

Rules Relating to Domestic Relations Matters Generally

Rule 1930.1.A. Form of Pleadings. Form of Caption. Form of Continuance Request and Order. Form of Rule Returnable.

(a) The form of request for continuance, of matters listed before a Judge, as required by C.C.R.C.P. 1920.72.A.(a) shall be substantially in the following form:

: IN THE COURT OF COMMON PLEAS
Plaintiff : CHESTER COUNTY, PENNSYLVANIA
vs : NO.
Defendant : FAMILY COURT

Motion for Continuance

I, _____, Attorney for

Plaintiff/Defendant move for continuance of _____ scheduled
for _____ in Courtroom No. _____ for the following reasons:

Counsel/Plaintiff/Defendant

The opposing party has been notified and
AGREES/DISAGREES.

(circle)

.....

ORDER

AND NOW, this _____ day of _____,
200__, based upon the foregoing Motion, the continuance is
GRANTED/DENIED.

The above matter is hereby rescheduled to the _____ day of _____, 200___ in Courtroom NO. _____ at _____ .m.

BY THE COURT:

_____ J.

Note: All request for continuance before a Judge shall be original. No facsimile requests will be accepted.

(b) The form of request for continuance, of matters listed before a Custody Conciliator, Support Hearing Officer or Hearing Officer in Divorce, required by C.C.R.C.P. 1920.72.(A)(a) shall be substantially in the following form:

(1)

Plaintiff : IN THE COURT OF COMMON PLEAS
: CHESTER COUNTY, PENNSYLVANIA
vs : NO.
Defendant : [DIVORCE] [CUSTODY][SUPPORT]

MOTION FOR CONTINUANCE

I, _____, Esquire, attorney for Plaintiff/Defendant (or pro se Plaintiff or Defendant), move for a continuance of the _____ (specify type of hearing or conference) scheduled for _____, 20___, at _____ a.m./p.m. before Hearing Officer _____ for the following reason(s):

- 1.
- 2.

I certify that I served the opposing party/counsel, _____ (name), on _____ (date) by _____ (mail/fax/email) with a copy of this motion and attempted to resolve the issue with opposing party/counsel before filing this motion. The opposing party/counsel **AGREES/DISAGREES** (circle one) to the relief sought in the motion. I understand that the agreement of the counsel/parties does not mean the continuance will necessarily be granted. The opposing party/counsel may submit any relevant information opposing the request to the Hearing Officer/Conciliator in writing within twenty-four (24) hours of service of the motion.

Attorney for Plaintiff/Defendant; Pro Se
Telephone # _____

DISPOSITION OF CONTINUANCE REQUEST

The continuance is: _____ **GRANTED**; New date: _____
_____ **DENIED**.

Date: _____

Hearing Officer/Conciliator

(2) Motions for continuance/objections may be faxed/e-mailed. Faxes/emails shall be directed to the appropriate department for consideration.

(c) The form of Rule to Show Cause as required by Pa.R.C.P. 206.6, in Family Matters shall be substantially in the following form:

Plaintiff : IN THE COURT OF COMMON PLEAS
: CHESTER COUNTY, PENNSYLVANIA

vs : NO.
: CIVIL ACTION - LAW
Defendant : IN

RULE

AND NOW, this _____ day of _____, 20____, upon consideration of with Petition for _____, a Rule is issued upon the Respondent, _____, to show cause, if any he may have, why the prayer of the Petition should not be granted.

Rule Returnable the _____ day of _____, 20 ____, with hearing the _____ day of _____, 20 ____ at _____ a.m. in Courtroom No. _____, Chester County Courthouse, West Chester, PA.

The respondent is advised the well-pled facts of the Petition shall be deemed admitted unless a response specifically denying same is filed by close of court on or before the rule returnable date as set forth above.

BY THE COURT:

(d) All Domestic Relations matters filed under these parts are subject to the case records public policy of the Unified Judicial System of Pennsylvania.

Rule 1930.3.A. Testimony by Electronic Means.

- (a) The procedure for requesting testimony by electronic means shall be in accordance with C.C.R.C.P. 2016.1.A.(1).
- (b) Should the court grant a request for testimony by electronic means, the requesting party shall be responsible for all costs by either the initiation of the telephone call or by use of a credit card for payment.

Comment: The court requires no less than 48 hours notice to arrange for the use of specialized equipment.

See generally Pa.R.C.P. 1920.3.

Rule 1930.4.A. Service of Original Process in Domestic Relations Matters

(a) Special Order of Service.

- (1) All requests for special order of service shall be in accordance with Pa.R.C.P. 430.**
- (2) A party seeking a special order of service in any Domestic Relations Matter may seek service by publication.**
- (3) An affidavit of service shall be filed consistent with C.C.R.C.P. 206.3. Said affidavit shall include screen shots of all postings.**

Rule 1930.5.A. Discovery in Domestic Matters. Sanctions.

If either party does not comply with a discovery order, the Hearing Officer may either:

- (a) Proceed, nevertheless, to consider the evidence presented by the parties and, in his or her closing report, recommend sanctions against the non-complying party, including deemed admissions on the matters involved; or**
- (b) Make an immediate recommendation to the court that sanctions of a specified nature be imposed.**

Comment: Pa.R.C.P. 1920.33(a) requires the filing of an inventory by each party within ninety (90) days after service of a pleading or petition containing a claim for determination and distribution of property under Section 3502 of the Divorce Code. Any party who has complied with these Rules may, where appropriate, apply to the court for sanctions pursuant to Pa.R.C.P. 4019, if the opposing party has failed to answer interrogatories and/or failed to file a required document. In the event of a successful Application pursuant to Pa.R.C.P. 4019, the Court of Common Pleas of Chester County may grant a broad order requiring, inter alia: timely answers to interrogatories; timely production of all relevant documents requested; and, when appropriate, deposition of the uncooperative party. Failure to comply with a court order requiring compliance with mandatory or other discovery will result in the imposition of appropriate sanctions, which may include, inter alia, an award of counsel fees and/or costs.