recommended to the Supreme Court several amendments to the statewide guidelines.

A. *Income Shares Model.* Pennsylvania's child support guidelines are based upon the Income Shares Model. That model was developed under the Child Support Guidelines Project funded by the U.S. Office of Child Support Enforcement and administered by the National Center for State Courts.

The Guidelines Project Advisory Group recommended the Income Shares Model for state guidelines. At present, 37 states use the Income Shares Model as a basis for their child support guidelines.

The Income Shares Model is based upon the concept that the child of separated, divorced or never-married parents should receive the same proportion of parental income that she or he would have received if the parents lived together. A number of authoritative economic studies provide estimates of the average amount of household expenditures for children in intact households. These studies show that the proportion of household spending devoted to children is directly related to the level of household income and to the number of the children. The basic support amounts reflected in the schedule in Rule 1910.16-3 represent average marginal expenditures on children for food, housing, transportation, clothing and other miscellaneous items that are needed by children and provided by their parents, including the first \$250 of unreimbursed medical expenses incurred annually per child.

1. *Economic Measures.* The support schedule in Rule 1910.16-3 is based upon child-rearing expenditures measured by David M. Betson, Ph.D., Professor of Economics, University of Notre Dame. Dr. Betson's measurements were developed for the U.S. Department of Health and Human Services for the explicit purpose of assisting states with the development and revision of child support guidelines. Dr. Betson's research also was used in developing the prior schedule, effective in January 2006. Dr. Betson updates his estimates using data from the Consumer Expenditure Survey conducted by the U.S. Bureau of Labor Statistics. In the current schedule, those figures were converted to 2008 price levels using the Consumer Price Index.

2. *Source of Data.* The estimates used to develop the schedule are based upon national data. The specific sources of the data are the periodic Consumer Expenditure Surveys. Those national surveys are used because they are the most detailed available source of data on household expenditures. The depth and quality of this information is simply not available at the state level and would be prohibitively costly to gather.

The U. S. Department of Agriculture's Center for Nutrition Policy and Promotion ("CNPP") also develops economic estimates for the major categories of child-rearing expenditures. Although the committee reviewed these estimates, it is aware of only one state that relies upon the CNPP estimates as a basis for its child support schedule, and even that state makes certain adjustments.

B. *Statutory Considerations.* The Pennsylvania statute, 23 Pa.C.S.A. § 4322(a), provides:

Child and spousal support shall be awarded pursuant to a Statewide guideline as established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly. The guideline shall be based upon the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support. In determining the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support, the guideline shall place primary emphasis on the net incomes and earning capacities of the parties, with allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention. The guideline so developed shall be reviewed at least once every four years.

1. *Reasonable Needs and Reasonable Ability to Provide Support.* The guidelines make financial support of a child a primary obligation and assume that parties with similar net incomes will have similar reasonable and necessary expenses. After the basic needs of the parents have been met, the child's needs shall receive priority. The guidelines assume that if the obligor's net income is at the poverty level, he or she is barely able to provide for his or her own basic needs. In those cases, therefore, the entry of a minimal order may be appropriate after considering the party's living expenses. In some cases, it may not be appropriate to enter a support order at all. In most cases, however, a party's living expenses are not relevant in determining his or her support obligation. Rather, as the statute requires, the obligation is based upon the reasonable needs of a dependent spouse or child and the reasonable ability of the obligor to pay.

2. *Net Income.* The guidelines use the net incomes of the parties. Each parent is required to contribute a share of the child's reasonable needs in proportion to that parent's share of the combined net income. The custodial parent makes these contributions through direct expenditures for food, shelter, clothing, transportation and other reasonable needs. The non-custodial parent makes contributions through periodic support payments to the custodial parent. Rule 1910.16-2(d) has been amended to clarify the provisions relating to income and earning capacity.

3. *Allowable Deviations.* The guidelines are designed to treat similarly situated parents, spouses and children in the same manner. However, when there are unavoidable differences, deviations must be made from the guidelines. Failure to deviate from these guidelines by considering a party's actual expenditures where there are special needs and special circumstances constitutes a misapplication of the guidelines.

C. *Child Support Schedule.* The child support schedule in Rule 1910.16-3 has been amended to reflect updated economic data, as required by federal and state law, to ensure that children continue to receive adequate levels of support. The support amounts in the schedule have been expanded to apply to a combined net monthly income of \$30,000 and remain statistically valid. The economic data support the revised schedule.

D. *Self-Support Reserve ("SSR").* The amended schedule also incorporates an increase in the "Self-Support Reserve" or "SSR" from \$748 per month to \$867 per month, the 2008 federal poverty level for one person. Formerly designated as the "Computed Allowance Minimum" or "CAM," the Self-Support Reserve, as it is termed in most other states' guidelines, is intended to assure that low-income obligors retain sufficient income to meet their own basic needs, as well as to maintain the incentive to continue employment. The SSR is built into the schedule in Rule 1910.16-3 and adjusts the basic support obligation to prevent the obligor's net income from falling below \$867 per month. Because the schedule in Rule 1910.16-3 applies to child support only, Rule 1910.16-2(e)(1)(B) provides for a similar adjustment in spousal support and alimony pendente lite cases to assure that the obligor retains a minimum of \$867 per month.

E. *Shared Custody.* In creating the new schedule, the amounts of basic child support were first increased to reflect updated economic data, including 2008 price levels. Next, the amounts of basic child support were adjusted to incorporate into the schedule the assumption that the children spend 30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. That does not mean that the entire schedule was reduced by 30%. Only those variable expenditures, such as food and entertainment, that fluctuate based upon parenting time were adjusted.

The calculation in Rule 1910.16-4(c) reduces an obligor's support obligation further if the obligor spends significantly more time with the children. The revised schedule assumes that the obligor has 30% parenting time. The obligor will receive an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method may still result in a support obligation even if custody of the children is equally shared. In those cases, the rule provides for a maximum obligation which may reduce the obligation so that the obligee does not receive a larger portion of the parties' combined income than the obligor.

F. *Child Care Expenses.* Rule 1910.16-6(a) was amended in 2006 to provide that child care expenses incurred by both parties shall be apportioned between the parties in recognition of the fact that a non-custodial parent also may incur such expenses during his or her custodial periods with the children.

G. *Spousal Support and Alimony Pendente Lite.* Subdivision (c) has been amended to require the court to consider the duration of the marriage in determining the duration of a spousal support or alimony pendente lite award. The language was moved from Rule 1910.16-5 which deals with deviation. The primary purpose of this provision is to prevent the unfairness that arises in a short-term

marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

H. *Other Amendments.* All of the examples in the guidelines have been updated to reflect the changes to the basic child support schedule. Prior explanatory comments have been deleted or revised and incorporated into new comments.

Explanatory Comment—2013

The schedule of basic child support has been updated to reflect newer economic data. The schedule was prepared by Jane Venohr, Ph.D., the economist who assisted in the last guideline review using the same methodology. It includes an increase in the Self-Support Reserve to \$931 per month, the 2012 federal poverty level for one person.

Source

The provisions of this Rule 1910.16-1 adopted September 6, 1989, effective September 30, 1989, 19 Pa.B. 4151; amended January 27, 1993, effective immediately, 23 Pa.B. 701; amended December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended October 27, 2000; effective immediately, 30 Pa.B. 5837; amended August 20, 2003, effective immediately, 33 Pa.B. 4435; amended September 27, 2005, effective 4 months from date of this order, 35 Pa.B. 5643; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123. Immediately preceding text appears at serial pages (366480) to (366484) and (377003).

Rule 1910.16-2. Support Guidelines. Calculation of Monthly Net Income.

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

(a) *Monthly Gross Income.* Monthly gross income is ordinarily based upon at least a six-month average of all of a party's income. The term "income" is defined by the support law, 23 Pa.C.S.A. § 4302, and includes income from any source. The statute lists many types of income including, but not limited to:

- (1) wages, salaries, bonuses, fees and commissions;
- (2) net income from business or dealings in property;
- (3) interest, rents, royalties, and dividends;
- (4) pensions and all forms of retirement;
- (5) income from an interest in an estate or trust;
- (6) Social Security disability benefits, Social Security retirement benefits, temporary and permanent disability benefits, workers' compensation and unemployment compensation;
- (7) alimony if, in the discretion of the trier of fact, inclusion of part or all of it is appropriate; and

Official Note: Since the reasons for ordering payment of alimony vary, the appropriateness of including it in the recipient's gross income must also vary. For example, if the obligor is paying \$1,000 per month in alimony for the express purpose of financing obligee's college education, it would be inappropriate to consider that alimony as income from which the obligee could provide child support. However, if alimony is intended to finance the obligee's general living expenses, inclusion of the alimony as income is appropriate.

- (8) other entitlements to money or lump sum awards, without regard to source, including lottery winnings, income tax refunds, insurance compensation or settlements; awards and verdicts; and any form of payment due to and collectible by an individual regardless of source.

Official Note: The trial court has discretion to determine the most appropriate method for imputing lump-sum awards as income for purposes of establishing or modifying the party's support obligation. These awards may be annualized or they may be averaged over a shorter or longer period of time depending on the circumstances of the case. They may also be escrowed in an amount sufficient to secure the support obligation during that period of time.

Income tax refunds should not be included as income to the extent they were already factored into the party's actual tax obligation for purposes of arriving at his or her net income.

(b) *Treatment of Public Assistance, SSI Benefits, Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement and Foster Care Payments.*

(1) *Public Assistance and SSI Benefits.* Neither public assistance nor Supplemental Security Income (SSI) benefits shall be counted as income for purposes of determining support.

(2) *Social Security Derivative Benefits for a Child.*

(A) This subdivision (A) shall be applied if a child for whom support is sought is receiving Social Security derivative benefits as a result of either parent's retirement or disability.

(i) If a child for whom support is sought is receiving Social Security benefits as a result of a parent's retirement or disability, the amount of the benefit shall be added to the income of the party receiving the benefit on behalf of the child to calculate child support. Next, apportion the amount of basic child support set forth in the schedule in Rule 1910.16-3 between the parties based upon each party's percentage share of their combined net monthly income, including the child's benefit in the income of the party receiving it.

(ii) If the child's benefit is being paid to the obligee, the amount of the child's benefit shall be deducted from the basic support obligation of the party whose retirement or disability created the child's benefit. If the child's benefit is being paid to the obligor, the child's benefit shall not be deducted from the obligor's obligation, even if the obligor's retirement or disability created the child's benefit. In cases of equally shared custody, first determine which party has the higher income without the benefit, and thus is the obligor, before adding the child's benefit to the income of the party receiving it.

(iii) In cases in which the obligor is receiving the child's benefits, the domestic relations sections shall provide the parties with two calculations theoretically assigning the benefit to each household.

(iv) In allocating additional expenses pursuant to Rule 1910.16-6, the allocation shall be based upon the parties' incomes before the addition of the child's benefit to the income of the party receiving it.

(B) This subdivision (B) shall be applied when determining the support obligation of a surviving parent when the child for whom support is sought is receiving Social Security derivative benefits as a result of the other parent's death. The income of a non-parent obligee who is caring for a child but has no support obligation to that child shall include only those funds the obligee is receiving on behalf of the child, including the Social Security derivative benefits if they are being paid to the obligee. If the benefits are

being paid to the surviving parent, the amount of the benefit shall be added to that parent's income to calculate child support.

(3) *Foster Care Payments.* If either party to a support action is a foster parent and/or is receiving payments from a public or private agency for the care of a child who is not his or her biological or adoptive child, those payments shall not be included in the income of the foster parent or other caretaker for purposes of calculating child support for the foster parent's or other caretaker's biological or adoptive child.

Example 1. The obligor has monthly net income of \$2,000. The obligee's monthly net income is \$1,500 and the obligee, as primary custodial parent of the parties' two children, receives \$700 per month in Social Security derivative benefits on behalf of the children as a result of the obligor's disability. Add the children's benefit to the obligee's income, which now is \$2,200 per month. At the parties' combined monthly net income of \$4,200, the amount of basic child support for two children is \$1,301. As the obligor's income is 48% of the parties' combined monthly net income, the obligor's preliminary share of the basic support obligation is \$624. However, because the obligor's disability created the children's Social Security derivative benefits that the obligee is receiving, the obligor's obligation is reduced by the amount of the benefit, \$700. As the support amount cannot be less than zero, the obligor's support obligation is \$0 per month. If it were the obligee's disability that created the benefit, the obligor's support obligation would remain \$624. If the obligor were receiving the children's benefit as a result of the obligor's retirement or disability, the obligor's income would include the amount of the benefit and total \$2,700, or 64% of the parties' combined monthly net income. The obligor's share of the basic support obligation would then be \$833 and would not be reduced by the amount of the children's benefit because the obligor, not the obligee, is receiving the benefit. Therefore, the obligor's support obligation is less if the obligee is receiving the benefit created by the obligor.

Example 2. Two children live with Grandmother who receives \$800 per month in Social Security death benefits for the children as a result of Father's death. Grandmother also receives \$500 per month from a trust established by Father for the benefit of the children. Grandmother is employed and earns \$2,000 net per month. Grandmother seeks support from the children's mother, who earns \$1,500 net per month. For purposes of calculating Mother's support obligation, Grandmother's income will be \$1,300, the amount she receives on behalf of the children in Social Security derivative benefits and the income from the trust. (If Mother were receiving the benefit on behalf of the children it would be added to her income such that Mother's income would be \$2,300 and Grandmother's income would be \$500.) Therefore, Mother's and Grandmother's combined monthly net incomes total \$2,800. The basic support amount at

the \$2,800 income level for two children is \$949. As Mother's income of \$1,500 is 54% of the parties' combined income of \$2,800, her portion of the basic support obligation is \$512. Since Mother's retirement or disability did not generate the child's derivative benefit, the benefit amount is not subtracted from her portion of the basic support amount and Mother owes Grandmother \$512. If Grandmother was not receiving the children's derivative benefits or income from the trust, her income for purposes of calculating Mother's child support obligation would be zero, and Mother would pay 100% of the basic support amount because Grandmother has no duty to support the children.

Official Note: Care must be taken to distinguish Social Security from Supplemental Security Income (SSI) benefits. Social Security benefits are income pursuant to subdivision (a) of this rule.

(c) *Monthly Net Income.*

(1) Unless otherwise provided in these rules, the court shall deduct only the following items from monthly gross income to arrive at net income:

- (A) federal, state, and local income taxes;
- (B) unemployment compensation taxes and Local Services Taxes (LST);
- (C) F.I.C.A. payments (Social Security, Medicare and Self-Employment taxes) and non-voluntary retirement payments;
- (D) mandatory union dues; and
- (E) alimony paid to the other party.

(2) In computing a spousal support or alimony pendente lite obligation, the court shall deduct from the obligor's monthly net income all of his or her child support obligations and any amounts of spousal support, alimony pendente lite or alimony being paid to former spouses.

(d) *Reduced or Fluctuating Income.*

(1) *Voluntary Reduction of Income.* When either party voluntarily assumes a lower paying job, quits a job, leaves employment, changes occupations or changes employment status to pursue an education, or is fired for cause, there generally will be no effect on the support obligation.

(2) *Involuntary Reduction of, and Fluctuations in, Income.* No adjustments in support payments will be made for normal fluctuations in earnings. However, appropriate adjustments will be made for substantial continuing involuntary decreases in income, including but not limited to the result of illness, lay-off, termination, job elimination or some other employment situation over which the party has no control unless the trier of fact finds that such a reduction in income was willfully undertaken in an attempt to avoid or reduce the support obligation.

(3) *Seasonal Employees.* Support orders for seasonal employees, such as construction workers, shall ordinarily be based upon a yearly average.

(4) *Earning Capacity.* If the trier of fact determines that a party to a support action has willfully failed to obtain or maintain appropriate employment, the trier of fact may impute to that party an income equal to the party's earning capacity. Age, education, training, health, work experience, earnings history

and child care responsibilities are factors which shall be considered in determining earning capacity. In order for an earning capacity to be assessed, the trier of fact must state the reasons for the assessment in writing or on the record. Generally, the trier of fact should not impute an earning capacity that is greater than the amount the party would earn from one full-time position. Determination of what constitutes a reasonable work regimen depends upon all relevant circumstances including the choice of jobs available within a particular occupation, working hours, working conditions and whether a party has exerted substantial good faith efforts to find employment.

(e) *Net Income Affecting Application of the Support Guidelines.*

(1) *Low Income Cases.*

(A) If the obligor's monthly net income and corresponding number of children fall into the shaded area of the schedule set forth in Pa.R.C.P. No. 1910.16-3, the basic child support obligation shall be calculated initially by using the obligor's income only. For example, if the obligor has monthly net income of \$1,100, the presumptive amount of support for three children is \$110 per month. This amount is determined directly from the schedule in Pa.R.C.P. No. 1910.16-3. Next, calculate the obligor's child support obligation by using the parties' combined monthly net incomes and the formula in Pa.R.C.P. No. 1910.16-4. The lower of the two calculated amounts shall be the obligor's basic child support obligation.

Example 1: The parties have two children. The obligor has monthly net income of \$1,500, which falls into the shaded area of the schedule for two children. Using only the obligor's monthly net income, the amount of support for two children would be \$472. Next, calculate support using the parties' combined monthly net incomes. The obligee has monthly net income of \$2,500 so the combined monthly net income of the parties is \$4,000. The basic child support amount at that income level for two children is \$1,269. As the obligor's income is 38% of the combined monthly net income of the parties, the obligor's share of the basic support amount is \$482. As the amount of support the obligor would pay using only the obligor's income is less than the amount calculated using the parties' combined monthly net incomes, the lower amount would be awarded, and the obligor's basic child support obligation would be \$472.

(B) In computing a basic spousal support or alimony *pendente lite* obligation, the presumptive amount of support shall not reduce the obligor's monthly net income below the Self-Support Reserve of \$981 per month.

Example 2: If the obligor earns \$1,000 per month and the obligee earns \$300 per month, the formula in Part IV of Pa.R.C.P. No. 1910.16-4 would result in a support obligation of \$280 per month ($\$1,000 - \$300 = \$700 \times 40\%$). Since this amount leaves the obligor with only \$720 per month, it must be adjusted so that the obligor retains at least \$981 per month. The presumptive minimum amount of spousal support, therefore, is \$19 per month in this case.

(C) When the obligor's monthly net income is \$981 or less, the court may award support only after consideration of the parties' actual financial resources and living expenses.

(2) *High Income Cases.* When the parties' combined net income exceeds \$30,000 per month, calculation of child support, spousal support and alimony pendente lite shall be pursuant to Rule 1910.16-3.1.

(f) *Dependency Tax Exemption.* In order to maximize the total income available to the parties and children, the court may, as justice and fairness require, award the federal child dependency tax exemption to the non-custodial parent, or to either parent in cases of equally shared custody, and order the other party to execute the waiver required by the Internal Revenue Code, 26 U.S.C.A. § 152(e). The tax consequences resulting from an award of the child dependency exemption must be considered in calculating each party's income available for support.

Explanatory Comment—2010

Subdivision (a) addresses gross income for purposes of calculating the support obligation by reference to the statutory definition at 23 Pa.C.S.A. § 4322. Subdivision (b) provides for the treatment of public assistance, SSI benefits, Social Security derivative benefits and foster care payments.

Subdivision (c) sets forth the exclusive list of the deductions that may be taken from gross income in arriving at a party's net income. When the cost of health insurance premiums is treated as an additional expense subject to allocation between the parties under Rule 1910.16-6, it is not deductible from gross income. However, part or all of the cost of health insurance premiums may be deducted from the obligor's gross income pursuant to Rule 1910.16-6(b) in cases in which the obligor is paying the premiums and the obligee has no income or minimal income. Subdivision (c) relates to awards of spousal support or alimony pendente lite when there are multiple families. In these cases, a party's net income must be reduced to account for his or her child support obligations, as well as any pre-existing spousal support, alimony pendente lite or alimony obligations being paid to former spouses who are not the subject of the support action.

Subdivision (d) has been amended to clarify the distinction between voluntary and involuntary changes in income and the imputing of earning capacity. Statutory provisions at 23 Pa.C.S.A. § 4322, as well as case law, are clear that a support obligation is based upon the ability of a party to pay, and that the concept of an earning capacity is intended to reflect a realistic, rather than a theoretical, ability to pay support. Amendments to subdivision (d) are intended to clarify when imposition of an earning capacity is appropriate.

Subdivision (e) has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve ("SSR"). The schedule now applies to all cases in which the parties' combined net monthly income is \$30,000 or less. The upper income limit of the prior schedule was only \$20,000. The amount of support at each income level of the schedule also has changed, so the examples in Rule 1910.16-2 were revised to be consistent with the new support amounts.

The SSR is intended to assure that obligors with low incomes retain sufficient income to meet their basic needs and to maintain the incentive to continue employment. When the obligor's net monthly income or earning capacity falls into the shaded area of the schedule, the basic child support obligation can be derived directly from the schedule in Rule 1910.16-3. There is no need to use the formula in Rule 1910.16-4 to calculate the obligor's support obligation because the SSR keeps the amount of the obligation the same regardless of the obligee's income. The obligee's income may be a relevant factor, however, in determining whether to deviate from the basic guideline obligation pursuant to Rule 1910.16-5 and in considering whether to require the obligor to contribute to any additional expenses under Rule 1910.16-6.

Since the schedule in Rule 1910.16-3 sets forth basic child support only, subdivision (e)(1)(B) is necessary to reflect the operation of the SSR in spousal support and alimony pendente lite cases. It adjusts the basic guideline obligation, which would otherwise be calculated under the formula in Rule 1910.16-4, so that the obligor's income does not fall below the SSR amount in these cases.

Previously, the SSR required that the obligor retain at least \$748 per month. The SSR now requires that the obligor retain income of at least \$867 per month, an amount equal to the 2008 federal poverty level for one person. When the obligor's monthly net income is less than \$867, subsection (e)(1)(C) provides that the court must consider the parties' actual living expenses before awarding

support. The guidelines assume that at this income level the obligor is barely able to meet basic personal needs. In these cases, therefore, entry of a minimal order may be appropriate. In some cases, it may not be appropriate to order support at all.

The schedule at Rule 1910.16-3 sets forth the presumptive amount of basic child support to be awarded. If the circumstances warrant, the court may deviate from that amount under Rule 1910.16-5 and may also consider a party's contribution to additional expenses, which are typically added to the basic amount of support under Rule 1910.16-6. If, for example, the obligor earns only \$900 per month but is living with his or her parents, or has remarried and is living with a fully-employed spouse, the court may consider an upward deviation under Rule 1910.16-5(b)(3) and/or may order the party to contribute to the additional expenses under Rule 1910.16-6. Consistent with the goals of the SSR, however, the court should ensure that the overall support obligation leaves the obligor with sufficient income to meet basic personal needs and to maintain the incentive to continue working so that support can be paid.

Subdivision (e) also has been amended to eliminate the application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), in high income child support cases. In cases in which the parties' combined net monthly income exceeds \$30,000, child support will be calculated in accordance with the three-step process in new rule 1910.16-3.1(a).

Explanatory Comment—2013

The SSR has been increased to \$931, the 2012 federal poverty level for one person. Subdivision (e) has been amended to require that when the obligor's income falls into the shaded area of the basic child support schedule in Rule 1910.16-3, two calculations must be performed. One calculation uses only the obligor's income and the other is a regular calculation using both parties' incomes, awarding the lower amount to the obligee. The two step process is intended to address those cases in which the obligor has minimal income and the obligee's income is substantially greater.

Explanatory Comment—2015

The rule has been amended to provide that a party's support obligation will be reduced by the amount of a child's Social Security derivative benefit if that party's retirement or disability created the benefit and the benefit is being paid to the household in which the child primarily resides or the obligee in cases of equally shared custody. In most cases, payment of the benefit to the obligee's household will increase the resources available to the child and the parties. The rule is intended to encourage parties to direct that the child's benefits be paid to the obligee.

Source

The provisions of this Rule 1910.16-2 adopted September 29, 1989, effective September 30, 1989, 19 Pa.B. 4151; rescinded and replaced January 27, 1993, effective immediately, 23 Pa.B. 701; amended December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended October 27, 2000, effective immediately, 30 Pa.B. 5837; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended November 9, 2004, effective immediately, 34 Pa.B. 6315; amended September 27, 2005, effective four months from date of this order, 35 Pa.B. 5643; amended January 5, 2010, effective immediately, 40 Pa.B. 413; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended August 26, 2011, effective September 30, 2011, 41 Pa.B. 4849; amended November 5, 2012, effective December 5, 2012, 42 Pa.B. 7091; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended April 29, 2015, effective July 1, 2015, 45 Pa.B. 2352; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123. Immediately preceding text appears at serial pages (377003) to (377009).

Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule.

The following schedule represents the amounts spent on children of intact families by combined monthly net income and number of children. Combined monthly net income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Pa.R.C.P. No. 1910.16-4.

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
1000	17	17	18	18	18	18
1050	62	63	64	64	65	66
1100	107	108	110	111	112	113
1150	152	154	156	157	159	161
1200	197	199	202	204	206	208
1250	242	245	248	250	253	256
1300	287	290	294	297	300	303
1350	325	336	340	343	347	351
1400	336	381	386	390	394	398
1450	348	427	432	436	441	446
1500	360	472	478	483	488	493
1550	372	518	524	529	535	541
1600	383	555	570	576	582	588
1650	395	571	616	622	629	636
1700	407	588	662	669	676	683
1750	418	605	708	715	723	731

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
1800	430	621	730	762	770	778
1850	441	638	748	808	817	826
1900	452	654	767	855	864	873
1950	464	670	786	878	911	921
2000	475	686	805	899	958	968
2050	487	703	824	920	1005	1016
2100	498	719	843	941	1035	1063
2150	509	735	861	962	1058	1111
2200	521	751	880	983	1081	1158
2250	532	768	899	1004	1105	1201
2300	543	784	918	1025	1128	1226
2350	555	800	937	1046	1151	1251
2400	566	816	956	1067	1174	1276
2450	578	832	974	1088	1197	1301
2500	589	849	993	1109	1220	1326
2550	600	865	1012	1131	1244	1352

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
2600	612	882	1032	1153	1268	1378
2650	623	898	1052	1175	1292	1404
2700	635	915	1071	1197	1316	1431
2750	647	932	1091	1218	1340	1457
2800	658	949	1111	1240	1364	1483
2850	670	965	1130	1262	1389	1509
2900	681	982	1150	1284	1413	1536
2950	693	999	1169	1306	1437	1562
3000	704	1015	1189	1328	1461	1588
3050	716	1032	1209	1350	1485	1614
3100	727	1049	1228	1372	1509	1641
3150	739	1065	1248	1394	1534	1667
3200	751	1082	1268	1416	1558	1693
3250	762	1099	1287	1438	1582	1719
3300	774	1115	1307	1460	1606	1745
3350	782	1127	1320	1475	1622	1763

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
3400	791	1140	1333	1489	1638	1781
3450	800	1152	1347	1504	1655	1799
3500	809	1164	1360	1519	1671	1817
3550	818	1176	1373	1534	1687	1834
3600	827	1188	1387	1549	1704	1852
3650	836	1200	1400	1564	1720	1870
3700	845	1212	1413	1579	1737	1888
3750	853	1224	1427	1594	1753	1905
3800	862	1236	1440	1608	1769	1923
3850	868	1245	1450	1620	1782	1937
3900	873	1253	1460	1630	1793	1949
3950	879	1261	1469	1641	1805	1962
4000	884	1269	1479	1652	1817	1975
4050	890	1277	1488	1662	1829	1988
4100	895	1285	1498	1673	1840	2001
4150	900	1293	1508	1684	1852	2013

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
4200	906	1301	1517	1695	1864	2026
4250	911	1309	1527	1705	1876	2039
4300	917	1317	1536	1716	1888	2052
4350	922	1325	1545	1726	1899	2064
4400	928	1333	1555	1736	1910	2076
4450	934	1341	1564	1747	1921	2088
4500	940	1349	1573	1757	1932	2100
4550	946	1357	1582	1767	1943	2113
4600	952	1365	1591	1777	1955	2125
4650	957	1373	1600	1787	1966	2137
4700	963	1381	1609	1797	1977	2149
4750	969	1389	1618	1807	1988	2161
4800	975	1397	1627	1817	1999	2173
4850	979	1403	1633	1824	2006	2181
4900	983	1407	1637	1828	2011	2186
4950	986	1411	1641	1833	2016	2191

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
5000	990	1415	1644	1837	2020	2196
5050	993	1419	1648	1841	2025	2201
5100	996	1423	1652	1845	2030	2206
5150	1000	1427	1656	1850	2034	2211
5200	1003	1431	1660	1854	2039	2217
5250	1007	1436	1663	1858	2044	2222
5300	1010	1440	1667	1862	2049	2227
5350	1014	1445	1672	1868	2055	2234
5400	1018	1451	1679	1876	2063	2243
5450	1022	1457	1686	1883	2072	2252
5500	1027	1463	1693	1891	2080	2261
5550	1031	1469	1700	1899	2089	2270
5600	1036	1475	1707	1906	2097	2279
5650	1040	1481	1714	1914	2105	2289
5700	1044	1487	1720	1922	2114	2298
5750	1049	1493	1727	1929	2122	2307

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
5800	1053	1499	1734	1937	2131	2316
5850	1057	1505	1741	1945	2139	2325
5900	1062	1511	1748	1952	2148	2334
5950	1066	1517	1755	1960	2156	2343
6000	1071	1523	1761	1968	2164	2353
6050	1075	1529	1768	1975	2173	2362
6100	1079	1536	1775	1983	2181	2371
6150	1085	1542	1783	1992	2191	2381
6200	1090	1549	1791	2000	2200	2392
6250	1095	1556	1798	2009	2210	2402
6300	1100	1563	1806	2017	2219	2412
6350	1105	1570	1814	2026	2228	2422
6400	1110	1577	1821	2034	2238	2432
6450	1115	1584	1829	2043	2247	2443
6500	1120	1591	1836	2051	2256	2453
6550	1125	1598	1844	2060	2266	2463

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
6600	1130	1605	1852	2068	2275	2473
6650	1135	1612	1859	2077	2285	2483
6700	1140	1619	1867	2085	2294	2494
6750	1145	1625	1875	2094	2303	2504
6800	1151	1632	1882	2103	2313	2514
6850	1156	1639	1890	2111	2322	2524
6900	1160	1646	1898	2120	2332	2535
6950	1165	1653	1906	2129	2342	2546
7000	1170	1660	1914	2138	2352	2556
7050	1175	1667	1922	2147	2361	2567
7100	1180	1674	1930	2156	2371	2578
7150	1185	1681	1938	2165	2381	2588
7200	1190	1687	1946	2173	2391	2599
7250	1195	1694	1954	2182	2401	2609
7300	1199	1701	1962	2191	2410	2620
7350	1204	1708	1970	2200	2420	2631

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
7400	1209	1715	1978	2209	2430	2641
7450	1214	1722	1986	2218	2440	2652
7500	1219	1729	1994	2227	2450	2663
7550	1224	1736	2002	2236	2459	2673
7600	1229	1743	2010	2245	2469	2684
7650	1233	1749	2017	2253	2478	2694
7700	1238	1756	2024	2261	2487	2704
7750	1243	1762	2032	2269	2496	2714
7800	1248	1769	2039	2278	2505	2723
7850	1253	1776	2046	2286	2514	2733
7900	1257	1782	2054	2294	2523	2743
7950	1262	1789	2061	2302	2532	2753
8000	1267	1795	2068	2310	2541	2762
8050	1272	1802	2076	2319	2550	2772
8100	1276	1808	2083	2327	2559	2782
8150	1281	1815	2090	2335	2568	2792

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
8200	1286	1822	2098	2343	2577	2802
8250	1291	1828	2105	2351	2586	2811
8300	1296	1835	2112	2359	2595	2821
8350	1300	1841	2120	2368	2604	2831
8400	1305	1848	2127	2376	2613	2841
8450	1310	1854	2134	2384	2622	2850
8500	1315	1861	2142	2392	2631	2860
8550	1320	1868	2149	2400	2640	2870
8600	1324	1874	2156	2408	2649	2880
8650	1329	1881	2164	2417	2659	2890
8700	1334	1888	2172	2426	2669	2901
8750	1339	1895	2181	2436	2679	2912
8800	1344	1902	2189	2445	2689	2923
8850	1349	1909	2197	2454	2699	2934
8900	1353	1916	2205	2463	2710	2945
8950	1358	1923	2214	2473	2720	2956

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
9000	1363	1930	2222	2482	2730	2967
9050	1368	1937	2230	2491	2740	2978
9100	1373	1944	2238	2500	2750	2990
9150	1378	1951	2247	2509	2760	3001
9200	1383	1958	2255	2519	2771	3012
9250	1387	1965	2263	2528	2781	3023
9300	1392	1972	2271	2537	2791	3034
9350	1397	1979	2280	2546	2801	3045
9400	1402	1986	2288	2556	2811	3056
9450	1407	1993	2296	2565	2821	3067
9500	1412	2000	2304	2574	2831	3078
9550	1417	2007	2313	2583	2842	3089
9600	1421	2014	2321	2593	2852	3100
9650	1426	2020	2328	2601	2861	3110
9700	1428	2024	2332	2605	2866	3115
9750	1431	2027	2336	2609	2870	3120

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
9800	1433	2031	2340	2614	2875	3125
9850	1436	2034	2344	2618	2880	3130
9900	1438	2038	2347	2622	2884	3135
9950	1441	2041	2351	2626	2889	3140
10000	1443	2044	2355	2630	2894	3145
10050	1445	2048	2359	2635	2898	3150
10100	1448	2051	2363	2639	2903	3155
10150	1450	2055	2366	2643	2908	3160
10200	1453	2058	2370	2647	2912	3166
10250	1455	2061	2374	2652	2917	3171
10300	1458	2065	2378	2656	2922	3176
10350	1460	2068	2382	2660	2926	3181
10400	1463	2072	2385	2664	2931	3186
10450	1465	2075	2389	2669	2936	3191
10500	1468	2079	2393	2673	2940	3196
10550	1470	2082	2397	2677	2945	3201

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
10600	1473	2085	2401	2681	2950	3206
10650	1475	2089	2404	2686	2954	3211
10700	1479	2094	2410	2692	2961	3219
10750	1483	2100	2416	2699	2969	3227
10800	1487	2105	2422	2706	2976	3235
10850	1491	2111	2428	2713	2984	3243
10900	1495	2116	2434	2719	2991	3251
10950	1499	2122	2441	2726	2999	3260
11000	1504	2127	2447	2733	3006	3268
11050	1508	2133	2453	2740	3014	3276
11100	1512	2138	2459	2746	3021	3284
11150	1516	2144	2465	2753	3029	3292
11200	1520	2149	2471	2760	3036	3300
11250	1524	2155	2477	2767	3043	3308
11300	1528	2160	2483	2774	3051	3316
11350	1532	2166	2489	2780	3058	3324

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
11400	1536	2171	2495	2787	3066	3333
11450	1540	2177	2501	2794	3073	3341
11500	1545	2182	2507	2801	3081	3349
11550	1549	2188	2513	2808	3088	3357
11600	1553	2193	2520	2814	3096	3365
11650	1557	2199	2526	2821	3103	3373
11700	1561	2204	2532	2828	3111	3381
11750	1565	2210	2538	2835	3118	3389
11800	1569	2215	2544	2841	3126	3398
11850	1573	2221	2550	2848	3133	3406
11900	1577	2226	2556	2855	3141	3414
11950	1582	2232	2563	2863	3149	3423
12000	1586	2239	2570	2871	3158	3433
12050	1591	2245	2577	2879	3167	3442
12100	1595	2251	2585	2887	3176	3452
12150	1600	2258	2592	2895	3185	3462

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
12200	1604	2264	2600	2904	3194	3472
12250	1609	2271	2607	2912	3203	3482
12300	1613	2277	2614	2920	3212	3492
12350	1618	2283	2622	2928	3221	3501
12400	1622	2290	2629	2937	3230	3511
12450	1627	2296	2636	2945	3239	3521
12500	1631	2303	2644	2953	3248	3531
12550	1636	2309	2651	2961	3257	3541
12600	1640	2316	2658	2969	3266	3551
12650	1645	2322	2666	2978	3275	3560
12700	1649	2328	2673	2986	3285	3570
12750	1654	2335	2681	2994	3294	3580
12800	1659	2341	2688	3002	3303	3590
12850	1663	2348	2695	3011	3312	3600
12900	1668	2354	2703	3019	3321	3610
12950	1672	2360	2710	3027	3330	3619

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
13000	1677	2367	2717	3035	3339	3629
13050	1681	2373	2725	3044	3348	3639
13100	1686	2380	2732	3052	3357	3649
13150	1690	2386	2739	3060	3366	3659
13200	1695	2392	2747	3068	3375	3669
13250	1699	2399	2754	3076	3384	3678
13300	1704	2405	2762	3085	3393	3688
13350	1708	2412	2769	3093	3402	3698
13400	1713	2418	2776	3101	3411	3708
13450	1717	2424	2784	3109	3420	3718
13500	1722	2431	2791	3118	3429	3728
13550	1726	2437	2798	3126	3438	3737
13600	1731	2444	2806	3134	3447	3747
13650	1735	2450	2813	3142	3456	3757
13700	1740	2457	2820	3150	3465	3767
13750	1745	2463	2828	3159	3475	3777

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
13800	1749	2469	2835	3167	3484	3787
13850	1754	2476	2843	3175	3493	3797
13900	1758	2482	2850	3183	3502	3806
13950	1763	2489	2857	3192	3511	3816
14000	1766	2493	2863	3198	3517	3823
14050	1770	2498	2868	3203	3524	3830
14100	1773	2503	2873	3209	3530	3837
14150	1776	2507	2878	3215	3536	3844
14200	1780	2512	2883	3221	3543	3851
14250	1783	2517	2889	3227	3549	3858
14300	1786	2521	2894	3232	3556	3865
14350	1790	2526	2899	3238	3562	3872
14400	1793	2531	2904	3244	3568	3879
14450	1797	2535	2909	3250	3575	3886
14500	1800	2540	2915	3256	3581	3893
14550	1803	2545	2920	3261	3588	3900

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
14600	1807	2549	2925	3267	3594	3907
14650	1810	2554	2930	3273	3600	3914
14700	1814	2558	2935	3279	3607	3921
14750	1817	2563	2941	3285	3613	3927
14800	1820	2568	2946	3290	3620	3934
14850	1824	2572	2951	3296	3626	3941
14900	1827	2577	2956	3302	3632	3948
14950	1830	2582	2961	3308	3639	3955
15000	1834	2586	2967	3314	3645	3962
15050	1837	2591	2972	3320	3651	3969
15100	1841	2596	2977	3325	3658	3976
15150	1844	2600	2982	3331	3664	3983
15200	1847	2605	2987	3337	3671	3990
15250	1851	2610	2993	3343	3677	3997
15300	1854	2614	2998	3349	3683	4004
15350	1858	2619	3003	3354	3690	4011

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
15400	1861	2624	3008	3360	3696	4018
15450	1864	2628	3013	3366	3703	4025
15500	1868	2633	3019	3372	3709	4032
15550	1871	2638	3024	3378	3715	4039
15600	1874	2642	3029	3383	3722	4046
15650	1878	2647	3034	3389	3728	4053
15700	1881	2652	3039	3395	3735	4059
15750	1885	2656	3045	3401	3741	4066
15800	1888	2661	3050	3407	3747	4073
15850	1891	2666	3055	3412	3754	4080
15900	1895	2670	3060	3418	3760	4087
15950	1898	2675	3065	3424	3767	4094
16000	1902	2679	3071	3430	3773	4101
16050	1905	2684	3076	3436	3779	4108
16100	1908	2689	3081	3442	3786	4115
16150	1912	2693	3086	3447	3792	4122

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
16200	1915	2698	3091	3453	3798	4129
16250	1918	2703	3097	3459	3805	4136
16300	1922	2707	3102	3465	3811	4143
16350	1925	2712	3107	3471	3818	4150
16400	1929	2717	3112	3476	3824	4157
16450	1932	2721	3117	3482	3830	4164
16500	1935	2726	3123	3488	3837	4171
16550	1939	2731	3128	3494	3843	4178
16600	1942	2735	3133	3500	3850	4184
16650	1946	2740	3138	3505	3856	4191
16700	1949	2745	3143	3511	3862	4198
16750	1952	2749	3149	3517	3869	4205
16800	1956	2754	3154	3523	3875	4212
16850	1959	2759	3159	3529	3882	4219
16900	1963	2763	3164	3534	3888	4226
16950	1966	2768	3169	3540	3894	4233

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
17000	1969	2773	3175	3546	3901	4240
17050	1973	2777	3180	3552	3907	4247
17100	1976	2782	3185	3558	3913	4254
17150	1979	2787	3190	3564	3920	4261
17200	1983	2791	3195	3569	3926	4268
17250	1986	2796	3201	3575	3933	4275
17300	1990	2801	3206	3581	3939	4282
17350	1993	2805	3211	3587	3945	4289
17400	1996	2810	3216	3593	3952	4296
17450	2000	2814	3221	3598	3958	4303
17500	2003	2819	3227	3604	3965	4310
17550	2007	2824	3232	3610	3971	4316
17600	2010	2828	3237	3616	3977	4323
17650	2013	2833	3242	3622	3984	4330
17700	2017	2838	3247	3627	3990	4337
17750	2020	2842	3253	3633	3997	4344

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
17800	2023	2847	3258	3639	4003	4351
17850	2027	2852	3263	3645	4009	4358
17900	2030	2856	3268	3651	4016	4365
17950	2034	2861	3273	3656	4022	4372
18000	2037	2866	3279	3662	4028	4379
18050	2040	2870	3284	3668	4035	4386
18100	2044	2875	3289	3674	4041	4393
18150	2047	2880	3294	3680	4048	4400
18200	2051	2884	3299	3685	4054	4407
18250	2054	2889	3305	3691	4060	4414
18300	2057	2894	3310	3697	4067	4421
18350	2061	2898	3315	3703	4073	4428
18400	2064	2903	3320	3709	4080	4435
18450	2067	2908	3325	3715	4086	4441
18500	2071	2912	3331	3720	4092	4448
18550	2074	2917	3336	3726	4099	4455

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
18600	2078	2922	3341	3732	4105	4462
18650	2081	2926	3346	3738	4112	4469
18700	2084	2931	3351	3744	4118	4476
18750	2088	2935	3357	3749	4124	4483
18800	2091	2940	3362	3755	4131	4490
18850	2095	2945	3367	3761	4137	4497
18900	2098	2949	3372	3767	4143	4504
18950	2101	2954	3377	3773	4150	4511
19000	2105	2959	3383	3778	4156	4518
19050	2108	2963	3388	3784	4163	4525
19100	2112	2968	3393	3790	4169	4532
19150	2115	2973	3398	3796	4175	4539
19200	2118	2977	3403	3802	4182	4546
19250	2122	2982	3409	3807	4188	4553
19300	2125	2987	3414	3813	4195	4560
19350	2128	2991	3419	3819	4201	4566

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
19400	2132	2996	3424	3825	4207	4573
19450	2135	3001	3429	3831	4214	4580
19500	2139	3005	3435	3837	4220	4587
19550	2142	3010	3440	3842	4227	4594
19600	2145	3015	3445	3848	4233	4601
19650	2149	3019	3450	3854	4239	4608
19700	2152	3024	3455	3860	4246	4615
19750	2156	3029	3461	3866	4252	4622
19800	2159	3033	3466	3871	4259	4629
19850	2162	3038	3471	3877	4265	4636
19900	2166	3043	3476	3883	4271	4643
19950	2169	3047	3481	3889	4278	4650
20000	2172	3052	3487	3895	4284	4657
20050	2176	3056	3492	3900	4290	4664
20100	2179	3061	3497	3906	4297	4671
20150	2183	3066	3502	3912	4303	4678

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
20200	2186	3070	3507	3918	4310	4685
20250	2189	3075	3513	3924	4316	4692
20300	2193	3080	3518	3929	4322	4698
20350	2196	3084	3523	3935	4329	4705
20400	2200	3089	3528	3941	4335	4712
20450	2203	3094	3533	3947	4342	4719
20500	2206	3098	3539	3953	4348	4726
20550	2210	3103	3544	3959	4354	4733
20600	2213	3108	3549	3964	4361	4740
20650	2216	3112	3554	3970	4367	4747
20700	2220	3117	3559	3976	4374	4754
20750	2223	3122	3565	3982	4380	4761
20800	2227	3126	3570	3988	4386	4768
20850	2230	3131	3575	3993	4393	4775
20900	2233	3136	3580	3999	4399	4782
20950	2237	3140	3585	4005	4405	4789

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
21000	2240	3145	3591	4011	4412	4796
21050	2244	3150	3596	4017	4418	4803
21100	2247	3154	3601	4022	4425	4810
21150	2250	3159	3606	4028	4431	4817
21200	2254	3164	3611	4034	4437	4823
21250	2257	3168	3617	4040	4444	4830
21300	2261	3173	3622	4046	4450	4837
21350	2264	3177	3627	4051	4457	4844
21400	2267	3182	3632	4057	4463	4851
21450	2271	3187	3637	4063	4469	4858
21500	2274	3191	3643	4069	4476	4865
21550	2277	3196	3648	4075	4482	4872
21600	2281	3201	3653	4080	4489	4879
21650	2284	3205	3658	4086	4495	4886
21700	2288	3210	3663	4092	4501	4893
21750	2291	3215	3669	4098	4508	4900

1910-54.1

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
21800	2294	3219	3674	4104	4514	4907
21850	2298	3224	3679	4110	4520	4914
21900	2301	3229	3684	4115	4527	4921
21950	2305	3233	3689	4121	4533	4928
22000	2308	3238	3695	4127	4540	4935
22050	2311	3243	3700	4133	4546	4942
22100	2315	3247	3705	4139	4552	4949
22150	2318	3252	3710	4144	4559	4955
22200	2321	3257	3715	4150	4565	4962
22250	2325	3261	3721	4156	4572	4969
22300	2328	3266	3726	4162	4578	4976
22350	2332	3271	3731	4168	4584	4983
22400	2335	3275	3736	4173	4591	4990
22450	2338	3280	3741	4179	4597	4997
22500	2342	3285	3747	4185	4604	5004
22550	2345	3289	3752	4191	4610	5011

1910-54.2

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
22600	2349	3294	3757	4197	4616	5018
22650	2352	3299	3762	4202	4623	5025
22700	2355	3303	3767	4208	4628	5031
22750	2359	3307	3771	4212	4633	5036
22800	2362	3311	3775	4216	4638	5041
22850	2365	3315	3779	4220	4642	5046
22900	2369	3319	3783	4224	4647	5051
22950	2372	3323	3787	4229	4652	5056
23000	2375	3328	3792	4233	4656	5061
23050	2378	3332	3796	4237	4661	5066
23100	2382	3336	3800	4241	4665	5071
23150	2385	3340	3804	4246	4670	5076
23200	2388	3344	3808	4250	4675	5081
23250	2392	3348	3812	4254	4679	5087
23300	2395	3352	3816	4258	4684	5092
23350	2398	3356	3820	4262	4689	5097

1910-54.3

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
23400	2402	3360	3824	4267	4693	5102
23450	2405	3365	3828	4271	4698	5107
23500	2408	3369	3833	4275	4703	5112
23550	2412	3373	3837	4279	4707	5117
23600	2415	3377	3841	4284	4712	5122
23650	2418	3381	3845	4288	4717	5127
23700	2422	3385	3849	4292	4721	5132
23750	2425	3389	3853	4296	4726	5137
23800	2428	3393	3857	4300	4730	5142
23850	2432	3397	3861	4305	4735	5147
23900	2435	3401	3865	4309	4740	5152
23950	2438	3406	3869	4313	4744	5157
24000	2441	3410	3874	4317	4749	5162
24050	2445	3414	3878	4322	4754	5167
24100	2448	3418	3882	4326	4758	5172
24150	2451	3422	3886	4330	4763	5177

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
24200	2455	3426	3890	4334	4768	5182
24250	2458	3430	3894	4338	4772	5187
24300	2461	3434	3898	4343	4777	5192
24350	2465	3438	3902	4347	4782	5198
24400	2468	3442	3906	4351	4786	5203
24450	2471	3447	3910	4355	4791	5208
24500	2475	3451	3914	4359	4795	5213
24550	2478	3455	3919	4364	4800	5218
24600	2481	3459	3923	4368	4805	5223
24650	2485	3463	3927	4372	4809	5228
24700	2488	3467	3931	4376	4814	5233
24750	2491	3471	3935	4381	4819	5238
24800	2495	3475	3939	4385	4823	5243
24850	2498	3479	3943	4389	4828	5248
24900	2501	3484	3947	4393	4833	5253
24950	2504	3488	3951	4397	4837	5258

1910-54.5

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
25000	2508	3492	3955	4402	4842	5263
25050	2511	3496	3960	4406	4846	5268
25100	2514	3500	3964	4410	4851	5273
25150	2518	3504	3968	4414	4856	5278
25200	2521	3508	3972	4419	4860	5283
25250	2524	3512	3976	4423	4865	5288
25300	2528	3516	3980	4427	4870	5293
25350	2531	3520	3984	4431	4874	5298
25400	2534	3525	3988	4435	4879	5303
25450	2538	3529	3992	4440	4884	5308
25500	2541	3533	3996	4444	4888	5314
25550	2544	3537	4000	4448	4893	5319
25600	2548	3541	4005	4452	4898	5324
25650	2551	3545	4009	4457	4902	5329
25700	2554	3549	4013	4461	4907	5334
25750	2558	3553	4017	4465	4911	5339

1910-54.6

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
25800	2561	3557	4021	4469	4916	5344
25850	2564	3562	4025	4473	4921	5349
25900	2567	3566	4029	4478	4925	5354
25950	2571	3570	4033	4482	4930	5359
26000	2574	3574	4037	4486	4935	5364
26050	2577	3578	4041	4490	4939	5369
26100	2581	3582	4046	4494	4944	5374
26150	2584	3586	4050	4499	4949	5379
26200	2587	3590	4054	4503	4953	5384
26250	2591	3594	4058	4507	4958	5389
26300	2594	3598	4062	4511	4962	5394
26350	2597	3603	4066	4516	4967	5399
26400	2601	3607	4070	4520	4972	5404
26450	2604	3611	4074	4524	4976	5409
26500	2607	3615	4078	4528	4981	5414
26550	2611	3619	4082	4532	4986	5419

1910-54.7

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
26600	2614	3623	4086	4537	4990	5424
26650	2617	3627	4091	4541	4995	5430
26700	2621	3631	4095	4545	5000	5435
26750	2624	3635	4099	4549	5004	5440
26800	2627	3640	4103	4554	5009	5445
26850	2630	3644	4107	4558	5014	5450
26900	2634	3648	4111	4562	5018	5455
26950	2637	3652	4115	4566	5023	5460
27000	2640	3656	4119	4570	5027	5465
27050	2644	3660	4123	4575	5032	5470
27100	2647	3664	4127	4579	5037	5475
27150	2650	3668	4132	4583	5041	5480
27200	2654	3672	4136	4587	5046	5485
27250	2657	3676	4140	4592	5051	5490
27300	2660	3681	4144	4596	5055	5495
27350	2664	3685	4148	4600	5060	5500

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
27400	2667	3689	4152	4604	5065	5505
27450	2670	3693	4156	4608	5069	5510
27500	2674	3697	4160	4613	5074	5515
27550	2677	3701	4164	4617	5079	5520
27600	2680	3705	4168	4621	5083	5525
27650	2684	3709	4173	4625	5088	5530
27700	2687	3713	4177	4629	5092	5535
27750	2690	3718	4181	4634	5097	5541
27800	2693	3722	4185	4638	5102	5546
27850	2697	3726	4189	4642	5106	5551
27900	2700	3730	4193	4646	5111	5556
27950	2703	3734	4197	4651	5116	5561
28000	2707	3738	4201	4655	5120	5566
28050	2710	3742	4205	4659	5125	5571
28100	2713	3746	4209	4663	5130	5576
28150	2717	3750	4213	4667	5134	5581

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<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
28200	2720	3754	4218	4672	5139	5586
28250	2723	3759	4222	4676	5143	5591
28300	2727	3763	4226	4680	5148	5596
28350	2730	3767	4230	4684	5153	5601
28400	2733	3771	4234	4689	5157	5606
28450	2737	3775	4238	4693	5162	5611
28500	2740	3779	4242	4697	5167	5616
28550	2743	3783	4246	4701	5171	5621
28600	2747	3787	4250	4705	5176	5626
28650	2750	3791	4254	4710	5181	5631
28700	2753	3796	4259	4714	5185	5636
28750	2756	3800	4263	4718	5190	5641
28800	2760	3804	4267	4722	5195	5646
28850	2763	3808	4271	4727	5199	5651
28900	2766	3812	4275	4731	5204	5657
28950	2770	3816	4279	4735	5208	5662

<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
29000	2773	3820	4283	4739	5213	5667
29050	2776	3824	4287	4743	5218	5672
29100	2780	3828	4291	4748	5222	5677
29150	2783	3832	4295	4752	5227	5682
29200	2786	3837	4299	4756	5232	5687
29250	2790	3841	4304	4760	5236	5692
29300	2793	3845	4308	4764	5241	5697
29350	2796	3849	4312	4769	5246	5702
29400	2800	3853	4316	4773	5250	5707
29450	2803	3857	4320	4777	5255	5712
29500	2806	3861	4324	4781	5259	5717
29550	2810	3865	4328	4786	5264	5722
29600	2813	3869	4332	4790	5269	5727
29650	2816	3874	4336	4794	5273	5732
29700	2819	3878	4340	4798	5278	5737
29750	2823	3882	4345	4802	5283	5742

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<i>Monthly Basic Child Support Schedule</i>						
<i>Combined Monthly Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
29800	2826	3886	4349	4807	5287	5747
29850	2829	3890	4353	4811	5292	5752
29900	2833	3894	4357	4815	5297	5757
29950	2836	3898	4361	4819	5301	5762
30000	2839	3902	4365	4824	5306	5768

Explanatory Comment—2010

The basic child support schedule has been amended to reflect updated economic data. The schedule has been expanded to include all cases in which the parties' combined net monthly income is \$30,000 or less. It also reflects an increase in the Self-Support Reserve to \$867, the 2008 poverty level for one person. The schedule was further adjusted to incorporate an assumption that the children spend 30% of the time with the obligor.

Explanatory Comment—2013

The basic child support schedule has been amended to reflect updated economic data. It also reflects an increase in the Self-Support Reserve to \$931, the 2012 poverty level for one person, which has been incorporated into the schedule.

Source

The provisions of this Rule 1910.16-3 adopted September 6, 1989, effective September 30, 1989, 19 Pa.B. 4151; amended October 25, 1989, effective October 25, 1989, 19 Pa.B. 4861; amended January 27, 1993, effective immediately, 23 Pa.B. 701; amended July 15, 1994, effective September 1, 1994, 24 Pa.B. 3802; amended December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended October 27, 2000, effective immediately, 30 Pa.B. 5837; amended September 27, 2005, effective 4 months from the date of this order, 35 Pa. B. 5643; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123. Immediately preceding text appears at serial pages (377009) to (377010) and (366493) to (366528).

Rule 1910.16-3.1. Support Guidelines. High Income Cases.

(a) *Child Support Formula.* If the parties' combined monthly net income exceeds \$30,000, the following three-step process shall be applied to calculate the parties' respective child support obligations. The amount of support calculated pursuant to this three-step process shall not be less than the amount of support that would have been awarded if the parties' combined monthly net income was \$30,000. The calculated amount shall be the presumptive minimum amount of support.

(1) First, the following formula shall be applied as a preliminary analysis in calculating the amount of basic child support to be apportioned between the parties according to their respective monthly net incomes:

One child: \$2,839 + 8.6% of combined monthly net income above \$30,000.

Two children: \$3,902 + 11.8% of combined monthly net income above \$30,000.

Three children: \$4,365 + 12.9% of combined monthly net income above \$30,000.

Four children: \$4,824 + 14.6% of combined monthly net income above \$30,000.

Five children: \$5,306 + 16.1% of combined monthly net income above \$30,000.

Six children: \$5,768 + 17.5% of combined monthly net income above \$30,000;

(2) And second, the trier of fact shall apply Part II and Part III of the formula at Rule 1910.16-4(a), making any applicable adjustments for substantial or shared custody pursuant to Rule 1910.16-4(c) and allocations of additional expenses pursuant to Rule 1910.16-6;

(3) Then, third, the trier of fact shall consider the factors in Rule 1910.16-5 in making a final child support award and shall make findings of fact on the record or in writing. After considering all of the factors in Rule 1910.16-5, the trier of fact may adjust the amount calculated pursuant to subdivisions (1) and (2) above upward or downward, subject to the presumptive minimum.

(b) *Spousal Support and Alimony Pendente Lite.* In cases in which the parties' combined monthly net income exceeds \$30,000, the trier of fact shall apply the formula in Part IV of Rule 1910.16-4(a) as a preliminary analysis in calculating spousal support or alimony pendente lite. In determining the amount and duration of the final spousal support or alimony pendente lite award, the trier of fact shall consider the factors in Rule 1910.16-5 and shall make findings of fact on the record or in writing.

Explanatory Comment—2010

New Rule 1910.16-3.1 is intended to bring all child support cases under the guidelines and treat similarly situated parties similarly. Thus, high income child support cases no longer will be decided pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). Economic data supports the

amounts in the basic child support schedule up to combined net incomes of \$30,000 per month. Above that amount, economic data is not readily available. Thus, for cases in which the parties' combined net monthly income is above \$30,000, the formula first applies a fixed percentage to calculate the amount of support. The formula is an extrapolation of the available economic data to higher income cases. Spousal support and alimony pendente lite awards in high income cases are preliminarily calculated pursuant to the formula in Part IV of Rule 1910.16-4(a). However, in both high income child support and spousal support/alimony pendente lite cases, the trier of fact is required to consider the factors in Rule 1910.16-5 before entering a final order and to make findings of fact on the record or in writing. Pursuant to Rule 1910.11(c)(2), in all high income cases, the parties must submit an Income Statement and the Expense Statement at Rule 1910.27(c)(2)(B) to enable the trier of fact to consider the factors in Rule 1910.16-5.

Explanatory Comment—2011

The rule has been amended to clarify that the provisions of Rule 1910.16-4(c), regarding adjustments to support when the obligor has substantial or shared custody, apply in high income cases. Previously, when high income cases were decided pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), case law held that because the time and resources each parent provided to a child were factored into the *Melzer* formula, the reductions for substantial or shared parenting time did not apply to cases decided pursuant to *Melzer*. See, e.g., *Sirio v. Sirio*, 951 A.2d 1188 (Pa. Super. 2008), *Bulgarelli v. Bulgarelli*, 934 A.2d 107 (Pa. Super. 2007). As *Melzer* no longer applies to calculate support in high income cases, the prohibition against reductions for substantial or shared parenting time in such cases is no longer applicable.

Source

The provisions of this Rule 1910.16-3.1 adopted January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended August 26, 2011, effective September 30, 2011, 41 Pa.B. 4851; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123. Immediately preceding text appears at serial pages (366529) to (366530).

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation, Formula.

(a) The following formula shall be used to calculate the obligor's share of basic child support, either from the schedule in Rule 1910.16-3 or the formula in Rule 1910.16-3.1(a), as well as spousal support and alimony pendente lite obligations. In high income cases, Part IV shall be used as a preliminary analysis in the calculation of spousal support or alimony pendente lite obligations:

PART I. BASIC CHILD SUPPORT

	<i>OBLIGOR</i>	<i>OBLIGEE</i>
1. Total Gross Income Per Pay Period	_____	_____
2. Less Deductions	(_____)	(_____)
3. Net Income	_____	_____

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	<i>OBLIGOR</i>	<i>OBLIGEE</i>
4. Conversion to Monthly Amount (if pay period is other than monthly) Include amount of child's monthly Social Security derivative benefit, if any, in the income of the party receiving it pursuant to Rule 1910.162(b)(2)(A) or (B).	_____	_____
5. Combined Total Monthly Net Income		_____
6. BASIC CHILD SUPPORT OBLIGATION (determined from schedule at Rule 1910.16-3 based on number of children and line 5 combined monthly net income)		_____
7. Net Income Expressed as a Percentage Share of Income (divide line 4 by line 5 and multiply by 100)	_____%	_____%
8. Each Party's Preliminary Monthly Share of the Basic Child Support Obligation (multiply line 6 and 7)	_____	_____
9. Subtract Child's Social Security Derivative Disability or Retirement Benefit from the Monthly Share of Basic Child Support of the Party whose Retirement or Disability Created the Child's Benefits if the Benefits are Paid to the Obligee	_____	_____
10. Each Party's Adjusted Monthly Share of the Basic Child Support Obligation (Not less than 0)	_____	_____

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PART II. SUBSTANTIAL OR SHARED PHYSICAL CUSTODY ADJUSTMENT, IF APPLICABLE (See subdivision (c) of this rule)

- 11. a. Percentage of Time Obligor Spends with Children
(divide number of overnights with obligor by 365 and multiply by 100) _____%
- b. Subtract 30% (_____ %)
- c. Obligor’s Adjusted Percentage Share of the Basic Monthly Support Obligation (subtract result of calculation in line 11b from line 7) _____%
- d. Obligor’s Preliminary Adjusted Share of the Basic Monthly Support Obligation (multiply line 11c and line 6) _____
- e. Further adjustment, if necessary under subdivision (c)(2) of this rule _____
- f. Obligor’s Adjusted Share of the Basic Child Support Amount. _____

PART III. ADDITIONAL EXPENSES (See Rule 1910.16-6)

- 12. a. Obligor’s Share of Child Care Expenses _____
- b. Obligor’s Share of Health Insurance Premium (if the obligee is paying the premium) _____
- c. Less Obligees Share of the Health Insurance Premium (if the obligor is paying the premium) (_____)
- d. Obligor’s Share of Unreimbursed Medical Expenses _____
- e. Other Additional Expenses _____
- f. Total Additional Expenses _____
- 13. OBLIGOR’S TOTAL MONTHLY SUPPORT OBLIGATION (add line 10 or 11f, if applicable, and line 12f) _____

PART IV. SPOUSAL SUPPORT OR APL With Dependent Children

- 14. Obligor’s Monthly Net Income (line 4) _____
- 15. Less Obligor’s Support, Alimony Pendente Lite or Alimony Obligations, if any, to Children or Former Spouses who are not part of this action (see Rule 1910.16-2(c)(2)) (_____)

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16.	Less Obligee's Monthly Net Income (line 4)	(_____)
17.	Difference	_____
18.	Less Obligor's Total Monthly Child Support Obligation Without Part II Substantial or Shared Custody Adjustment (Obligor's line 10 plus line 12f)	(_____)
19.	Difference	_____
20.	Multiply by 30%	x _____ .30
21.	AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL	_____

Without Dependent Children

22.	Obligor's Monthly Net Income (line 4)	_____
23.	Less Obligor's Support, Alimony Pendente Lite or Alimony Obligations, if any, to Children or Former Spouses who are not part of this action (see Rule 1910.16-2(c)(2))	(_____)
24.	Less Obligee's Monthly Net Income (line 4)	(_____)
25.	Difference	_____
26.	Multiply by 40%	x _____ .40
27.	PRELIMINARY AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL	_____
28.	Adjustments for Other Expenses (see Rule 1910.16-6)	_____
29.	TOTAL AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL	_____

(b) *Order For More Than Six Children.* When there are more than six children who are the subject of a single order, the child support obligation shall be calculated as follows. First, determine the appropriate amount of support for six children under the guidelines. Using the same income figures, subtract the support amount for five children from the amount for six children. Multiply the difference by the number of children in excess of six and add the resulting amount to the guideline amount for six children.

(c) *Substantial or Shared Physical Custody.*

(1) When the children spend 40% or more of their time during the year with the obligor, a rebuttable presumption arises that the obligor is entitled to a reduction in the basic support obligation to reflect this time. This rebuttable presumption also applies in high income cases decided pursuant to Rule 1910.16-3.1. Except as provided in subsection (2) below, the reduction shall be calculated pursuant to the formula set forth in Part II of subdivision (a) of this rule. For purposes of this provision, the time spent with the children shall be determined by the number of overnights they spend during the year with the obligor.

Example. If the obligor and the obligee have monthly net incomes of \$5,000 and \$2,300, respectively, their combined child support obligation is \$1,701 for two children. Using the income shares formula in Part I, the obligor's share of this obligation is 68%, or \$1,157. If the children spend 40% of their time with the obligor, the formula in Part II applies to reduce his or her percentage share of the combined support obligation to 58%, or \$987. If the children spend 45% of their time with the obligor, his or her percentage share of the combined obligation is reduced to 53%, or \$902. If the children spend equal time with both parents, the obligor's percentage share is reduced to 48%, or \$816.

(2) Without regard to which parent initiated the support action, when the children spend equal time with their parents, the Part II formula cannot be applied unless the obligor is the parent with the higher income. An order shall not be entered requiring the parent with the lower income to pay basic child support to the parent with the higher income. However, this subdivision shall not preclude the entry of an order requiring the parent with less income to contribute to additional expenses pursuant to Pa.R.C.P. No. 1910.16-6. Based upon the evidence presented, the trier of fact may enter an order against either party without regard to which party initiated the action. If the parties share custody equally and the support calculation results in the obligee receiving a larger share of the parties' combined income, then the court shall adjust the support obligation so that the combined monthly net income is allocated equally between the two households. In those cases, spousal support or alimony *pendente lite* shall not be awarded.

Example 1. Mother and Father have monthly net incomes of \$3,000 and \$2,700, respectively. Mother has filed for support for the parties' two children with whom the parties share time equally. As the parties have equal custody and Mother has the higher income, Mother cannot be the obligee. Although Mother initiated the support action, she would be the obligor. Pursuant to the basic child support schedule in Pa.R.C.P. No. 1910.16-3, the support amount for two children at the parties' combined monthly net income level is \$1,487 per month. Mother's share is 53% of that amount, or \$788. Father's share is 47%, or \$699. Application of lines 11a and 11b of the Part II formula results in a 20% reduction in support when the obligor has 50% custody of the children. Mother's adjusted percentage share of the basic support amount is 33% ($53\% - 20\% = 33\%$). Her adjusted share of the basic support amount is \$491 (33% of \$1,487). However, as this amount would result in Father having a greater share of the parties' combined monthly net income (\$3,191 vs. \$2,509), Mother's support obligation would be adjusted to \$150 per month to allocate the parties' combined monthly net income equally between the two households and would be the presumptive amount of basic support payable to Father under these circumstances.

Example 2. If the obligor and the obligee have monthly net incomes of \$3,000 and \$2,500, respectively, then their combined child support obligation for two children is \$1,463. The obligor's share of this obligation is 55%, or \$805 ($\$1,463 \times 55\%$). If the children spend equal time with the parents, the formula in Part II results in a support obligation of \$512 ($\$1,463 \times 35\%$) payable to the obligee. Since this amount results in the obligee having monthly net income of \$3,012 and the obligor having monthly net income of \$2,488, the obligor's support obligation would be adjusted to \$250 to equalize the combined monthly net income between the parties' households and would be the presumptive amount of basic support payable to the obligee under these circumstances.

(d) *Divided or Split Physical Custody. When Each Party Owes Child Support to the Other Party. Varied Partial or Shared Custodial Schedules.*

(1) *Divided or Split Physical Custody. When Each Party Owes Child Support to the Other Party.* When calculating a child support obligation and each party owes child support to the other party as a result of the custodial arrangement, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support.

Example 1. If the parties have three children, one child resides with Mother and two children reside with Father, and their monthly net incomes are \$2,500 and \$1,250 respectively, Mother's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for two children at the parties' combined monthly net income of \$3,750. The amount of basic child support to be apportioned between the parties is \$1,224. As Mother's income is 67% of the parties' combined monthly net income, Mother's support obligation for the two children living with Father is \$820. Father's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined monthly net income of \$3,750. The amount of basic child support to be apportioned between the parties is \$853. Father's support obligation for the child living with Mother is \$281. Subtracting \$281 from \$820 produces a net basic support amount of \$539 payable to Father as child support.

Example 2. If the parties have two children, one child resides with Mother and the parties share custody (50% - 50%) of the other child, and the parties' monthly net incomes are as set forth in Example 1. The child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for the one child primarily residing with Mother at the parties' combined monthly net income of \$3,750, the amount of basic child support to be apportioned between the parties is \$853. Father's income is 33% of the parties' combined monthly net income, and the support obligation for the child living with Mother is \$281. For Mother's obligation for the child with the 50% - 50% shared custody arrangement, using the schedule in Pa.R.C.P. No.

1910.16-3 for one child at the parties' combined monthly net income of \$3,750, the amount of basic child support to be apportioned between the parties is \$853. Mother's proportionate share of the combined monthly net incomes is 67%, but it is reduced to 47% after applying the shared parenting time adjustment for 50% custody under subdivision (c). Mother's child support obligation for the shared custody child is \$401 ($\$853 \times 47\%$). As Mother's obligation is greater than Father's obligation, Father is the obligee and receives the net of the two obligations by subtracting \$281 from \$401, or \$120.

(2) *Varied Partial or Shared Custodial Schedules.* When the parties have more than one child and each child spends either (a) different amounts of partial or shared custodial time with the party with the higher income or (b) different amounts of partial custodial time with the party with the lower income, the trier of fact shall add the percentage of time each child spends with that party and divide by the number of children to determine the party's percentage of custodial time. If the average percentage of custodial time the children spend with the party is 40% or more, the provisions of subdivision (c) apply.

Example 1. The parties have two children and one child spends 50% of the time with Mother, who has the higher income, and the other child spends 20% of the time with Mother. Add those percentages together and divide by the number of children ($50\% \text{ plus } 20\% = 70\%$ divided by 2 children = 35% average time with Mother). Pursuant to subdivision (c), Mother does not receive a reduction in the support order for substantial parenting time.

Example 2. The parties have three children. Two children spend 50% of the time with Mother, who has the higher income, and the third child spends 30% of the time with Mother. Add the percentages of custodial time for all three children together and divide by the number of children ($50\% \text{ plus } 50\% \text{ plus } 30\% = 130\%$ divided by three children = 43.33% average percentage of time with Mother). Pursuant to subdivision (c), Mother receives a reduction in the support order for substantial parenting time.

Example 3. The parties have three children, Mother has primary custody (60% - 40%) of one child, Father has primary custody (60% - 40%) of one child, and the parties share custody (50% - 50%) of the third child. The parties' monthly net incomes are \$2,500 (Mother) and \$1,250 (Father). As a result of the custodial arrangement, Father owes support for the child in the primary custody of Mother and Mother owes support for the child in the primary custody of Father and for the child shared equally between the parties. Father's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined monthly net income of

\$3,750. The amount of basic child support to be apportioned between the parties is \$853. Father's proportionate share of the combined monthly net incomes is 33%, but is reduced to 23% after applying the shared parenting time adjustment for 40% custody under subdivision (c). Father's child support obligation for this child is \$196 ($\$853 \times 23\%$). Mother's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for two children at the parties' combined monthly net income of \$3,750. The amount of basic child support to be apportioned between the parties is \$1,224. Mother has varying partial or shared custody of the two children (40% and 50%). Under subdivision (d)(2), the custodial time is averaged or in this case 45%. Mother's proportionate share of the combined monthly net incomes is 67%, but it is reduced to 52% after applying the shared parenting time adjustment for 45% custody under subdivision (c). Mother's child support obligation for these children is \$636 ($\$1,224 \times 52\%$). Offsetting the support amounts consistent with subdivision (d)(1), Mother's obligation is greater than Father's obligation, and Father is the obligee receiving the net of the two obligations by subtracting \$196 from \$636, or \$440.

Official Note: In cases with more than one child and varied partial or shared custodial schedules, it is not appropriate to perform a separate calculation for each child and offset support amounts as that method does not consider the incremental increases in support for more than one child built into the schedule of basic child support.

(3) When calculating a combined child support and spousal or alimony *pendente lite* obligation and one or more children reside with each party, the court shall offset the obligor's spousal and child support obligation with the obligee's child support obligation and award the net difference to the obligee as spousal and child support. If one or more of the children resides with each party then, in calculating the spousal support or alimony *pendente lite* obligation, the court shall deduct from the obligor's income both the support owed for the child or children residing with the obligee, as well as the direct support the obligor provides to the child or children living with the obligor, calculated in accordance with the guidelines as if the child or children were not living with the obligor.

(e) *Support Obligations When Custodial Parent Owes Spousal Support.* Where children are residing with the spouse obligated to pay spousal support or alimony *pendente lite* (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support the children, the guideline amount of spousal support or alimony *pendente lite* shall be determined by offsetting the non-custodial parent's obligation for support of the children and the custodial parent's obligation of spousal support or alimony *pendente lite*, and awarding the net difference either to the non-custodial parent as spousal support/alimony *pendente lite* or to the custodial parent as child support as the circumstances warrant.

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The calculation is a five-step process. First, determine the spousal support obligation of the custodial parent to the non-custodial parent based upon their net incomes from the formula for spousal support without dependent children. Second, recalculate the net income of the parties assuming the payment of the spousal support. Third, determine the child support obligation of the non-custodial parent for the children who are the subjects of the support action. Fourth, determine the recomputed support obligation of the custodial parent to the non-custodial parent by subtracting the non-custodial parent's child support obligation from Step 3 from the original support obligation determined in Step 1. Fifth, because the first step creates additional tax liability for the recipient non-custodial parent and additional tax deductions for the payor custodial parent and the third step involves an offset of the child support owed by the non-custodial parent against the spousal support or alimony pendente lite owed by the custodial parent, only that reduced amount will be taxable. Therefore, upon application of either party, the trier of fact may consider as a deviation factor the ultimate tax effect of the calculation.

(f) *Allocation. Consequences.*

(1) An order awarding both spousal and child support may be unallocated or state the amount of support allocable to the spouse and the amount allocable to each child. Each order shall clearly state whether it is allocated or unallocated even if the amounts calculated for child and spousal support are delineated on the order. However, Part IV of the formula provided by these rules assumes that an order will be unallocated. Therefore, if the order is to be allocated, the formula set forth in this rule shall be utilized to determine the amount of support allocable to the spouse. If allocation of an order utilizing the formula would be inequitable, the court shall make an appropriate adjustment. Also, if an order is to be allocated, an adjustment shall be made to the award giving consideration to the federal income tax consequences of an allocated order as may be appropriate under the circumstances. No consideration of federal income tax consequences shall be applied if the order is unallocated or the order for the spousal support or alimony pendente lite only.

Official Note: The 2005 amendment supersedes *Diament v. Diament*, 816 A.2d 256 (Pa. Super. Ct. 2003), to the extent that it held that the tax savings from payments for the benefit of a spouse alone or from an unallocated order for the benefit of a spouse and child must be considered in determining the obligor's available net income for support purposes. Rule 1910.16-4(f)(1) states that the guidelines formula assumes that the order will be unallocated. The tax consequences of an order for a spouse alone or an unallocated order for the benefit of a spouse and child have already been built into the formula.

(2) When the parties are in higher income brackets, the income tax considerations are likely to be a more significant factor in determining an award of support. A support award for a spouse and children is taxable to the obligee while an award for the children only is not. Consequently, in certain situations an award only for the children will be more favorable to the obligee than an award to the spouse and children. In this situation, the trier of fact should utilize the guidelines which result in the greatest benefit to the obligee.

When the obligee's net income is equal to or greater than the obligor's net income, the guideline amount for spouse and children is identical to the guideline amount for children only. Therefore, in cases involving support for spouse and children, whenever the obligee's net income is equal to or greater than the obligor's net income, the guideline amount indicated shall be attributed to child support only.

(3) Unallocated charging orders for child and spousal support, or child support and alimony pendente lite, shall terminate upon the death of the payee spouse or payee ex-spouse.

(4) In the event that the obligor defaults on an unallocated order, the court shall allocate the order for collection of child support pursuant to the Internal Revenue Service income tax refund intercept program or for registration and enforcement of the order in another jurisdiction under the Uniform Interstate Family Support Act, 23 Pa.C.S.A. § 7101 et seq. The court shall provide notice of allocation to the parties.

Official Note: This provision is necessary to comply with various state and federal laws relating to the enforcement of child support. It is not intended to affect the tax consequences of an unallocated order.

Explanatory Comment—2005

Rule 1910.16-4(a) sets forth the income shares formula used to establish the support obligation. Subdivision (b) provides the method for calculating support for seven or more children as the basic support schedule in Rule 1910.16-3 sets forth the presumptive amount of support for only up to six children.

Subdivision (c) sets forth the method for calculating the presumptive amount of support in cases where the children spend 40% or more of their time during the year with the obligor. When there is equal time sharing, subsection (2) reduces the support obligation further so that the obligor does not pay more than is necessary to equalize the parties' combined income between the two households. Subsection (3) expressly excludes SSR cases from application of this rule. Since the SSR already reduces support to a minimal level, no further reduction should be given for the amount of time spent with the children.

Subdivision (d) relates to the calculation of support in divided or split custody cases. It retains the existing method for offsetting the parties' respective support obligations when one or more of the children resides with each party.

Subdivision (e) governs spousal support obligations when the custodial parent owes spousal support. It has not been amended, other than to update the example to be consistent with the new schedule at Rule 1910.16-3.

In subdivision (f), the guidelines continue to presume that the order will be unallocated for tax purposes. However, new language has been added to subsection (f)(1), and a new Note has been inserted, to clarify that an obligor's tax savings from payment of a spousal support order or an unallocated order for a spouse and child should not be considered in calculating the obligor's available net income for support purposes. Subsection (3) is intended to insure alimony tax treatment of unallocated orders pursuant to § 71 of the Internal Revenue Code. Rule 1910.19(d) provides that all spousal support and alimony pendente lite orders terminate upon the death of the payee. Termination of a charging order does not affect arrears existing at that time. Subsection (4) provides for administrative allocation of the order in two instances: 1) when the obligor defaults on the order and it becomes necessary to collect support by intercepting any income tax refunds that may be due and payable to obligor; and 2) when the obligor defaults and the order must be registered in another state under the Uniform Interstate Family Support Act (UIFSA). As the Note indicates, this administrative allocation is not intended to affect the tax consequences of the unallocated order.

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Explanatory Comment—2010

The basic support schedule incorporates an assumption that the children spend 30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. Variable expenditures, such as food and entertainment, that fluctuate based upon parenting time, were adjusted in the schedule to build in the assumption of 30% parenting time. Upward deviation should be considered in cases in which the obligor has little or no contact with the children. However, upward deviation may not be appropriate where an obligor has infrequent overnight contact with the child, but provides meals and entertainment during daytime contact. Fluctuating expenditures should be considered rather than the extent of overnight time. Downward deviation may be appropriate when the obligor incurs substantial fluctuating expenditures during parenting time, but has infrequent overnights with the children.

The calculation in Rule 1910.16-4(c) reduces an obligor's support obligation further if the obligor spends significantly more time with the children. The obligor will receive an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method still may result in a support obligation even if custody of the children is equally shared. In those cases, the rule provides for a maximum obligation which may reduce the obligation so that the obligee does not receive a larger portion of the parties' combined income than the obligor.

Source

The provisions of this Rule 1910.16-4 adopted September 6, 1989, effective September 30, 1989, 19 Pa.B. 4151; amended January 27, 1993, effective immediately, 23 Pa.B. 701; amended December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; corrected February 5, 1999, effective April 1, 1999, 29 Pa.B. 645; amended March 2, 2000, effective immediately, 30 Pa.B. 1646; amended October 27, 2000, effective immediately, 30 Pa.B. 5837; amended June 5, 2001, effective immediately, 31 Pa.B. 3306; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended September 24, 2002, effective immediately, 32 Pa.B. 5044; amended November 9, 2004, effective immediately, 34 Pa.B. 6315; amended May 17, 2005, effective immediately, 35 Pa.B. 3216 and 3900; amended September 27, 2005, effective 4 months from the date of this order, 35 Pa.B. 5643; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended July 8, 2010, effective September 6, 2010, 40 Pa.B. 4140; amended August 3, 2011, effective in 30 days, 41 Pa.B. 4531; amended August 26, 2011, effective September 30, 2011, 41 Pa.B. 4849, 4851; amended August 3, 2011, effective in 30 days, 41 Pa.B. 6766; amended January 31, 2012, effective February 28, 2012, 42 Pa.B. 930; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended July 2, 2014, effective in 30 days on August 1, 2014, 44 Pa.B. 4476; amended September 25, 2014, effective in 30 days on October 25, 2014, 44 Pa.B. 6553; amended April 29, 2015, effective July 1, 2015, 45 Pa.B. 2352; amended October 14, 2016, effective January 1, 2017, 46 Pa.B. 6817; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123. Immediately preceding text appears at serial pages (366530), (377011) to (377014) and (384509) to (384514).

Rule 1910.16-5. Support Guidelines. Deviation.

(a) *Deviation.* If the amount of support deviates from the amount of support determined by the guidelines, the trier of fact shall specify, in writing or on the record, the guideline amount of support, and the reasons for, and findings of fact justifying, the amount of the deviation.

Official Note: The deviation applies to the amount of the support obligation and not to the amount of income.

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(b) *Factors*. In deciding whether to deviate from the amount of support determined by the guidelines, the trier of fact shall consider:

- (1) unusual needs and unusual fixed obligations;
- (2) other support obligations of the parties;
- (3) other income in the household;
- (4) ages of the children;
- (5) the relative assets and liabilities of the parties;
- (6) medical expenses not covered by insurance;
- (7) standard of living of the parties and their children;
- (8) in a spousal support or alimony pendente lite case, the duration of the marriage from the date of marriage to the date of final separation; and
- (9) other relevant and appropriate factors, including the best interests of the child or children.

Explanatory Comment—2005

Rule 1910.16-5 sets forth the factors for deviation from the presumptive amount of support. Subdivision (c) and subsection (b)(8) permit the court to consider the length of the marriage in determining the amount and duration of a spousal support or alimony pendente lite award. The primary purpose of these provisions is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

Explanatory Comment—2010

The provisions of subdivision (c), which provided that the court must consider the duration of the parties' marriage in determining the duration of an award of spousal support or alimony pendente lite, were moved to new Rule 1910.16-1(c)(2). The duration of the marriage, from the date of marriage to the date of final separation, remains a factor to consider in determining whether or not deviation from the amount of the award is warranted.

Source

The provisions of this Rule 1910.16-5 adopted September 6, 1989, effective September 30, 1989, 19 Pa.B. 4151; amended January 27, 1993, effective immediately, 23 Pa.B. 701; amended November 4, 1993, effective January 1, 1994, 23 Pa.B. 5527; amended July 15, 1994, effective September 1, 1994, 24 Pa.B. 3802; amended August 3, 1995, effective January 1, 1996, 25 Pa.B. 3338; amended December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended September 24, 2003, effective immediately, 33 Pa.B. 5075; amended September 27, 2005, effective 4 months from the date of this order, 35 Pa.B. 5643; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586. Immediately preceding text appears at serial page (314456).

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.

The trier of fact may allocate between the parties the additional expenses identified in subdivisions (a)—(e). If under the facts of the case an order for basic support is not appropriate, the trier of fact may allocate between the parties the additional expenses.

(a) *Child care expenses*. Reasonable child care expenses paid by either parent, if necessary to maintain employment or appropriate education in pursuit of income, shall be allocated between the parties in proportion to their monthly net incomes and added to his and her basic support obligation. When a parent is receiving a child care subsidy through the Department of Human Services, the

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expenses to be allocated between the parties shall be the amount actually paid by the parent receiving the subsidy.

Example. Mother has primary custody of the parties' two children and Father has partial custody. Mother's monthly net income is \$2,000 and Father's is \$3,500. At their combined income level of \$5,500, the basic monthly child support from the schedule in Pa.R.C.P. No. 1910.16-3 is \$1,463 for two children. As Father's income is 64% of the parties' combined income, his share is \$936. Mother incurs child care expenses of \$400 per month and Father incurs \$100 of such expenses each month. The total amount of child care expenses, \$500, will be apportioned between the parties, with Father paying 64%, or \$320. As he is already paying \$100 for child care while the children are in his partial custody, he would pay the remaining \$220 to Mother for a total child support obligation of \$1,156 ($\$936 + \$220 = \$1,156$).

(1) Except as provided in subsection (2), the total child care expenses shall be reduced to reflect the amount of the federal child care tax credit available to the eligible parent, whether or not the credit is actually claimed by that parent, up to the maximum annual cost allowable under the Internal Revenue Code.

(2) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the eligible parent is not qualified to receive the credit.

(b) *Health Insurance Premiums.*

(1) A party's payment of a premium to provide health insurance coverage on behalf of the other party and/or the children shall be allocated between the parties in proportion to their net incomes, including the portion of the premium attributable to the party who is paying it, as long as a statutory duty of support is owed to the party who is paying the premium. If there is no statutory duty of support owed to the party who is paying the premium, the portion attributable to that person must be deducted from the premium as set forth in subdivision (2) below. If, prior to the entry of a divorce decree, a party's policy covers that party, a child and a spouse and the spouse has separate additional coverage not needed to cover the child and/or the other party, the cost of the spouse's insurance premium shall not be allocated between the parties. If, prior to the entry of a divorce decree, a party provides coverage for that party and a child, but not the spouse, and the spouse has separate coverage, both parties' premiums shall be allocated between the parties in proportion to their respective incomes. If, prior to the entry of a divorce decree, each spouse has his or her own health insurance that does not cover the other party, and there are no children subject to the order, the cost of both parties' premiums shall be allocated between the parties in proportion to their respective incomes. If health insurance coverage for a child who is the subject of the support proceeding is being provided and paid for by a third party resident of either party's house-

hold, the cost shall be allocated between the parties in proportion to their net incomes. If the obligor is paying the premium, then the obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then the obligor's share is added to his or her basic support obligation. Employer-paid premiums are not subject to allocation.

(2) When the health insurance covers a party to whom no statutory duty of support is owed, even if that person is paying the premium as set forth in subdivision (1) above, or other persons who are not parties to the support action or children who are not the subjects of the support action, the portion of the premium attributable to them must be excluded from allocation. In the event that evidence as to this portion is not submitted by either party, it shall be calculated as follows. First, determine the cost per person by dividing the total cost of the premium by the number of persons covered under the policy. Second, multiply the cost per person by the number of persons who are not owed a statutory duty of support, or are not parties to, or the subject of the support action. The resulting amount is excluded from allocation.

(2.1) The actual incremental amount of the premium which provides coverage for the subjects of the support order, if submitted by either party, shall be used in determining the amount of the premium to be allocated between the parties. If not submitted by either party, then the amount of the premium shall be divided by the number of persons covered to calculate the portion of the premium that provides coverage to each person.

Example 1. If the parties are separated, but not divorced, and Husband pays \$200 per month toward the cost of a health insurance policy provided through his employer which covers himself, Wife, the parties' child, and two additional children from a previous marriage, the portion of the premium attributable to the additional two children, if not otherwise verifiable or known with reasonable ease and certainty, is calculated by dividing \$200 by five persons and then multiplying the resulting amount of \$40 per person by the two additional children, for a total of \$80 to be excluded from allocation. Deduct this amount from the total cost of the premium to arrive at the portion of the premium to be allocated between the parties—\$120. Since Husband is paying the premium, and spouses have a statutory duty to support one another pursuant to 23 Pa.C.S. § 4321, Wife's percentage share of the \$120 is deducted from Husband's support obligation. If Wife had been providing the coverage, then Husband's percentage share would be added to his basic support obligation.

Example 2. If the parties are divorced and Father pays \$200 per month toward the cost of a health insurance policy provided through his employer which covers himself, the parties' child and two additional children from a previous marriage, the portion of the premium attributable to Father and the two additional children will not be allocated between the parties. Thus, using the same calculations in Example 1, the amount of the premium attributable to Father and the two other children is \$150 (\$200 premium divided among four covered persons equals \$50 per person multiplied by three) and that amount is deducted from the total cost of the premium, leaving \$50 ($\$200 - \$150 = \50) to be allocated between the parties.

Example 3. The parties are divorced and Mother is the obligee of a child support order. Father, the obligor, pays \$200 per month toward

the cost of a health insurance policy provided by his employer that covers himself and the parties' child. Mother pays \$400 per month for her employer-sponsored health insurance that covers only herself. The amount of the premium Father pays to cover the parties' child, \$100 (\$200 premium divided between two covered persons, Father and the child), will be allocated between the parties in proportion to their respective incomes. The portion of the premium that covers Father will not be allocated because the parties are no longer married and he is not owed a duty of support by Mother. The premium Mother pays to provide her own coverage will not be allocated because the parties are no longer married and she is not owed a duty of support by Father.

(3) Pursuant to 23 Pa.C.S. § 4326(a), in every support proceeding, the court must ascertain each parent's ability to provide medical support for the parties' children and the support "order shall include a requirement for medical support to be provided by either or both parents, provided that such medical support is accessible to the children."

(i) The obligor bears the initial responsibility of providing health care coverage for the children if it is available at a reasonable cost. "Reasonable cost" to an obligor shall be defined as an amount that does not exceed 5% of the obligor's net monthly income and, when added to the amount of basic child support plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor's net monthly income. If the obligee is providing the coverage, the reasonable amount of the obligor's share shall be defined as an amount that does not exceed 5% of the obligor's net monthly income and, when added to the amount of basic child support plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor's net monthly income.

(ii) Unless health care coverage for the parties' children is provided by the obligee or a third party, the court shall issue the National Medical Support Notice required by 23 Pa.C.S. § 4326(d.1) to the obligor's employer in response to notification that the obligor is employed. The notice shall direct the employer to enroll the children of the obligor who are the subject of the support proceeding if the coverage is available at a reasonable cost to the obligor. However, the notice shall direct that enrollment shall not occur earlier than 25 days from the date of the National Medical Support Notice to allow the obligor time to object. Concurrent with the issuance of the National Medical Support Notice, the court shall provide notice to the obligor setting forth the process to object to the enrollment based upon unreasonable cost, mistake of fact or availability of alternative health care coverage for the children. If there is more than one employer-provided health care coverage option, the obligor shall select the plan, subject to the obligee's right to seek a court order designating a different option.

(iii) Absent the availability of health care coverage to the obligor for the parties' children at a reasonable cost, the court shall order the obligee to provide health care coverage for the children if it is available at a reasonable cost. "Reasonable cost" to the obligee shall be defined as an amount not to exceed 5% of the obligee's net monthly income.

(iv) If health care coverage is not available to either party at a reasonable cost, the court may order the custodial parent to apply for government-sponsored coverage, such as the Children's Health Insurance Program

(“CHIP”), with any co-premium or other cost apportioned between the parties in proportion to their respective net monthly incomes.

(v) Within thirty days after the entry of the support order, the party ordered to provide health care coverage shall provide written proof to the other party that medical insurance has been obtained, including insurance cards and all other materials set forth in the form order in Rule 1910.27(e). There shall be a continuing obligation to provide the other party and the court with proof of any changes in coverage.

(vi) The court shall give preference to health care coverage that is readily accessible to the child, as defined by geographic coverage area, access to local treatment providers or other relevant factors.

Official Note: The maximum amount of any attachment for child and medical support is set forth by the federal Consumer Credit Protection Act (Public Law 90-321, Section 303(b); 15 U.S.C. § 1601 et seq.).

(4) In cases in which the obligor is paying the cost of health insurance coverage and the obligee has no income or minimal income such that the obligor will bear 90% or more of the proportional share of the cost of the health insurance premiums, the trier of fact may, as fairness requires, deduct part or all of the cost of the premiums actually paid by the obligor to provide coverage for the other party or the children from the obligor’s gross income to determine net income for support purposes. If such a deduction is taken from the obligor’s gross income, then the allocation of premium costs as set forth in (b)(1) above shall not be applied.

Official Note: Subdivision (b) of this rule does not apply to Medical Assistance. See 23 Pa.C.S. § 4326(l). The 2005 amendments to Rule 1910.16-6(b)(1) and (2) clarify that the portion of the insurance premium covering the party carrying the insurance cannot be allocated between the parties if there is no statutory duty of support owed to that party by the other party. See *Maier v. Maier*, 575 Pa. 181, 835 A.2d 1281 (2003) and 23 Pa.C.S. § 4321.

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. Notwithstanding the prior sentence, there shall be no apportionment of unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The court may direct that the obligor’s share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.

(1) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person. Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, and orthodontia. Medical expenses do not include cosmetic, chiropractic, psychiatric, psychological or other services unless specifically directed in the order of court.

Official Note: While cosmetic, chiropractic, psychiatric, psychological or other expenses are not required to be apportioned between the parties, the court may apportion such expenses that it determines to be reasonable and appropriate under the circumstances.

(2) An annual limitation may be imposed when the burden on the obligor would otherwise be excessive.

(3) Annual expenses pursuant to this subdivision (c), shall be calculated on a calendar year basis. In the year in which the initial support order is entered,

or in any period in which support is being paid that is less than a full year, the \$250 threshold shall be pro-rated. Documentation of unreimbursed medical expenses that either party seeks to have allocated between the parties shall be provided to the other party not later than March 31 of the year following the calendar year in which the final bill was received by the party seeking allocation. For purposes of subsequent enforcement, unreimbursed medical bills need not be submitted to the domestic relations section prior to March 31. Allocation of unreimbursed medical expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.

(4) If the trier of fact determines that out-of-network medical expenses were not obtained due to medical emergency or other compelling factors, the court may decline to assess any of such expenses against the other party.

(5) In cases involving only spousal support or alimony pendente lite, the parties' respective net incomes for purposes of allocating unreimbursed medical expenses shall be calculated after the amount of spousal support or alimony pendente lite is deducted from the obligor's income and added to the obligee's income.

Official Note: If the trier of fact determines that the obligee acted reasonably in obtaining services which were not specifically set forth in the order of support, payment for such services may be ordered retroactively.

(d) *Private School Tuition. Summer Camp. Other Needs.* The support schedule does not take into consideration expenditures for private school tuition or other needs of a child which are not specifically addressed by the guidelines. If the court determines that one or more such needs are reasonable, the expense thereof shall be allocated between the parties in proportion to their net incomes. The obligor's share may be added to his or her basic support obligation.

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, alimony pendente lite and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award. If the obligor is occupying the marital residence and the mortgage payment exceeds 25% of the obligor's monthly net income (less any amount of spousal support, alimony pendente lite or child support the obligor is paying), the court may make an appropriate downward adjustment in the obligor's support obligation. This rule shall not be applied after a final resolution of all outstanding economic claims. For purposes of this subdivision, the term "mortgage" shall include first mortgages, real estate taxes and homeowners' insurance and may include any subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

Explanatory Comment—2005

Rule 1910.16-6 governs the treatment of additional expenses that warrant an adjustment to the basic support obligation.

Subdivision (a) relates to child care expenses. Subdivision (a) has been amended to require that child care expenses incurred by either party are to be allocated between the parties in proportion to their respective net incomes. Subsection (a)(1), relating to the federal child care tax credit, was

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amended in 2004 to reflect recent amendments to the Internal Revenue Code, 26 U.S.C.A. § 21. By referring to the tax code in general, rather than incorporating current code provisions in the rule, any further amendments will be incorporated into the support calculation. Since the tax credit may be taken only against taxes owed, it cannot be used when the eligible parent does not incur sufficient tax liability to fully realize the credit. For this reason, subsection (2) provides that no adjustment to the total child care expenses may be made if the eligible parent does not qualify to receive the credit.

Subdivision (b) addresses health insurance premiums. The cost of the premiums is generally treated as an additional expense to be allocated between the parties in proportion to their net incomes. Subsection (1) of the rule permits allocation of the entire premium, including the portion of the premium covering the party carrying the insurance, when the insurance benefits the other party and/or the children. Subsection (2) clarifies that, in calculating the amount of the health care premium to be allocated between the parties, subdivision (b)(1) requires the inclusion of that portion of the health insurance premium covering the party who is paying the premium, so long as there is a statutory duty of support owed to that party, but not the portion of the premium attributable to non-parties and children who are not the subjects of the support order. Subsection (2) provides for proration of the premium when the health insurance covers other persons who are not subject to the support action or owed a statutory duty of support. Subdivision (b) also permits an alternative method for dealing with the cost of health insurance premiums in certain circumstances. While, in general, the cost of the premiums will be treated as an additional expense to be allocated between the parties in proportion to their net incomes, in cases in which the obligee has no income or minimal income, subsection (4) authorizes the trier of fact to reduce the obligor's gross income for support purposes by some or all of the amount of the health insurance premiums. This is to avoid the result under a prior rule in which the entire cost of health insurance would have been borne by the obligor, with no resulting reduction in the amount of support he or she would otherwise be required to pay under the support guidelines. The goal of this provision is to encourage and facilitate the maintenance of health insurance coverage for dependents by giving the obligor a financial incentive to maintain health insurance coverage.

Subdivision (c) deals with unreimbursed medical expenses. Since the first \$250 of medical expenses per year per child is built into the basic guideline amount in the child support schedule, only medical expenses in excess of \$250 per year per child are subject to allocation under this rule as an additional expense to be added to the basic support obligation. The same is true with respect to spousal support so that the obligee-spouse is expected to assume the first \$250 per year of these expenses and may seek contribution under this rule only for unreimbursed expenses which exceed \$250 per year. The definition of "medical expenses" includes insurance co-payments, deductibles and orthodontia and excludes chiropractic services.

Subdivision (d) governs apportionment of private school tuition, summer camp and other unusual needs not reflected in the basic guideline amounts of support. The rule presumes allocation in proportion to the parties' net incomes consistent with the treatment of the other additional expenses.

Subdivision (e) provides for the apportionment of mortgage expenses. It defines "mortgage" to include the real estate taxes and homeowners' insurance. While real estate taxes and homeowners' insurance must be included if the trier of fact applies the provisions of this subdivision, the inclusion of second mortgages, home equity loans and other obligations secured by the marital residence is within the discretion of the trier of fact based upon the circumstances of the case.

Explanatory Comment—2006

A new introductory sentence in Rule 1910.16-6 clarifies that additional expenses contemplated in the rule may be allocated between the parties even if the parties' respective incomes do not warrant an award of basic support. Thus, even if application of the formula at Rule 1910.16-4 results in a basic support obligation of zero, the court may enter a support order allocating between the parties any or all of the additional expenses addressed in this rule.

The amendment to subdivision (e) recognizes that the obligor may be occupying the marital residence and that, in particular circumstances, justice and fairness may warrant an adjustment in his or her support obligation.

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Explanatory Comment—2008

Federal and state statutes require clarification to subdivision (b) to ensure that all court orders for support address the children's ongoing need for medical care. In those instances where the children's health care needs are paid by the state's medical assistance program, and eligibility for the Children's Health Insurance Program ("CHIP") is denied due to the minimal income of the custodial parent, the obligor remains required to enroll the parties' children in health insurance that is, or may become, available that is reasonable in cost.

Government-sponsored health care plans represent a viable alternative to the often prohibitive cost of health insurance obtainable by a parent. Except for very low income children, every child is eligible for CHIP, for which the parent with primary physical custody must apply and which is based on that parent's income. A custodial parent may apply for CHIP by telephone or on the Internet. While co-premiums or co-pays increase as the custodial parent's income increases, such costs are generally modest and should be apportioned between the parties. Moreover, health care coverage obtained by the custodial parent generally yields more practical results, as the custodial parent resides in the geographic coverage area, enrollment cards are issued directly to the custodial parent, and claims may be submitted directly by the custodial parent.

Explanatory Comment—2010

Subdivision (e), relating to mortgages on the marital residence, has been amended to clarify that the rule cannot be applied after a final order of equitable distribution has been entered. To the extent that *Isralsky v. Isralsky*, 824 A.2d 1178 (Pa. Super. 2003), holds otherwise, it is superseded. At the time of resolution of the parties' economic claims, the former marital residence will either have been awarded to one of the parties or otherwise addressed.

Source

The provisions of this Rule 1910.16-6 adopted December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended October 27, 2000, effective immediately, 30 Pa.B. 5837; amended June 5, 2001, effective immediately, 31 Pa.B. 3306; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended October 31, 2002, effective immediately, 32 Pa.B. 5632; amended July 30, 2003, effective immediately, 33 Pa.B. 4073; amended September 24, 2003, effective immediately, 33 Pa.B. 5075; amended November 9, 2004, effective immediately, 34 Pa.B. 6315; amended May 17, 2005, effective immediately, 35 Pa.B. 3216 and 3900; amended September 27, 2005, effective 4 months from the date of this order, 35 Pa.B. 5643; amended October 17, 2006, effective immediately, 36 Pa.B. 6632; amended August 13, 2008, effective October 12, 2008, 38 Pa.B. 4736; amended December 8, 2009, effective immediately, 39 Pa.B. 7097; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended July 8, 2010, effective September 6, 2010, 40 Pa.B. 4140; amended August 26, 2011, effective September 30, 2011, 41 Pa.B. 4851; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended May 14, 2014, effective in 30 days on June 13, 2014, 44 Pa.B. 3233; amended March 12, 2015, effective in 30 days on April 11, 2015, 45 Pa.B. 1842; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123. Immediately preceding text appears at serial pages (384515) to (384522).

Rule 1910.16-7. Support Guidelines. Awards of Child Support When There are Multiple Families.

(a) When the total of the obligor's basic child support obligations equals 50% or less of his or her monthly net income, there will be no deviation from the guideline amount of support on the ground of the existence of a new family.

Example: If the obligor requests a reduction of support for one child of the first marriage on the basis that there is a new child of the second intact marriage, and the relevant monthly net incomes are \$2,500 for the obligor, \$500 for the former spouse and \$1,300 for the current spouse, then the request for a reduction will be denied because the total support obligation of

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\$1,153 (\$584 for the first child and \$569 for the second child) is less than half of the obligor's monthly net income.

(b) When the total of the obligor's basic support obligations exceeds 50% of his or her monthly net income, the court may consider a proportional reduction of these obligations. Since, however, the goal of the guidelines is to treat each child equitably, a first or later family shall not receive preference, and the court shall not divide the guideline amount for all of the obligor's children among the households in which those children live.

Example 1. The obligor is sued for support of an out of wedlock child. The obligor is already paying support for two children of the first marriage, and has an intact second marriage with one child. The relevant monthly net incomes are \$3,800 for the obligor, \$1,100 for the former spouse, \$0 for the current spouse and \$1,500 for the parent of the new child. The obligor's basic support obligations to each family are \$1,097 for the two children of the first marriage, \$862 for the one child of the second marriage, and \$727 for the one child out of wedlock for a total support obligation of \$2,686. Since the total of these obligations exceeds 50% of the obligor's monthly net income of \$3,800 per month, the court may consider a proportional reduction of all of the orders.

Example 2. The obligor is sued for support of three children of a second marriage. There is already an order in effect for two children of the first marriage. The relevant monthly net incomes are \$1,600 for the obligor, \$0 for the first spouse and \$500 for the second spouse. The obligor's basic support obligations to each family are \$555 for the two children of the first marriage and \$641 for the three children of the second marriage for a total support obligation of \$1,196. Since this total obligation leaves the obligor with only \$404 on which to live, the orders are too high as the obligor must be left with a Self-Support Reserve of \$981. However, reducing the order for three children while leaving the existing order intact would give preference to the first family, contrary to the rule. Therefore, both orders must be reduced proportionally.

Example 3. The obligor is sued by three obligees to establish orders for three children. The monthly net income for the obligor and for each obligee is \$1,500. The court would determine that the obligor's basic support obligation for each child is \$352 for a total obligation of \$1,056 for three children. It would be incorrect to determine the guideline amount for three children, in this case \$1,189, and then divide that amount among the three children. Due to the total support amount exceeding 50% of the obligor's monthly net income, the support orders should be reduced proportionately consistent with subdivision (b) and ensure the obligor retains the Self-Support Reserve of \$981 consistent with Pa.R.C.P. No. 1910.16-2(e).

(c) For purposes of this rule, the presumptive amount of the obligor's basic support obligation is calculated using only the basic guideline amounts of sup-

port, as determined from the formula in Pa.R.C.P. No. 1910.16-4, and does not include any additional expenses that may be added to these amounts pursuant to Pa.R.C.P. No. 1910.16-6. In calculating the presumptive amount of the obligor's basic support obligation, the court should ensure that the obligor retains at least \$981 per month consistent with Pa.R.C.P. No. 1910.16-2(e).

Example 1. Assume that the obligor is paying \$566 per month support for one child of the first marriage, plus an additional \$200 per month for child care expenses. The obligor requests a reduction in this support obligation on the basis that there is one new child of the second intact marriage. The relevant incomes are \$2,400 for the obligor and \$0 for both the former and current spouses. The obligor's request for a reduction should be denied because the total of the basic guideline obligations for both children is only \$1,132 (\$566 for each child) and does not exceed 50% of the obligor's monthly net income. A reduction should not be given on the basis that the obligor's contribution to child care expenses for the first child results in an overall support obligation of \$1,332 which exceeds 50% of the obligor's monthly net income. Thus, the presumptive amount of basic support for the two children is still \$1,132 (\$566 for each child). The court must then consider the deviation factors under Pa.R.C.P. No. 1910.16-5 and the parties' respective contributions to additional expenses under Pa.R.C.P. No. 1910.16-6 in arriving at an appropriate amount of total support for each child.

Example 2. Assume that the obligor is paying \$360 per month support for one child of the first marriage. The obligor has one new child of the second intact marriage. The relevant incomes are \$1,500 for the obligor and \$0 for the former and current spouses. A reduction should not be given on the basis of the obligor's new child because the total of the basic guideline obligations for both children is only \$720 (\$360 for each child) and this amount does not exceed 50% of the obligor's monthly net income. Since, however, this amount leaves the obligor with only \$780 per month, the court should proportionally reduce the support obligations so that the obligor retains \$981 per month. Thus, the presumptive amount of basic support for the two children is \$519 (\$259.50 for each child). The court must then consider the deviation factors under Pa.R.C.P. No. 1910.16-5 and the parties' respective contributions to additional expenses under Pa.R.C.P. No. 1910.16-6 in arriving at an appropriate amount of total support for each child.

Explanatory Comment—2010

Rule 1910.16-7 has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve to \$867 per month, the 2008 federal poverty level for one person. The distribution priorities formerly in subdivision (d) have been moved to Rule 1910.17(d) to clarify that these priorities apply to all support orders, not just those involving multiple families.

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Explanatory Comment—2013

Rule 1910.16-7 has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve to \$931 per month, the 2012 federal poverty level for one person.

Source

The provisions of this Rule 1910.16-7 adopted December 7, 1998, effective April 1, 1999, 28 Pa.B. 6162; amended October 30, 2001, effective immediately, 31 Pa.B. 6273; amended October 31, 2002, effective immediately, 32 Pa.B. 5632; amended September 27, 2005, effective 4 months from the date of this order, 35 Pa.B. 5643; amended August 13, 2008, effective October 12, 2008, 38 Pa.B. 4736; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended April 9, 2013, effective August 9, 2013, 43 Pa.B. 2272; amended September 25, 2014, effective in 30 days on October 25, 2014, 44 Pa.B. 6553; amended February 10, 2017, effective May 1, 2017, 47 Pa.B. 1123. Immediately preceding text appears at serial pages (384522) to (384525).

Rule 1910.17. Support Order. Effective Date. Change of Circumstances. Copies of Order. Priority of Distribution of Payments.

(a) An order of support shall be effective from the date of the filing of the complaint or petition for modification unless the order specifies otherwise. In a child support case, if a change in custody occurs after the date of filing, but before a domestic relations conference is held, the trier of fact shall enter a charging order going forward in favor of the primary custodian that shall be effective from the date of the change in custody. The trier of fact also may enter a retroactive arrears order in favor of the party who was the primary custodian at the time of filing. Such an order may address the period from the date of filing to the date of the change in custody. However, a modification of an existing support order may be retroactive to a date preceding the date of filing if the petitioner was precluded from filing a petition for modification by reason of a significant physical or mental disability, misrepresentation of another party or other compelling reason and if the petitioner, when no longer precluded, promptly filed a petition.

Example: Mother has primary custody of the children and files for child support. Two months later, Father becomes the primary custodian. One month after the change in custody, a support conference is held. Father will be the obligee on a charging order that is retroactive to the date he became the primary custodian. However, an order also may be entered with Mother as the obligee for the two-month period from the date of filing to the date of the change in custody.

Official Note: The order must direct payment to be made payable to or payment to be made to the State Collection and Disbursement Unit for transmission to the obligee. See 23 Pa.C.S. § 4325.

Subdivision (a) was amended in 2005 to include the statutory provision at 23 Pa.C.S. § 4352(e) that authorizes the court to enter a modified order that is effective to a date prior to the date on which the petition for modification was filed in certain circumstances. To the effect that the holding in *Kelleher v. Bush*, 832 A.2d 483 (Pa. Super. Ct. 2003), is inconsistent, it is superseded. See 23 Pa.C.S. § 4352(e) for additional provisions.

Every order of support must contain an immediate or conditional order for the attachment of income. See Rule 1910.21.

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(b) The order shall notify the obligee and the obligor that each is under a continuing obligation to inform the domestic relations section in writing or by personal appearance and all other parties in writing within seven days of any material change in circumstances relevant to the level of support or the administration of the support order, including, but not limited to, loss or change of income or employment and change of personal address or change of address of any child receiving support. The order shall also notify the parties that if a party willfully fails to inform the domestic relations section of the required information, the court may adjudge the party to be in contempt of court pursuant to Rules 1910.25 through 1910.25-6 and may order the party to be punished by one or more of the following: jail, fine or probation.

(c) A copy of the support order shall be provided to each party to the action and to the party's attorney, if any, pursuant to Rule 440.

(d) The priorities for distribution of payments and/or collections from the obligor, without regard to the source of the funds or method of collection, are as follows:

- (1) monthly current child support.
- (2) medical, child care or other court-ordered child support-related expenses.
- (3) monthly ordered amount toward child support arrearages.
- (4) monthly current spousal support or alimony pendente lite.
- (5) remaining child support arrearages.
- (6) monthly ordered amount toward spousal support or alimony pendente lite arrearages.
- (7) remaining spousal support or alimony pendente lite arrearages.
- (8) court costs and fees.

Explanatory Comment—2010

Subdivision (d) has been moved from Rule 1910.16-7 and expanded for clarification. It addresses the priority of the distribution of payments and collections in all cases, not just those involving multiple families. However, collections realized through the interception of federal tax returns by the Internal Revenue Service are subject to federal distribution priorities. See 45 CFR 303.72(h). An unallocated order for child and spousal support has the same priority as a child support order.

Source

The provisions of this Rule 1910.17 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended November 22, 1994, effective January 1, 1995, 24 Pa.B. 6137; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended May 17, 2005, effective immediately, 35 Pa.B. 3216 and 3900; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended September 25, 2014, effective in 30 days on October 25, 2014, 44 Pa.B. 6553. Immediately preceding text appears at serial pages (366549) to (366551).

Rule 1910.18. Support Order. Subsequent Proceedings.

(a) Subsequent proceedings to modify or terminate a support order pursuant to Rule 1910.19 shall be brought in the court which entered the order. If the

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action has been transferred pursuant to Rule 1910.2 following the entry of a support order, subsequent proceedings shall be brought in the court to which the action was transferred.

(b) Subsequent proceedings to enforce an order pursuant to Rule 1910.20 may be brought in the court which entered the support order or the court of a county to which the order has been transferred.

(c) Subdivision (a) shall not limit the right of the plaintiff to institute additional proceedings for support in any county of proper venue.

Source

The provisions of this Rule 1910.18 amended December 18, 1998, effective January 1, 1999, 29 Pa.B. 16. Immediately preceding text appears at serial page (200342).

Rule 1910.19. Support. Modification. Termination. Guidelines as Substantial Change in Circumstances. Overpayments.

(a) A petition for modification or termination of an existing support order shall specifically aver the material and substantial change in circumstances upon which the petition is based. A new guideline amount resulting from new or revised support guidelines may constitute a material and substantial change in circumstances. The existence of additional income, income sources or assets identified through automated methods or otherwise may also constitute a material and substantial change in circumstances.

(b) The procedure upon the petition shall be in accordance with Rule 1910.10 et seq. After a party has filed a petition for modification of a child support order, the petition may not be withdrawn unless both parties consent or with leave of court. A petition for modification of spousal support or alimony pendente lite may be withdrawn without the consent of the other party or leave of court.

(c) Pursuant to a petition for modification, the trier of fact may modify or terminate the existing support order in any appropriate manner based upon the evidence presented without regard to which party filed the petition for modification. If the trier of fact finds that there has been a material and substantial change in circumstances, the order may be increased or decreased depending upon the respective incomes of the parties, consistent with the support guidelines and existing law, and each party's custodial time with the child at the time the modification petition is heard.

(d) All charging orders for spousal support and alimony pendente lite shall terminate upon the death of the payee spouse.

(e) Within six months prior to the date a child who is the subject of a child support order reaches eighteen (18) years of age, the domestic relations section shall issue an emancipation inquiry and notice to the obligee, with a copy to the obligor, seeking the following information:

- (1) confirmation of the child's date of birth, date of graduation or withdrawal from high school;
- (2) whether the child has left the obligee's household and, if so, the date of departure;

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(3) the existence of any agreement between the parties requiring payments for the benefit of the child after the child has reached age eighteen (18) or graduated from high school; and

(4) any special needs of the child which may be a basis for continuing support for that child beyond the child's eighteenth birthday or graduation from high school, whichever is last to occur.

The notice shall advise the obligee that if the inquiry is not returned within thirty (30) days of mailing or if there is no agreement or the child does not have any special needs, the charging order may be modified or terminated by the court. In order to avoid overpayment, when no other children are subjects of the child support order and the obligee either does not return the emancipation inquiry within thirty (30) days of its mailing or does not assert grounds for continuing support for the child, then the domestic relations section shall administratively terminate the child support charging order without further proceedings on the last to occur of the date the last child reaches age eighteen (18) or graduates from high school. Termination of the charging order shall not affect any arrears accrued through the date of termination. The court shall have the authority to enter an order requiring the obligor to pay on arrears in an amount equal to the amount of the charging order until all arrears are paid.

If the order applies to another child or children and/or the obligee asserts that there is an agreement between the parties or that a child has special needs requiring continued support, then the domestic relations section may schedule a conference prior to the child's attaining age 18 or graduating from high school to determine if the charging order should be modified.

(f) Upon notice to the obligee, with a copy to the obligor, explaining the basis for the proposed modification or termination, the court may modify or terminate a charging order for support and remit any arrears, all without prejudice, when it appears to the court that:

- (1) the order is no longer able to be enforced under state law; or
- (2) the obligor is unable to pay, has no known income or assets and there is no reasonable prospect that the obligor will be able to pay in the foreseeable future.

The notice shall advise the obligee to contact the domestic relations section within 60 days of the date of the mailing of the notice if the obligee wishes to contest the proposed modification or termination. If the obligee objects, the domestic relations section shall schedule a conference to provide the obligee the opportunity to contest the proposed action. If the obligee does not respond to the notice or object to the proposed action, the court shall have the authority to modify or terminate the order and remit any arrears, without prejudice.

(g) *Overpayments.*

(1) *Order in Effect.* If there is an overpayment in an amount in excess of two months of the monthly support obligation and a charging order remains in effect, after notice to the parties as set forth below, the domestic relations sec-

tion shall reduce the charging order by 20% or an amount sufficient to retire the overpayment by the time the charging order is terminated. The notice shall advise the parties to contact the domestic relations section within 30 days of the date of the mailing of the notice if either or both of them wishes to contest the proposed reduction of the charging order. If either party objects, the domestic relations section shall schedule a conference to provide the objecting party the opportunity to contest the proposed action. If neither party responds to the notice or objects to the proposed action, the domestic relations section shall have the authority to reduce the charging order.

(2) *Order Terminated.* If there is an overpayment in any amount and there is no charging order in effect, within one year of the termination of the charging order, the former obligor may file a petition with the domestic relations section seeking recovery of the overpayment. A copy shall be served upon the former obligee as original process. The domestic relations section shall schedule a conference on the petition, which shall be conducted consistent with the rules governing support actions. The domestic relations section shall have the authority to enter an order against the former obligee for the amount of the overpayment in a monthly amount to be determined by the trier of fact after consideration of the former obligee's ability to pay.

Explanatory Comment—1993

Existence of Guidelines as Substantial Change in Circumstances. In its opinion in *Newman v. Newman*, 409 Pa. Super. Ct. 108, 597 A.2d 684 (Pa. Super. 1991), the Superior Court held that enactment of the guidelines does not constitute a substantial change in circumstance which could serve as the basis for modification of a support order. The amended rule allows the trier of fact to consider new or revised rules as a change in circumstances where the change in the guidelines, either by itself or in combination with other factors, is material and substantial.

Explanatory Comment—2000

The Pennsylvania Child Support Enforcement System ("PACSES") is electronically linked to a variety of governmental and private agencies and institutions. This linkage enables PACSES to immediately locate and identify an obligor's income, income sources and assets. Rule 1910.19 is amended to provide that their identification through these automated methods provides a basis for modifying both the current support obligation and the rate of repayment on either past due or overdue support. Identification through means other than PACSES continues to provide the same basis for modification.

While identification of income sources or assets provides a basis for modification, this rule is not intended to prevent a court from ordering that the income or assets be frozen and seized under Rule 1910.26 pending the hearing on the petition for modification. Such relief remains available under Rule 1910.26 governing appropriate interim or special relief. See Rule 1910.1 Explanatory Comment. Nor is this rule intended to affect the court's ability to seize income or assets under Rule 1910.20 to secure an overdue support obligation.

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Explanatory Comment—2002

Although support orders do not terminate automatically, many obligors are unaware of the necessity of filing a petition to terminate a child support order when the child becomes emancipated. As a result, old orders have continued to charge long after the subject child has become an adult. New subdivision (e) is intended to address this problem by giving the obligee notice of a proposed modification or termination of the order and the opportunity to object. If no objection is made, or if the obligee fails to respond with a reason to continue the order, the rule gives the court the authority to terminate or modify the charging order, depending upon whether or not other children are covered under the order.

Explanatory Comment—2006

New subdivision (f) addresses an increasing multiplicity of circumstances in which the continued existence of a court-ordered obligation of support is inconsistent with rules or law. An obligor with no known assets whose sole source of income is Supplemental Security Income or cash assistance cannot be ordered to pay support under Rule 1910.16-2. Likewise, an obligor with no verifiable income or assets whose institutionalization, incarceration or long-term disability precludes the payment of support renders the support order unenforceable and uncollectible, diminishing the perception of the court as a source of redress and relief. Often, the obligor is unable or unaware of the need to file for a modification or termination, or the parties abandon the action. In those circumstances, the courts are charged with managing dockets with no viable outcomes. Both the rules and the federal guidelines for child support under Title IV-D of the Social Security Act provide for circumstances under which a support order shall not be entered or under which a child support case may be closed. Subdivision (f) expands the authority of the courts to respond to case management issues brought about by changes in circumstances of the parties of which the courts become aware through the expansion of automated interfaces and data exchanges.

Source

The provisions of this Rule 1910.19 amended January 27, 1993, effective immediately, 23 Pa.B. 701; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended June 5, 2001, effective immediately, 31 Pa.B. 3306; amended October 11, 2002, effective immediately, 32 Pa.B. 5263; amended May 19, 2006, effective immediately, 36 Pa.B. 2629; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended September 19, 2011, effective October 31, 2011, 41 Pa.B. 5153; amended November 5, 2012, effective December 5, 2012, 42 Pa.B. 7091. Immediately preceding text appears at serial pages (358869) to (358872).

Rule 1910.20. Support Order. Enforcement. General.

(a) A support order shall be enforced by income withholding as required by law in the manner provided by Rule 1910.21.

(b) Upon the obligor's failure to comply with a support order, the order may also be enforced by any one or all of the following remedies:

- (1) pursuant to Rule 1910.21, and without further hearing or prior notice to the obligor, increasing the amount of monthly support payments for payment of the overdue support at a rate to be determined by the court; withholding or seizing periodic or lump sum payments of income from a government agency, including unemployment compensation, social security, retirement or disability benefits and any other benefits; withholding or seizing periodic or lump sum payments of income from insurance carriers or privately-insured employers,

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including workers' compensation benefits; withholding or seizing judgments or settlements; and withholding or seizing public and private retirement funds in pay status;

- (2) pursuant to Rule 1910.22, imposing liens on real property;
- (3) pursuant to Rule 1910.23, attaching and seizing assets of the obligor held in financial institutions;
- (4) pursuant to Rule 1910.24, reducing and executing a judgment against the obligor;
- (5) pursuant to Rules 1910.25 through 1910.25-6, initiating contempt proceedings;
- (6) reporting the amount of overdue support to consumer reporting agencies in the manner prescribed by 23 Pa.C.S. § 4303;
- (7) when the obligor owes overdue support in an amount of three months or more, suspending occupational, commercial/driver's and recreational licenses in the manner prescribed by 23 Pa.C.S. § 4355.

These remedies are cumulative and not alternative.

(c) For purposes of this Rule, overdue support remains subject to the remedies set forth in subdivision (b) of this Rule until paid in full. Except as provided in 23 Pa.C.S. § 4355 for suspension of licenses, neither a repayment schedule subsequently agreed to by the parties nor an order of court establishing such a schedule precludes the use of these remedies for collecting overdue support more quickly, whenever feasible.

Source

The provisions of this Rule 1910.20 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended May 31, 2000, effective July 1, 2000, 20 Pa.B. 3155. Immediately preceding text appears at serial page (256281).

Rule 1910.21. Support Order. Enforcement. Withholding of Income.

(a) *Immediate Income Withholding.* Every order of court shall contain an immediate order for the withholding of income unless (1) there is no overdue support owing under the order and (2) either the court finds there is good cause not to require immediate income withholding or the parties agree in writing to an alternative arrangement.

(b) *Initiated Income Withholding.* If there is no immediate income withholding pursuant to subdivision (a), and nonpayment of the support order causes overdue support to accrue, the court shall enter an order for the immediate withholding of income.

(c) *Order for Withholding.* An order for income withholding must include a provision directing that no commutation or compromise and release of worker's compensation benefits, severance pay or any payment in lieu thereof shall be paid to the defendant until the order for withholding is dissolved by further order of court.

(d) *Service on Employer.*

(1) The order for income withholding shall be served upon the obligor's employer. The employer shall pay to the State Collection and Disbursement Unit the full amount set forth in the order and may deduct from the balance due the obligor an amount authorized by law for clerical work and expense involved in complying with the order. Upon termination of the obligor's employment, the employer shall notify the domestic relations section of the termination, the obligor's last known address, and the name and address of the obligor's new employer, if known.

(2) Upon willful failure to obey an order for income withholding, the employer, or an officer or employee of the employer, may be held in contempt and subject to other remedies provided by law.

Official Note: 23 Pa.C.S. § 4348(k)(1) provides that contempt is punishable by jail or fine. 23 Pa.C.S. § 4348(k)(2) provides that the employer is liable for any amount which the employer willfully fails to withhold or for any amount withheld but not forwarded to the domestic relations section. 23 Pa.C.S. § 4348(k)(3) provides that the court may attach funds or property of an employer.

(e) *Notice to Obligor. Objections.* A notice of entry of an order for income withholding shall be served on the obligor. The obligor may object to the order in writing or by personal appearance before the county domestic relations section within ten days after issuance of the notice. The grounds for an objection are limited to the following mistakes of fact: (i) no overdue support exists under the order or there is a mistake in the amount of overdue support; (ii) there is a mistake in the identity of the obligor; or (iii) the amount being withheld exceeds the maximum amount which may be withheld under the federal Consumer Credit Protection Act, 15 U.S.C. § 1673. If a mistake of fact has occurred, the order shall be modified accordingly.

(f) *Income Withholding When the Obligor Defaults on Support Order.*

(1) When an obligor is subject to an order for income withholding and payment is received from the employer within 15 days from the date upon which the obligor's obligation would be considered overdue (i.e. the date upon which delinquent support is equal to one month's support obligation), the payment shall be considered timely and any past due support shall not be converted to overdue support or subject to automated enforcement mechanisms.

(2) When nonpayment of the support order by the obligor causes overdue support to accrue, the court may increase the order for income withholding until the overdue support is paid in full. The court may also direct the employer to withhold any periodic or lump sum distributions of income which may be payable to the obligor in addition to regular income until further order of court.

(g) *Priority of Income Withholding.* If there are multiple support obligations in effect against the income of the obligor, the court shall allocate among the obligees the amount of income available for withholding, giving priority to cur-

rent child support, child support-related expenses and child support arrears to the limit provided by law and stating the priority of payment to the obligee.

(h) *Termination of Order for Income Withholding.* An order for income withholding shall continue until dissolved by the court as provided by law.

Official Note: Pursuant to 23 Pa.C.S. § 4348(h), an order for income withholding may be terminated when (1) the support obligation has terminated and the total arrears are paid; (2) the payee cannot be located and it becomes impossible to forward payments; or (3) the result would be unconscionable. The order may also be terminated administratively by the domestic relations section.

Explanatory Comment—2008

New subdivision 1910.21(f)(1) is intended to address circumstances in which an employer timely withholds income from an obligor pursuant to an income withholding order, but a delay occurs in receipt of the funds by the State Collection and Disbursement Unit. In those cases, it would be inappropriate to consider the obligor's payment as untimely and convert past due support to overdue support because an obligor subject to an income withholding order has no control over the timing of the transmission of the funds from the employer. This new rule addresses solely timing issues by providing a 15-day grace period. It does not apply to obligors who are not subject to an order for income withholding.

Source

The provisions of this Rule 1910.21 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; rescinded March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended August 13, 2008, effective immediately, 38 Pa.B. 4735; amended August 13, 2008, effective October 12, 2008, 35 Pa.B. 4736. Immediately preceding text appears at serial pages (319383) to (319384) and (267747).

Rule 1910.21-1. [Renumbered].

Source

The provisions of this Rule 1910.21-1 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (256281) to (256283).

Rule 1910.21-2. [Renumbered].

Source

The provisions of this Rule 1910.21-2 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (200345).

Rule 1910.21-3. [Renumbered].

Source

The provisions of this Rule 1910.21-3 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (200345).

Rule 1910.21-4. [Renumbered].

Source

The provisions of this Rule 1910.21-4 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (200345) to (200346).

Rule 1910.21-5. [Renumbered].

Source

The provisions of this Rule 1910.21-5 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (200346) and (256973).

Rule 1910.21-6. [Renumbered].

Source

The provisions of this Rule 1910.21-6 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (256973).

Rule 1910.21-7. [Renumbered].

Source

The provisions of this Rule 1910.21-7 adopted March 30, 1994, effective July 1, 1994, 24 Pa.B. 1949; renumbered May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (256974).

Rule 1910.22. Support Order. Enforcement. Liens Against Real Property.

(a) An overdue support obligation of this or any other state which is on record at the domestic relations section shall constitute a lien of record by operation of law against the obligor's real property located in Pennsylvania. When the overdue obligation arises in another state, it shall be transmitted to the Department of Public Welfare Central Registry. Upon receipt and verification of the amount owed, the Central Registry shall notify the appropriate domestic relations section which shall enter the amount owed in its records.

(b) A person seeking certification of a lien of record arising from overdue support owed by an obligor shall submit a written request for certification to the domestic relations section. The request must include the obligor's full name, date

of birth and social security number, if known. Within two business days, the domestic relations section shall provide written certification of the amount of overdue support owed as of the date of certification and shall enter the amount and date of certification on the docket.

Official Note: Rule 76 defines “person” as including a corporation, partnership and association as well as a natural person.

(c) The domestic relations section shall provide a copy of the written certification to the parties. Either party may object to the certification in writing or by personal appearance before the domestic relations section. The grounds for an objection are limited to the following: (1) no overdue support exists under the support order or there is a mistake in the certified amount of overdue support; (2) there is a mistake in the identity of the obligor; or (3) the lien cannot attach to the property as a matter of law. Pending a court’s disposition of the objection, the certification shall remain in full force and effect unless stayed by the court for good cause shown.

(d) Payment of the certified amount of overdue support shall constitute a satisfaction thereof and the domestic relations section shall record the amount of payment on the docket.

Source

The provisions of this Rule 1910.22 amended June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended September 26, 1990, effective immediately, 20 Pa.B. 5197; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767; amended June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (256974) and (260381) to (260382).

Rule 1910.23. Support Order. Enforcement. Attachment of Assets Held by Financial Institutions.

(a) Upon identification of an obligor’s assets held by a financial institution, the court shall, upon certification of the overdue support owed by the obligor, enter an immediate order prohibiting the release of those assets until further order of court. The order shall be served on the financial institution in the manner prescribed by Rules 400 through 406 governing service of original process or by registered mail, return receipt requested, or by electronic service upon the request of the financial institution. Service by mail is complete upon the return of the registered mail receipt personally signed by the financial institution or other evidence of service satisfactory to the court. Service of the order on the financial institution shall attach the asset up to the amount of the overdue support until further order of court.

(b) The domestic relations section shall provide written notification of the attachment to the obligor. The obligor and any joint owner of the account who

has been notified by the financial institution may object to the attachment in writing or by personal appearance before the domestic relations section within 30 days after issuance of the notice. The grounds for an objection are limited to the following: (1) no overdue support exists under the support order or there is a mistake in the certified amount of overdue support; (2) there is a mistake in the identity of the obligor; or (3) the account is not subject to attachment as a matter of law.

(c) If no objection is made within 30 days after notice was issued, the court shall, upon proof that obligor was properly served with notice of the attachment, enter an order seizing the assets up to the amount of overdue support owed. The order shall be served on the financial institution and a copy of the order provided to both parties.

Source

The provisions of this Rule 1910.23 rescinded April 29, 1991, effective July 1, 1991, 21 Pa.B. 2335; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended January 25, 2013, effective February 24, 2013, 43 Pa.B. 801. Immediately preceding text appears at serial pages (267749) to (267750).

Rule 1910.23-1. [Rescinded].

Source

The provisions of this Rule 1910.23-1 adopted April 29, 1991, effective July 1, 1991, 21 Pa.B. 2335; rescinded May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (260382).

Rule 1910.23-2. [Rescinded].

Source

The provisions of this Rule 1910.23-2 adopted April 29, 1991, effective July 1, 1991, 21 Pa.B. 2335; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; rescinded May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (260382) and (228795).

**Rule 1910.24. Support Order. Enforcement. Judgment for Arrearages.
Petition to Correct Judgment. Execution.**

(a) On and after the date it is due, overdue support shall constitute a judgment against the obligor as provided by law. The prothonotary shall enter the judgment of record upon the proper docket and in the judgment index either at the direction of the court or upon praecipe of a party or the domestic relations section. The judgment must be accompanied by a written certification showing that obligor owes overdue support pursuant to an order of court.

(b) A petition to correct the judgment shall be limited to the following grounds: (1) no overdue support exists under the support order or (2) there is a mistake in the amount of overdue support. The petition initially shall be determined before a conference officer or hearing officer in the same manner as an

original proceeding for support. Except as provided by order of court, the filing of a petition to correct a judgment shall not stay the proceedings.

Official Note: It is important to note that the petition to strike or open a judgment used in civil practice is not adopted here.

(c) The judgment may be enforced against the obligor's real or personal property as provided by Rules 3001 through 3011, governing transfer of judgments, and Rules 3101 through 3149, governing enforcement of judgments for the payment of money.

Official Note: See Section 8104 of the Judicial Code, 42 Pa.C.S., § 8104, which imposes a duty upon a judgment creditor who has received satisfaction of a judgment, upon written request and tender of the fee, to enter satisfaction in the office of the clerk of court (the prothonotary) in which the judgment is outstanding.

Source

The provisions of this Rule 1910.24 amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial page (228795).

Rule 1910.25. Enforcement. Support Order. Civil Contempt. Petition. Service. No Answer Required.

(a) Upon failure to comply with an order of support, a petition for civil contempt

- (1) may be filed by the obligee at any time, or
- (2) shall be filed by the domestic relations section
 - (i) immediately upon the accrual of arrearages in any amount for fifteen days where it is known at the outset that income cannot be attached; or
 - (ii) immediately upon learning that an order for income withholding pursuant to Rule 1910.21 has been ineffective, or within twenty days of failure to comply with the order of support, whichever is earlier.

Official Note: Except as provided in 23 Pa.C.S. § 4355 relating to suspension of licenses, an order entered pursuant to a contempt proceeding which establishes a rate of repayment on overdue support does not preclude the use of other remedies under Title 23 or these Rules for collecting overdue support more quickly, whenever feasible.

(b) The petition shall begin with an order of court in substantially the following form:

[CAPTION]

ORDER OF COURT

Legal proceedings have been brought against you alleging that you have disobeyed an order of court for support.

(1) A critical issue in the contempt proceeding is your ability to pay and comply with the terms of the support order. If you wish to defend against the claim set forth in the following pages, you may, but are not required to, file in writing with the court your defenses or objections.

(2) You, _____, Respondent, must appear in person in court on _____ (day and date) at _____ (a.m./p.m.) in (court) room _____, _____ (address).

IF YOU DO NOT APPEAR IN PERSON,
THE COURT MAY
ISSUE A WARRANT FOR YOUR ARREST
AND YOU MAY BE COMMITTED TO JAIL.

(3) If the court finds that you have willfully failed to comply with its order for support, you may be found to be in contempt of court and committed to jail, fined or both.

You will have the opportunity to disclose income, other financial information and any relevant personal information at the conference/hearing so that the court can determine if you have the ability to pay. You may also tell the court about any unusual expenses that may affect your ability to pay. You may fill out the enclosed Income Statement and Expense Statement forms and submit them to the court.

At the conference/hearing, the contempt petition may be dismissed, new and/or modified purge conditions may be imposed, or the judge may order you to jail. If the obligee fails to appear, the court will proceed with the case and enter an appropriate order.

YOU ARE REQUIRED TO BRING:

- Your most recent pay stub for any and all employers
- Payroll address, phone number, fax number and contact person
- Proof of medical coverage

Any other documentation relevant to your case and the issue of contempt as stated in the petition, including the completed Income Statement and Expense Statement forms. For example, other documentation that may be relevant includes documents related to claims for unemployment compensation, workers' compensation and Social Security benefits.

BY THE COURT:

DATE OF ORDER: _____

Judge

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)

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Official Note: Neither Rule 1018.1 (Notice to Defend) nor Rule 1361 (Notice to Plead) apply to a petition for enforcement of support.

(c) The petition shall aver the facts alleged to constitute the failure to comply with the support order. The petition shall set forth the amount of support arrearages, if any, as provided by the domestic relations section. Unless specially ordered by the court, no answer to the petition is required.

(d) The petition shall be served upon the respondent

(1) by ordinary mail with the return address of the domestic relations section appearing thereon; or

(2) by any form of mail which requires the respondent to sign a receipt; or

(3) by a competent adult; or

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

(4) pursuant to special order of court. A respondent who attends the conference and/or hearing in person shall be deemed to have been served.

(e) The court may issue a bench warrant as provided by Rule 1910.13-1 for failure of the respondent to appear.

(f) The respondent shall be advised in the Order/Notice to Appear that his or her present ability to pay is a critical issue in the contempt proceeding. The respondent shall be provided with Income and Expense Statements to demonstrate financial ability to pay. At the hearing, the respondent shall be provided the opportunity to respond to any questions about his or her financial status. The trier of fact shall issue an express finding that the respondent does or does not have the present ability to pay.

Explanatory Comment—2012

The amendments to the form in subdivision (b) and new subdivision (f) are intended to assure compliance with the U.S. Supreme Court’s decision in *Turner v. Rogers*, 131 S. Ct. 2507 (2011). In that case, the Court held that counsel need not automatically be appointed for indigent support obligors facing incarceration in civil contempt proceedings. The Court held that the due process clause of the Fourteenth Amendment to the U.S. Constitution does not require that counsel be provided where the obligee is not represented by counsel and the state provides alternative procedural safeguards including adequate notice of the importance of the ability to pay, a fair opportunity to present, and to dispute, relevant information, and express court findings as to the obligor’s ability to pay.

Source

The provisions of this Rule 1910.25 amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended March 18, 2004, effective June 16, 2004, 34 Pa.B. 1754; amended November 30, 2012, effective December 30, 2012, 42 Pa.B. 7521. Immediately preceding text appears at serial pages (303570) and (328351).

Rule 1910.25-1. Civil Contempt. Hearing by Court. Conference by Officer.

(a) After service of the petition and order of court upon the respondent, there shall be (1) an office conference conducted by a conference officer, as provided by Rule 1910.25-2, or (2) an immediate hearing by the court, if permitted by the court.

(b) If, at any time during a contempt proceeding, including proceedings under Rules 1910.25-2, 1910.25-3 and 1910.25-4, the hearing officer or conference officer determines that the failure to comply with the support order is willful and

there is present ability to comply, the petition for contempt shall be heard by the court for consideration of incarceration and other appropriate sanctions.

Official Note: The determination required by subdivision (b) shall be made by a conference officer in counties adopting the procedure of Rule 1910.25-3 (conference and hearing de novo) or by a hearing officer in counties adopting the alternative procedure of Rule 1910.25-4 (record hearing and exceptions).

Courts should strive to hear these cases promptly, on the same day if possible.

Source

The provisions of this Rule 1910.25-1 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155.

Rule 1910.25-2. Civil Contempt. Office Conference. Agreement. Alternative Procedures Upon Failure to Agree.

- (a) The office conference shall be conducted by a conference officer.
- (b) The conference officer may make a recommendation to the parties as to the disposition of the proceedings.
- (c) If an agreement is reached at the conference, the conference officer shall prepare a written order in conformity with the agreement for signature by the parties and submission to the court. The court may enter the order in accordance with the agreement without hearing the parties.
- (d) If an agreement is not reached, the procedure shall be as prescribed by Rule 1910.25-3 unless the court by local rule adopts the alternative procedure of Rule 1910.25-4.

Source

The provisions of this Rule 1910.25-2 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155.

Rule 1910.25-3. Civil Contempt. Conference Summary. Order. Hearing De Novo.

- (a) If an agreement is not reached, the conference officer shall, at the conclusion of the conference or shortly thereafter, prepare a conference summary and furnish copies to the court and to all parties. The conference summary shall state:
 - (1) the facts upon which the parties agree,
 - (2) the contentions of the parties with respect to facts upon which they disagree, and
 - (3) the conference officer's recommendation whether
 - (i) the respondent has willfully failed to comply with the order for support,
 - (ii) the respondent should be held in contempt, and
 - (iii) sanctions or purge conditions should be imposed against the respondent.

Official Note: The sanction of imprisonment may be imposed only following an evidentiary hearing before a judge. See Rule 1910.25-5(a).

- (b) The court, without hearing the parties, may enter an appropriate order after consideration of the conference summary. Each party shall be provided with

a copy of the order and written notice that any party may, within twenty days after the date of receipt or the date of the mailing of the order, whichever occurs first, file a written demand with the domestic relations section for a hearing before the court.

(c) A demand for a hearing before the court shall stay the contempt order.

(d) If the court does not enter an order under Rule 1910.25-2(c) or subdivision (b) of this rule within five days of the conference, or if an order is entered and a demand for a hearing before the court is filed, there shall be a hearing de novo before the court. The domestic relations section shall schedule the hearing and give notice to the parties. The hearing de novo shall be held no later than seventy-five days after the date the petition for contempt was filed.

(e) The court shall not be precluded from conducting a hearing on the petition for contempt on the same day as the office conference.

Official Note: Every effort should be made to ensure that these cases are heard promptly, on the same day if possible.

Source

The provisions of this Rule 1910.25-3 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended June 11, 2007, effective immediately, 37 Pa.B. 2800. Immediately preceding text appears at serial pages (303572) and (267753).

Rule 1910.25-4. Civil Contempt. Alternative Procedure. Record Hearing. Report. Exceptions. Order.

(a) At the conclusion of the conference if an agreement has not been reached, the parties shall be given notice of the date, time, and place of a hearing if the conference and hearing have not been scheduled for the same date. The hearing on the record shall be conducted by a hearing officer who must be a lawyer.

Official Note: Every effort should be made to ensure that cases are heard promptly, on the same day if possible.

(b) The hearing officer shall receive evidence, hear argument and file with the court a report containing a proposed order. A copy of the report shall be furnished to all parties at the conclusion of the hearing. The report may be in narrative form and shall include the officer's recommendation with respect to the following matters, together with the reasons therefor:

- (1) whether the respondent has willfully failed to comply with the order for support,
- (2) whether the respondent should be held in contempt, and
- (3) whether sanctions or purge conditions should be imposed against the respondent.

Official Note: The sanction of imprisonment may be imposed only following an evidentiary hearing before a judge. See Rule 1910.25-5(a).

(c) Within twenty days after the conclusion of the hearing, any party may file exceptions to the report or any part thereof, to rulings on objections, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and

without discussion. Matters not covered by exceptions are deemed waived unless, prior to the entry of the order, leave is granted to file exceptions raising those matters.

(d) If no exceptions are filed within the twenty-day period, the court shall review the report and, if approved, enter an order.

(e) If exceptions are filed, the court shall, no later than seventy-five days after the date the petition for contempt was filed, hear argument on the exceptions or hold a hearing de novo. The court shall enter an appropriate order.

Source

The provisions of this Rule 1910.25-4 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended June 11, 2007, effective immediately, 37 Pa.B. 2800. Immediately preceding text appears at serial pages (267753) to (267754).

Rule 1910.25-5. Civil Contempt. Contempt Order. Incarceration.

(a) No respondent may be incarcerated as a sanction for contempt without an evidentiary hearing before a judge.

(b) The court shall make a finding, on the record, as to whether the respondent, based upon the evidence presented at hearing, does or does not have the present ability to pay the court-ordered amount of support.

(c) An order committing a respondent to jail for civil contempt of a support order shall specify the conditions the fulfillment of which will result in the release of the respondent.

Official Note: The time periods set forth in Rules 1910.25 through 1910.25-6 are for the benefit of the plaintiff, and not for the defendant. The goal is the prompt initiation of contempt proceedings because of the importance of ongoing support payments. The time periods in no way limit the right of either the domestic relations section or the plaintiff to proceed with a contempt action.

Source

The provisions of this Rule 1910.25-5 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended June 11, 2007, effective immediately, 37 Pa.B. 2800; amended November 30, 2012, effective December 30, 2012, 42 Pa.B. 7521. Immediately preceding text appears at serial page (328354).

Rule 1910.25-6. Civil Contempt. No Post Trial Relief.

No motions for post trial relief shall be filed to any orders entered pursuant to Rules 1910.25 through 1910.25-6.

Source

The provisions of this Rule 1910.25-6 adopted May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155.

Rule 1910.25-7. Indirect Criminal Contempt. Incarceration.

In addition to any other remedy available to the court, the court may order the respondent to obtain employment with income that can be verified and is subject to income attachment. If the respondent willfully fails to comply with an order to obtain such employment, the court may commit the respondent to jail upon adjudication for indirect criminal contempt, provided the respondent is afforded all of the procedural safeguards available to criminal defendants.

Explanatory Comment—2007

Parental support of children is a fundamental requirement of law and public policy. Absent an inability to maintain employment or acquire other income or assets, sanction in the form of incarceration may be imposed by the court to compel compliance and provide an incentive to obey the law.

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The contempt process, which should be used as a last resort, is necessary to impose coercive sanctions upon those obligors whose circumstances provide no recourse to the court to compel payment or a good faith effort to comply. Appellate opinions have made it clear that an obligor who is in civil contempt cannot be incarcerated without the present ability to fulfill the conditions the court imposes for release. However, the courts also have noted that recalcitrant obligors may be imprisoned for indirect criminal contempt if afforded the proper procedural safeguards. See *Godfrey v. Godfrey*, 894 A.2d 776 (Pa. Super. 2006); *Hyle v. Hyle*, 868 A.2d 601 (Pa. Super. 2005).

Source

The provisions of this Rule 1910.25-7 adopted June 11, 2007, effective immediately, 37 Pa.B. 2800.

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(377623) No. 490 Sep. 15

Rule 1910.26. Support Order. Enforcement. Stay of Proceedings. Special Relief.

(a) An action for support or a support order may be stayed only by a special order of court upon a showing of compelling circumstances following notice and hearing or upon agreement of the parties in writing.

(b) At any time after the filing of the complaint, the court may on application issue a preliminary or special injunction, appoint a temporary receiver, order the seizure of property, dispose of seized property or grant other appropriate interim or special relief.

Source

The provisions of this Rule 1910.26 amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (228795) to (228806).

Rule 1910.27. Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification. Petition for Recovery of Support Overpayment.

(a) The complaint in an action for support shall be substantially in the following form:

(Caption)
COMPLAINT FOR SUPPORT

1. Plaintiff resides at _____,
(Street) (City) (Zip Code)
_____ County. Plaintiff's Social Security Number is _____, and date of birth is _____.

2. Defendant resides at _____,
(Street) (City) (Zip Code)
_____ County. Defendant's Social Security Number is _____, and date of birth is _____.

3. (a) Plaintiff and Defendant were married on _____,
(Date)
at _____.
(City and State)

(b) Plaintiff and Defendant were separated on _____.
(Date)

(c) Plaintiff and Defendant were divorced on _____, at
(Date)

(City and State)

4. Plaintiff and Defendant are the parents of the following children:

(a) Born of the Marriage:

Name	Birth Date	Age	Residence
_____	_____	_____	_____
_____	_____	_____	_____

(b) Born out of Wedlock:

Name	Birth Date	Age	Residence
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5. Plaintiff seeks to pay support or receive support for the following persons: _____ .

6. (a) Plaintiff is (not) receiving public assistance in the amount of \$ _____ per _____ for the support of _____ .
(Name(s))

(b) Plaintiff is receiving additional income in the amount of \$ _____ from _____ .

7. A previous support order was entered against the plaintiff defendant on _____ in an action at _____ in
(Court, term and docket number)
the amount of \$ _____ for the support of _____ .
(Name)

There are (no) arrearages in the amount of \$ _____ .
The order has (not) been terminated.

8. Plaintiff Defendant last received support from the other party in the amount of \$ _____ on _____ .
(Date)

WHEREFORE, Plaintiff requests that an order be entered on behalf of the aforementioned child(ren) and/or spouse for reasonable support and medical coverage.

Date Plaintiff or Attorney for Plaintiff
I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date Plaintiff

NOTICE

Guidelines for child and spousal support, and for alimony pendente lite have been prepared by the Court of Common Pleas and are available for inspection in the office of Domestic Relations Section,

(Address)

(b) The order to be attached at the front of the complaint set forth in subdivision (a) shall be in substantially the following form:

(Caption)
ORDER OF COURT

Plaintiff, _____ and _____, defendant, are ordered to appear at _____ before _____, a conference officer of the Domestic Relations Section, on the _____ day of _____, 20____, at _____ M., for a conference, after which the officer may recommend that an order for support be entered against you.

NOTICE

Guidelines for child and spousal support, and for alimony pendente lite have been prepared by the Court of Common Pleas and are available for inspection in the office of Domestic Relations Section,

(Address)

(b) The order to be attached at the front of the complaint set forth in subdivision (a) shall be in substantially the following form:

(Caption)

ORDER OF COURT

Plaintiff, _____ and _____, defendant, are ordered to appear at _____ before _____, a conference officer of the Domestic Relations Section, on the _____ day of _____, 20____, at _____ M., for a conference, after which the officer may recommend that an order for support be entered against you.

You are further ordered to bring to the conference

- (1) a true copy of your most recent Federal Income Tax Return, including W-2s, as filed,
- (2) your pay stubs for the preceding six months,
- (3) the Income Statement and the appropriate Expense Statement, if required, attached to this order, completed as required by Rule 1910.11(c),
- (4) verification of child care expenses, and
- (5) proof of medical coverage which you may have, or may have available to you.

If you fail to appear for the conference or to bring the required documents, the court may issue a warrant for your arrest and/or enter an interim support order. If paternity is an issue, the court shall enter an order establishing paternity.

(6) If a physician has determined that a medical condition affects your ability to earn income you must obtain a Physician Verification Form from the domestic relations section, sign it, have it completed by your doctor, and bring it with you to the conference.

THE TRIER OF FACT SHALL ENTER AN APPROPRIATE CHILD SUPPORT ORDER BASED UPON THE EVIDENCE PRESENTED, WITHOUT REGARD TO WHICH PARTY INITIATED THE SUPPORT ACTION. THE DETERMINATION OF WHICH PARTY WILL BE THE OBLIGEE AND WHICH WILL BE THE OBLIGOR WILL BE MADE BY THE TRIER OF FACT BASED UPON THE RESPECTIVE INCOMES OF THE PARTIES, CONSISTENT WITH THE SUPPORT GUIDELINES AND EXISTING LAW, AND THE CUSTODIAL ARRANGEMENTS AT THE TIME OF THE INITIAL OR SUBSEQUENT CONFERENCE, HEARING, OR TRIAL. IF SUPPORTED BY THE EVIDENCE, THE PARTY NAMED AS THE DEFENDANT IN THE INITIAL PLEADING MAY BE DEEMED TO BE THE OBLIGEE, EVEN IF THAT PARTY DID NOT FILE A COMPLAINT FOR SUPPORT.

Date of Order: _____ J.

YOU HAVE THE RIGHT TO A LAWYER, WHO MAY ATTEND THE CONFERENCE AND REPRESENT YOU. 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)

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AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

(c) The Income and Expense Statements to be attached to the order shall be in substantially the following form:

(1) Income Statement. This form must be filled out in all cases. _____ v. _____ No. _____

THIS FORM MUST BE FILLED OUT

(If you are self-employed or if you are salaried by a business of which you are owner in whole or in part, you must also fill out the Supplemental Income Statement which appears below.

INCOME STATEMENT OF

(Name) (PACASES Number)

I verify that the statements made in this Income Statement are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____ Plaintiff or Defendant

INCOME

Employer: _____
Address: _____
Type of Work: _____
Payroll Number: _____
Pay Period (weekly, biweekly, etc): _____
Gross Pay per Pay Period: \$ _____
Itemized Payroll Deductions:
Federal Withholding \$ _____
FICA _____
Local Wage Tax _____
State Income Tax _____
Mandatory Retirement _____
Union Dues _____
Health Insurance _____
Other (specify) _____

Net Pay per Pay Period: \$ _____

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GENERAL

INCOME

Other Income:

	Week	Month	Year
	(Fill in Appropriate Column)		
Interest	\$ _____	\$ _____	\$ _____
Dividends	_____	_____	_____
Pension Distributions	_____	_____	_____
Annuity	_____	_____	_____
Social Security	_____	_____	_____
Rents	_____	_____	_____
Royalties	_____	_____	_____
Unemployment Comp.	_____	_____	_____
Workers Comp.	_____	_____	_____
Employer Fringe Benefits	_____	_____	_____
Other _____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total	\$ _____	\$ _____	\$ _____
TOTAL INCOME		\$ _____	_____

PROPERTY OWNED

Description	Value	Ownership*		
		H	W	J
Checking accounts	\$ _____	_____	_____	_____
Savings accounts	_____	_____	_____	_____
Credit Union	_____	_____	_____	_____
Stocks/bonds	_____	_____	_____	_____
Real estate	_____	_____	_____	_____
Other	_____	_____	_____	_____
Total	\$ _____	_____	_____	_____

INSURANCE

Company	Policy No.	Coverage*		
		H	W	C
Hospital				
Blue Cross	_____	_____	_____	_____
Other	_____	_____	_____	_____
Medical				
Blue Shield	_____	_____	_____	_____
Other	_____	_____	_____	_____
Health/Accident	_____	_____	_____	_____
Disability Income	_____	_____	_____	_____
Dental	_____	_____	_____	_____
Other	_____	_____	_____	_____

*H=Husband; W=Wife; J=Joint; C=Child

SUPPLEMENTAL INCOME STATEMENT

(a) This form is to be filled out by a person (check one):

- (1) who operates a business or practices a profession, or
- (2) who is a member of a partnership or joint venture, or
- (3) who is a shareholder in and is salaried by a closed corporation or similar entity.

(b) Attach to this statement a copy of the following documents relating to the partnership, joint venture, business, profession, corporation or similar entity:

- (1) the most recent Federal Income Tax Return, and
- (2) the most recent Profit and Loss Statement.

(c) Name of business: _____
 Address and
 Telephone Number: _____

(d) Nature of business (check one)

- (1) partnership
- (2) joint venture
- (3) profession
- (4) closed corporation
- (5) other

(e) Name of accountant, controller or other person in charge of financial records:

(f) Annual income from business:

(1) How often is income received? _____

(2) Gross income per pay period: _____

(3) Net income per pay period: _____

(4) Specified deductions, if any: _____

(2) *Expense Statements.* An Expense Statement is not required in cases which can be determined pursuant to the guidelines unless a party avers unusual needs and expenses that may warrant a deviation from the guideline amount of support pursuant to Rule 1910.16-5 or seeks an apportionment of expenses pursuant to Rule 1910.16-6. (See Rule 1910.11(c)(1)). Child support is calculated under the guidelines based upon the net incomes of the parties, with additional amounts ordered as necessary to provide for child care expenses, health insurance premiums, unreimbursed medical expenses, mortgage payments and other needs, contingent upon the obligor's ability to pay. The Expense Statement in subparagraph (A) below shall be utilized if a party is claiming that he or she has unusual needs and unusual fixed expenses that may warrant deviation or adjustment in a case determined under the guidelines. In child support, spousal support and alimony pendente lite cases calculated pursuant to Rule 1910.16-3.1 and in divorce cases involving claims for alimony or counsel fees, costs and expenses pursuant to Rule 1920.31(a), the parties must complete the Expense Statement in subparagraph (B) below.

(A) *Guidelines Expense Statement.* If the combined monthly net income of the parties is \$30,000 or less, it is not necessary to complete this form unless a party is claiming unusual needs and expenses that may warrant a deviation

from the guideline amount of support pursuant to Rule 1910.16-5 or seeks an apportionment of expenses pursuant to Rule 1910.16-6. At the conference, each party must provide receipts or other verification of expenses claimed on this statement. The Guidelines Expense Statement shall be substantially in the following form.

EXPENSE STATEMENT OF

 (Name) (PACSES Number)

I verify that the statements made in this Expense Statement are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Plaintiff or Defendant

Weekly Monthly Yearly

(Fill in Appropriate Column)

Mortgage (including real estate taxes and homeowner's insurance) or Rent	\$ _____	\$ _____	\$ _____
Health Insurance Premiums	_____	_____	_____
Unreimbursed Medical Expenses:			
Doctor	_____	_____	_____
Dentist	_____	_____	_____
Orthodontist	_____	_____	_____
Hospital	_____	_____	_____
Medicine	_____	_____	_____
Special Needs (glasses, braces, orthopedic devices, therapy)	_____	_____	_____
Child Care	_____	_____	_____
Private school	_____	_____	_____
Parochial school	_____	_____	_____
Loans/Debts	_____	_____	_____
Support of Other Dependents:			
Other child support	_____	_____	_____
Alimony payments	_____	_____	_____
Other: (Specify)	_____	_____	_____
_____	_____	_____	_____
Total	\$ _____	\$ _____	\$ _____

(B) Expense Statement for Cases Pursuant to Rule 1910.16-3.1 and Rule 1920.31. No later than five business days prior to the conference, the parties shall exchange this form, along with receipts or other verification of the expenses set forth on this form. Failure to comply with this provision may result in an appropriate order for sanctions and/or the entry of an interim order based upon the information provided.

EXPENSE STATEMENT OF

(Name)

(PACSES Number)

I verify that the statements made in this Expense Statement are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Plaintiff or Defendant

EXPENSES	MONTHLY TOTAL	MONTHLY CHILDREN	MONTHLY PARENT
HOME			
Mortgage or Rent	_____	_____	_____
Maintenance	_____	_____	_____
Lawn Care	_____	_____	_____
2nd Mortgage	_____	_____	_____
UTILITIES			
Electric	_____	_____	_____
Gas	_____	_____	_____
Oil	_____	_____	_____
Telephone	_____	_____	_____
Cell Phone	_____	_____	_____
Water	_____	_____	_____
Sewer	_____	_____	_____
Cable TV	_____	_____	_____
Internet	_____	_____	_____
Trash/ Recycling	_____	_____	_____
TAXES			
Real Estate	_____	_____	_____
Personal Property	_____	_____	_____
INSURANCE			
Homeowners/ Renters	_____	_____	_____
Automobile	_____	_____	_____
Life	_____	_____	_____
Accident/Disability	_____	_____	_____
Excess Coverage	_____	_____	_____
Long-Term Care	_____	_____	_____

ACTIONS FOR SUPPORT

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EXPENSES	MONTHLY TOTAL	MONTHLY CHILDREN	MONTHLY PARENT
AUTOMOBILE			
Lease or Loan Payments	_____	_____	_____
Fuel	_____	_____	_____
Repairs	_____	_____	_____
Memberships	_____	_____	_____
MEDICAL			
Medical Insurance	_____	_____	_____
Doctor	_____	_____	_____
Dentist	_____	_____	_____
Hospital	_____	_____	_____
Medication	_____	_____	_____
Counseling/Therapy	_____	_____	_____
Orthodontist	_____	_____	_____
Special Needs (glasses, etc.)	_____	_____	_____
EDUCATION			
Tuition	_____	_____	_____
Tutoring	_____	_____	_____
Lessons	_____	_____	_____
Other	_____	_____	_____
PERSONAL			
Debt Service	_____	_____	_____
Clothing	_____	_____	_____
Groceries	_____	_____	_____
Haircare	_____	_____	_____
Memberships	_____	_____	_____
MISCELLANEOUS			
Child Care	_____	_____	_____
Household Help	_____	_____	_____
Summer Camp	_____	_____	_____
Papers/Books/Magazines	_____	_____	_____
Entertainment	_____	_____	_____
Pet Expenses	_____	_____	_____

EXPENSES	MONTHLY TOTAL	MONTHLY CHILDREN	MONTHLY PARENT
Vacations	_____	_____	_____
Gifts	_____	_____	_____
Legal Fees/Prof. Fees	_____	_____	_____
Charitable Contributions	_____	_____	_____
Children's Parties	_____	_____	_____
Children's Allowances	_____	_____	_____
Other Child Support	_____	_____	_____
Alimony Payments	_____	_____	_____
TOTAL MONTHLY EXPENSES	_____	_____	_____

(d) The form used to obtain information relating to health insurance coverage from a party shall be in substantially the following form:

(Caption)
**HEALTH INSURANCE COVERAGE INFORMATION
 REQUIRED BY THE COURT**

This form must be completed and returned to the domestic relations section.

IF YOU FAIL TO PROVIDE THE INFORMATION REQUESTED, THE
 COURT MAY FIND THAT YOU ARE IN CONTEMPT OF COURT.

Do you provide insurance coverage for the dependents named below? (Check each type of insurance which you provide).

Full Name SS #	Type of Coverage					
	Hospital- zation	Medical	Dental	Eye	Prescrip- tion	Other
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Before forwarding the form to the party, the domestic relations section should fill in the names and Social Security numbers of the dependents about whom the information is sought.

Provide the following information for all types of insurance you maintain, whether or not any of the above-named dependents is covered at this time:

Insurance company (provider): _____
Group #: _____ Plan #: _____ Policy #: _____
Effective coverage date: _____ Type of coverage: _____
Employee cost of coverage for dependents: _____

Insurance company (provider): _____
Group #: _____ Plan #: _____ Policy #: _____
Effective coverage date: _____ Type of coverage: _____
Employee cost of coverage for dependents: _____

Insurance company (provider): _____
Group #: _____ Plan #: _____ Policy #: _____
Effective coverage date: _____ Type of coverage: _____
Employee cost of coverage for dependents: _____

Insurance company (provider): _____
Group #: _____ Plan #: _____ Policy #: _____
Effective coverage date: _____ Type of coverage: _____
Employee cost of coverage for dependents: _____

If the above-named dependents are not currently covered by insurance, please state the earliest date coverage could be provided. _____

(e) The form of a support order shall be substantially as follows:

(Caption)
(FINAL) (TEMPORARY) (MODIFIED)
ORDER OF COURT

AND NOW, _____, based upon the Court's determination that Payee's monthly net income is \$ _____, and Payor's monthly net income is \$ _____, it is hereby ordered that the Payor pay to the Domestic Relations Section, Court of Common Pleas, _____ Dollars (\$ _____) a month payable (WEEKLY/BI-WEEKLY/SEMI-MONTHLY/MONTHLY) as follows: _____. Arrears set at \$ _____ as of _____ are due in full IMMEDIATELY. Contempt proceedings, credit bureau reporting and tax refund offset certification will not be initiated, and judgment will not be entered, as long as payor pays \$ _____ on arrears on each payment date. Failure to make each payment on time and in full will cause all arrears to become subject to immediate collection by all of the means listed above.

For the support of: _____

Said money to be turned over by the domestic relations section to: _____

Payments must be made (STATE ACCEPTABLE FORMS OF PAYMENT). All checks and money orders must be made payable to (NAME OF ENTITY TO WHOM CHECKS SHOULD BE MADE PAYABLE) and mailed to (NAME OF OFFICE) at (MAILING ADDRESS). Each payment must bear your (FILE/CASE/FOLIO/DOMESTIC RELATIONS) number in order to be processed. Do not send cash by mail.

Unreimbursed medical expenses are to be paid _____ % by defendant and _____ % by plaintiff. (PLAINTIFF/DEFENDANT/NEITHER) to provide medical insurance coverage. Within 30 days after the entry of this order, the party ordered to provide medical insurance shall submit to the other party written proof that medical insurance coverage has been obtained or that application for coverage has been made. Proof of coverage shall consist, at a minimum, of: 1) the name of the health care coverage provider(s); 2) any applicable identification numbers; 3) any cards evidencing coverage; 4) the address to which claims should be made; 5) a description of any restrictions on usage, such as prior approval for hospital admissions, and the manner of obtaining approval; 6) a copy of the benefit booklet or coverage contract; 7) a description of all deductibles and co-payments; and 8) five copies of any claim forms.

IMPORTANT LEGAL NOTICE

PARTIES MUST WITHIN SEVEN DAYS INFORM THE DOMESTIC RELATIONS SECTION AND THE OTHER PARTIES, IN WRITING, OF ANY MATERIAL CHANGE IN CIRCUMSTANCES RELEVANT TO THE LEVEL OF SUPPORT OR THE ADMINISTRATION OF THE SUPPORT ORDER, INCLUDING, BUT NOT LIMITED TO, LOSS OR CHANGE OF INCOME OR EMPLOYMENT AND CHANGE OF PERSONAL ADDRESS OR CHANGE OF ADDRESS OF ANY CHILD RECEIVING SUPPORT. A PARTY WHO WILLFULLY FAILS TO REPORT A MATERIAL CHANGE IN CIRCUMSTANCE MAY BE ADJUDGED IN CONTEMPT OF COURT, AND MAY BE FINED OR IMPRISONED.

PENNSYLVANIA LAW PROVIDES THAT ALL SUPPORT ORDERS SHALL BE REVIEWED AT LEAST ONCE EVERY THREE (3) YEARS IF SUCH A REVIEW IS REQUESTED BY ONE OF THE PARTIES. IF YOU WISH TO REQUEST A REVIEW AND ADJUSTMENT OF YOUR ORDER, YOU MUST DO THE FOLLOWING: AN UNREPRESENTED PERSON WHO WANTS TO MODIFY (ADJUST) A SUPPORT ORDER SHOULD (insert instructions for local domestic relations section).

ALL CHARGING ORDERS FOR SPOUSAL SUPPORT AND ALIMONY PENDENTE LITE, INCLUDING UNALLOCATED ORDERS FOR CHILD AND SPOUSAL SUPPORT OR CHILD SUPPORT AND ALIMONY PENDENTE LITE, SHALL TERMINATE UPON THE DEATH OF THE PAYEE.

A MANDATORY INCOME ATTACHMENT WILL ISSUE UNLESS THE DEFENDANT IS NOT IN ARREARS IN PAYMENT IN AN AMOUNT EQUAL TO OR GREATER THAN ONE MONTH'S SUPPORT OBLIGATION AND (1) THE COURT FINDS THAT THERE IS GOOD CAUSE NOT TO REQUIRE IMMEDIATE INCOME WITHHOLDING; OR (2) A WRITTEN AGREEMENT IS REACHED BETWEEN THE PARTIES WHICH PROVIDES FOR AN ALTERNATE ARRANGEMENT.

DELINQUENT ARREARAGE BALANCES MAY BE REPORTED TO CREDIT AGENCIES. ON AND AFTER THE DATE IT IS DUE, EACH UNPAID SUPPORT PAYMENT SHALL CONSTITUTE A JUDGMENT AGAINST YOU.

IT IS FURTHER ORDERED that, upon payor's failure to comply with this order, payor may be arrested and brought before the Court for a Contempt hearing; payor's wages, salary, commissions, and/or income may be attached in accordance with law; this Order will be increased without further hearing to \$ _____ a month until all arrearages are paid in full. Payor is responsible for court costs and fees.

Copies delivered to parties _____ (INDICATE DATE DELIVERED).

Consented:

Plaintiff

Plaintiff's Attorney

Defendant

Defendant's Attorney

BY THE COURT:

J.

(f) A petition for modification of support shall be in substantially the following form:

(Caption)

PETITION FOR MODIFICATION
OF AN EXISTING SUPPORT ORDER

1. The petition of _____ respectfully represents that on _____, 19_____, an Order of Court was entered for the support of _____. A true and correct copy of the order is attached to this petition.

2. Petitioner is entitled to _____* of this Order because of the following material and substantial change(s) in circumstance: _____

*Fill in the relief sought, i.e. increase, decrease, modification, termination, suspension, vacation

WHEREFORE, Petitioner requests that the Court modify the existing order for support.

(Attorney for Petitioner)(Petitioner)

I verify that the statements made in this complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date Petitioner

(g) The order to be attached at the front of the petition for modification set forth in subdivision (f) shall be in substantially the following form:

(Caption)

ORDER OF COURT

You, _____, Respondent, have been sued in Court to modify an existing support order. You are ordered to appear in person at _____ on _____ at _____M., for a conference/ hearing and to remain until dismissed by the Court. If you fail to appear as provided in this Order, an Order for Modification may be entered against you.

You are further ordered to bring to the conference

- (1) a true copy of your most recent Federal Income Tax Return, including W-2s, as filed,
- (2) your pay stubs for the preceding six months,
- (3) the Income Statement and appropriate Expense Statement, if required, attached to this order, completed as required by Rule 1910.11(c),
- (4) verification of child care expenses, and
- (5) proof of medical coverage which you may have, or may have available to you.
- (6) If a physician has determined that a medical condition affects your ability to earn income, you must obtain a Physician Verification Form from the domestic relations section, sign it, have it completed by your doctor, and bring it with you to the conference.

THE TRIER OF FACT MAY INCREASE, DECREASE OR TERMINATE THE EXISTING ORDER BASED UPON THE EVIDENCE PRESENTED. AN ORDER MAY BE ENTERED AGAINST EITHER PARTY WITHOUT REGARD TO WHICH PARTY FILED THE MODIFICATION PETITION.

Date of Order: _____ J.

2. Defendant is an adult individual residing at:

3. Plaintiff and defendant were parties in a prior support action that was terminated by order dated _____ at docket number _____ .

4. There is an overpayment owing to the instant plaintiff.

Wherefore, the plaintiff requests that, pursuant to Pa.R.C.P. No. 1910.19(g)(2), an order be entered against the defendant and in favor of the plaintiff in the amount of the overpayment.

Date Petitioner or Attorney for Petitioner

I verify that the statements in this petition are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

(date) (Petitioner signature)

(j) The order to be attached at the front of the petition for recovery of support overpayment in closed case set forth in subdivision (i) shall be in substantially the following form:

(Caption)
ORDER OF COURT

You, _____, defendant, are ordered to appear at _____ before _____, a conference officer of the Domestic Relations Section, on the _____ day of _____, 20____, at ____ .M., for a conference, after which the officer may recommend that an order for the recovery of a support overpayment be entered against you.

You are further ordered to bring to the conference

- (1) a true copy of your most recent federal income tax return, including W-2s, as filed,
- (2) your pay stubs for the preceding six months, and
- (3) the Income Statement and the appropriate Expense Statement, if you are claiming that you have unusual needs or unusual fixed obligations.

Date of Order: _____ J.

YOU HAVE THE RIGHT TO A LAWYER, WHO MAY ATTEND THE CONFERENCE AND REPRESENT YOU. 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)

1910-80

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

Explanatory Comment—1994

The support complaint and Income and Expense Statements contain a verification which states that the documents are subject to the penalties of the Crimes Code relating to unsworn falsification to authorities. A notary public is not needed.

Explanatory Comment—2006

Rule 1910.27(c) is amended to separate income and expense information and to elicit the expense information relevant in cases that fall within the guidelines, as well as those that do not. In cases which can be determined under the guidelines, no expense information need be provided unless a party is claiming unusual needs and expenses that may warrant a deviation pursuant to Rule 1910.16-5 or an apportionment of expenses pursuant to Rule 1910.16-6. If a party is claiming such expenses, the form at subsection (c)(2)(A) should be submitted. A separate expense form for cases in which the parties' combined monthly net income exceeds \$20,000 is set forth at subsection (c)(2)(B).

Rule 1910.11(c) was amended, effective in March 1995, to provide that only income and extraordinary expenses need be shown on the Income and Expense Statement in cases which can be determined pursuant to the guidelines. The Explanatory Comment—1994 explained the rationale for the amendment.

Nevertheless, because space for both income and expense information was provided on the same form Income and Expense Statement, parties often needlessly expended time and effort to provide expense information that was not relevant at the conference. The amendments are intended to clarify and simplify the submission of expense information.

Explanatory Comment—2010

When the combined net monthly income of the parties exceeds \$30,000, the case will be decided pursuant to Rule 1910.16-3.1 and the Income Statement and the Expense Statement at Rule 1910.27(c)(2)(B) must be submitted.

Explanatory Comment—2012

The form complaint for support in subdivision (a) has been amended to accommodate cases initiated pursuant to Rule 1910.3(a)(6). Because a support order may be entered against either party without regard to which party initiated the support action pursuant to Rule 1910.3(b), a party who believes that he or she may owe a duty of support may use the complaint form to initiate the action even if he or she ultimately is determined to be the obligor. In active charging support cases in which there is an overpayment in an amount in excess of two months of the monthly support obligation and the domestic relations section fails to reduce the charging order automatically to recoup the overpayment pursuant to Rule 1910.19(g)(1), the obligor may file a petition for recovery as set forth in subdivision (h) above. A separate form petition has been added in subdivision (i) by which a former support obligor may seek recovery of an overpayment in any amount in terminated cases pursuant to Rule 1910.19(g)(2).

Source

The provisions of this Rule 1910.27 amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; amended December 2, 1994, effective March 1, 1995, 25 Pa.B. 6263; amended March 24, 1997, effective July 1, 1997, 27 Pa.B. 1549; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended June 5, 2001, effective immediately, 31 Pa.B. 3306; amended June 24, 2002, effective immediately, 32 Pa.B. 3389; amended March 18, 2004, effective June 16, 2004, 34 Pa.B. 1754; amended November 8, 2006, effective February 6, 2007, 36 Pa.B. 7113; amended August 13, 2008, effective October 12, 2008, 38 Pa.B. 4736; amended January 12, 2010, effective May 12, 2010, 40 Pa.B. 586; amended August 26, 2011, effective November 1, 2011, 41 Pa.B. 4847; amended November 5, 2012, effective December 5, 2012, 42 Pa.B. 7091; amended November 30, 2012, effective December 30, 2012, 42 Pa.B. 7522; amended September 25, 2014, effective in 30 days on October 25, 2014, 44 Pa.B. 6553. Immediately preceding text appears at serial pages (373785) to (373786), (365301) to (365312) and (373787) to (373789).

Rule 1910.28. Order for Earnings and Health Insurance Information. Form of Earnings Report. Form of Health Insurance Coverage Information.

(a) The order for earnings and health insurance information shall be in substantially the following form:

(Caption)

ORDER FOR EARNINGS REPORT, HEALTH INSURANCE INFORMATION AND SUBPOENA

TO: _____
TO: _____
TO: _____

AND NOW, this _____ day of _____, 20____, since it appears that _____ is employed by you, and it is necessary
Name of employee

that the Court obtain earnings and health insurance information relating to the above-named individual in order to adjudicate a matter of support, IT IS HEREBY ORDERED AND DECREED that you supply the Court with the information required by the enclosed Earnings Report and Health Insurance Coverage Report and file them with the Court within fifteen (15) days of the date of this order.

If you fail to supply the information required by this Order, a subpoena will issue requiring you to attend Court and bring the material with you, or other appropriate sanctions will be imposed by the Court.

BY THE COURT: _____
J.

(b) The employer shall file an Earnings Report substantially in the following form:

Employer: _____ Re: Name _____
_____ Social Security No. _____
Support Action No. _____

EARNINGS REPORT

To the Employer:

Furnish earnings information for the above-named employee for each pay period during the last six months. It is preferred that you attach a photocopy of your records containing the earnings information requested. Attach a copy of the employe's most recent W-2 Form.

Payroll Number: _____

Nature of Employment:	_____
Payroll Period Ending	_____
Date of Pay	_____
Gross Pay	_____
Deductions	_____
Fed. Withholding	_____
Social Security	_____
Local Wage Tax	_____
State Income Tax	_____

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Payroll Period Ending	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Date of Pay	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Gross Pay	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Deductions	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Fed. Withholding	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Social Security	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Local Wage Tax	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
State Income Tax	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Retirement	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Savings Bonds	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Credit Union	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Life Insurance	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Health Insurance	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Other (Specify)	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Net Pay	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Hours Worked	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

I verify that the statements made in this Earning Report are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____ Signed _____
 by: _____ Position: _____

(c) The form which the employer uses to report health insurance coverage information shall be substantially as follows:

Official Note: the information requested in the following report may be provided by an employer on its own form, for example, as a computer print out.

(Caption)

HEALTH INSURANCE COVERAGE REPORT

This information must be completed and returned within 15 days. Failure to comply may result in issuance of a subpoena or other appropriate sanctions.

Employee's Name: _____

Employee's Social Security #: _____

Does the employer make medical, dental, eye care, prescription or other insurance coverage available to the employee? Yes No

Name the dependents covered under the employee's insurance, and indicate which types of coverage they have through your company.

Full Name SS #	Type of Coverage					
	Hospital- ization	Medical	Dental	Eye	Prescrip- tion	Other
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Type of Coverage					
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Provide the information indicated for each type of insurance which is available to the employee, whether or not any of the above-named dependents are covered at this time:

Insurance company (provider): _____
 Group #: _____ Plan #: _____ Policy #: _____
 Effective coverage date: _____ Type of coverage: _____
 Cost of coverage for dependents: _____

Insurance company (provider): _____
 Group #: _____ Plan #: _____ Policy #: _____
 Effective coverage date: _____ Type of coverage: _____
 Cost of coverage for dependents: _____

Insurance company (provider): _____
 Group #: _____ Plan #: _____ Policy #: _____
 Effective coverage date: _____ Type of coverage: _____
 Cost of coverage for dependents: _____

Insurance company (provider): _____
 Group #: _____ Plan #: _____ Policy #: _____
 Effective coverage date: _____ Type of coverage: _____
 Cost of coverage for dependents: _____

If the above-named dependents are not currently covered by insurance, please state the earliest date coverage could be provided. _____

PLEASE PROVIDE FORMS NECESSARY TO ADD DEPENDENTS, AS THE EMPLOYEE MAY BE ORDERED TO PROVIDE COVERAGE FOR THEM.

I verify that the statements made in this Health Insurance Coverage information form are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____ Signature: _____
 Title: _____

Source

The provisions of this § 1910.28 amended March 23, 1987, effective July 1, 1987, 17 Pa.B. 1499; amended December 2, 1994, effective March 1, 1995, 25 Pa.B. 6263; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended September 24, 2002, effective immediately, 32 Pa.B. 5044. Immediately preceding text appears at serial pages (290225) to (290226) and (267769).

Rule 1910.29. Evidence in Support Matters.

(a) *Record Hearing.* Except as provided in this rule, the Pennsylvania Rules of Evidence shall be followed in all record hearings conducted in an action for support. A verified petition, affidavit or document, and any document incorporated by reference therein which would not be excluded under the hearsay rule if given in person shall be admitted into evidence if (1) at least 20 days' written notice of the intention to offer them into evidence was given to the adverse party accompanied by a copy of each document to be offered; (2) the other party does not object to their admission into evidence; and (3) the evidence is offered under oath by the party or witness. An objection must be in writing and served on the proponent of the document within 10 days of the date of service of the notice of intention to offer the evidence. When an objection is properly made, the Pennsylvania Rules of Evidence shall apply to determine the admissibility of the document into evidence.

(b) *Medical Evidence.*

(1) *Non-Record Proceeding.* In a non-record hearing, if a physician has determined that a medical condition affects a party's ability to earn income and that party obtains a Physician Verification Form from the domestic relations section, has it completed by the party's physician and submits it at the conference, it may be considered by the conference officer. If a party is receiving Social Security disability or workers' compensation benefits, the party shall submit copies of the disability or workers' compensation determination in lieu of the Physician Verification Form.

(2) *Record Proceeding.* If the matter proceeds to a record hearing and the party wishes to introduce the completed Physician Verification Form into evidence, he or she must serve the form on the other party not later than 20 days after the conference. The other party may file and serve an objection to the introduction of the form within 10 days of the date of service. If an objection is made and the physician testifies, the trier of fact shall have the discretion to allocate the costs of the physician's testimony between the parties. If there is no objection, the form may be admitted into evidence without the testimony of the physician. In the event that the record hearing is held sooner than 30 days after the conference, the trier of fact may provide appropriate relief, such as granting a continuance to the objecting party.

(3) The Physician Verification Form shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS
OF _____ COUNTY

Member Name:
Docket Number:
PACSES Case Number:
Other State ID Number:

PHYSICIAN VERIFICATION FORM
TO BE COMPLETED BY THE TREATING PHYSICIAN

Physician's name: _____
Physician's license number: _____
Nature of patient's sickness or injury:

Date of first treatment: _____

Date of most recent treatment: _____

Frequency of treatments: _____

Medication: _____

The patient has had a medical condition that affects his or her ability to earn income from: _____ through _____

If the patient is unable to work, when should the patient be able to return to work? Will there be limitations?

Remarks:

Date: _____

Signature of Treating Physician: _____

Physician's address:

Physician's telephone number: _____

I authorize my physician to release the above information to the _____ County Domestic Relations Section.

Patient's signature: _____ Date: _____

Explanatory Comment—2000

23 Pa.C.S. § 4342(f) creates a hearsay exception in support actions to permit a verified petition, affidavit or document and a document incorporated by reference in any of them to be admitted into evidence if it would not otherwise be excluded as hearsay if given in person and it is admitted under oath by a party or witness to the support action. Rule 1910.29 requires that notice of the documents

to be admitted be given to the other party prior to the hearing. It also sets forth the procedures for raising an objection to the admission of those documents.

If the requisite 20-day notice is given and there is no objection, the document must be admitted into evidence under this rule and 23 Pa.C.S. § 4342(f). In the event an objection is timely made, the rules of evidence apply to determine the document's ultimate admissibility.

Rule 1910.29 is not intended to affect 23 Pa.C.S. § 4342(g) and (h) relating to admissibility of payment records, billing statements and bills for genetic testing and prenatal and postnatal health care of the mother and child. Those documents are admissible into evidence without advance notice for the limited purposes which are expressly set forth in those statutory provisions.

Source

The provisions of this Rule 1910.29 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended December 2, 1994, effective March 1, 1995, 24 Pa.B. 6263; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended November 30, 2012, effective December 30, 2012, 42 Pa.B. 7522. Immediately preceding text appears at serial page (324707).

Rule 1910.30. [Rescinded].

Source

The provisions of this Rule 1910.30 amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1953; rescinded May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (200369) to (200370).

Rule 1910.31. [Rescinded].

Source

The provisions of this Rule 1910.31 amended April 23, 1985, effective July 1, 1985, 15 Pa.B. 1726; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; rescinded May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155. Immediately preceding text appears at serial pages (200370) and (252117).

Rule 1910.49. Acts of Assembly Not Suspended.

The rules governing an action for support shall not be deemed to suspend or affect the following Acts or parts of Acts of Assembly:

- (1) Chapter 43 of Title 23 of the *Consolidated Statutes*, 23 Pa.C.S. § 4301 et seq., relating to support matters generally;
- (2) Chapter 45 of Title 23 of the *Consolidated Statutes*, 23 Pa.C.S. § 4501 et seq., except § 4533, known as the Revised Uniform Reciprocal Enforcement of Support Act (1968);
- (3) Section 1 of the Act of June 11, 1913, P. L. 468, 48 P. S. § 133, relating to execution of a support order against real property owned by the entireties;
- (4) Sections 1 to 5 of the Act of May 24, 1923, P. L. 446, 48 P. S. §§ 137—141, only insofar as the Act authorizes execution against real estate held by the entireties;

(5) The Act of December 19, 1990, P. L. 1240, No. 206, 23 Pa.C.S. § 3507, insofar as it provides for tenancy in common of property held by the entireties after divorce; and

Official Note: See the Divorce Code as to equitable distribution of property in divorce actions.

(6) The Act of December 19, 1990, P. L. 1240, No. 206, 23 Pa.C.S. § 6101, known as the Protection from Abuse Act.

Official Note: The Protection from Abuse Act provides a procedure to obtain a temporary order of support in addition to other relief.

Source

The provisions of this Rule 1910.49 adopted November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended March 30, 1994, effective July 1, 1994, 24 Pa.B. 1943. Immediately preceding text appears at serial pages (142514) to (142515).

Rule 1910.50. Suspension of Acts of Assembly.

The following Acts or parts of Acts of Assembly are suspended insofar as they apply to the practice and procedure in an action for support:

(1) Section 3 of the Support Law of June 24, 1937, P. L. 2045, 62 P. S. § 1973, insofar as it provides a procedure to enforce the liability of relatives for the support of an indigent person; and

(2) Section 4 of Act 1996-20, 23 Pa.C.S. § 4342, insofar as it provides that long arm jurisdiction shall be used in preference to proceedings under Part VIII-A relating to intrastate family support actions;

(3) Act Nos. 1997-58 and 1998-127 insofar as they are inconsistent with Rule 1910.20 relating to the availability of remedies for collection of past due and overdue support;

(4) Section 4 of Act 1997-58, 23 Pa.C.S. § 4342(f), insofar as it is inconsistent with Rule 1910.29 as it relates to record hearings in support actions;

(5) Section 4 of Act 1998-127, 23 Pa.C.S. § 4352(d), insofar as it is inconsistent with Rule 1910.22 providing that overdue support on public record at the domestic relations section constitutes a lien of record against all real property within the state of Pennsylvania which is owned by the obligor;

(6) Section 4 of Act 1998-127, 23 Pa.C.S. § 4352(d.1), only insofar as subsection (1) of that provision provided that the underlying support action shall either be pending at the county domestic relations section or shall be forced by the county domestic relations section in order for a lien to arise against real property located in that county; and

(7) All Acts or parts of Acts of Assembly inconsistent with these rules to the extent of such inconsistency.

ACTIONS FOR SUPPORT

231 Rule 1910.50

Source

The provisions of this Rule 1910.50 adopted November 7, 1988, effective January 1, 1989, 18 Pa.B. 5326; amended December 18, 1998, effective January 1, 1999, 29 Pa.B. 16; amended May 31, 2000, effective July 1, 2000, 30 Pa.B. 3155; amended November 30, 2012, effective December 30, 2012, 42 Pa.B. 7522. Immediately preceding text appears at serial pages (324708) to (324709).

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