

## **Actions in Divorce**

### **1920.12 Filing and Service of Complaint; Costs; Co-Parent Education Program**

1. With the filing of a Complaint in Divorce, the Plaintiff shall deposit court costs with the Prothonotary in an amount set forth in the fee schedule adopted by the Court.

2. In addition to all other information required by law, each Complaint in Divorce shall contain one of the following averments:

a) Plaintiff avers that there are no children of the marriage under the age of eighteen; or

b) Plaintiff avers that there are children of the marriage under the age of eighteen (list names, ages and dates of birth);

3. Immediately following the initial page of the Complaint which contains the Notice to Plead, each Divorce Complaint shall contain the Co-Parent Education Order set out in these rules if there are children of the marriage under the age of eighteen.

4. The Affidavit of Service or Acceptance of Service filed shall include an acknowledgment that the Co-Parent Education Order, a Co-Parent Program Registration Form and a Co-Parent Program description as set out in these rules were served with the Complaint.

### **1920.12(1) Mandatory Co-Parent Education Program**

1. In all actions in divorce or annulment where there are children of the marriage under the age of eighteen, the parties shall attend and complete a four hour program entitled Co-Parent Education Program.

2. The parties shall register for the Program using the Registration Form set out in these Rules and served with the Complaint.

3. No Master's Hearing shall be held nor any divorce decree entered until all parties have attended and completed the Program unless the requirement is waived by the Court for good

cause shown. Refusal of the non-moving party to attend the program shall constitute good cause.

4. Failure to comply with the Co-Parent Education Order may result in the dismissal of the Divorce action, the striking of pleadings, or other appropriate action, including sanctions and/or contempt.

#### **1920.43 Motions and Petitions**

1. Motions practice shall be in accordance with 43 J.D.R.C.P. 206(a).
2. All Divorce Motions or Petitions including Praeipere for a Master's Hearing shall be filed with the Prothonotary.

#### **1920.51 Proceedings Before the Master**

1. Monroe County shall follow the Master's Hearing procedure set out at Pa.R.C. P. 1920. 55-2.
2. Upon the compliance by both parties with the requirements of Pa.R.C.P 1920.31 and 1920.33(a) and the deposit of the required fee with the Prothonotary as set forth in the fee schedule adopted by the Court, either party may file a Praeipere in the form set out in these Rules, requesting the appointment of a Divorce Master.
3. The Court Administrator shall assign the Master for each case who shall promptly recommend the amount of any additional court costs to be posted by one or both of the parties. In the event additional hearings are necessary, the Master shall file a request with the Court Administrator identifying the number of additional hearing days and the amount of additional court costs to be posted by the parties. No hearing date shall be scheduled prior to the payment of court costs.
4. Promptly upon appointment, the Master shall issue a Notice scheduling a Pretrial

Conference and setting a deadline for the filing and service of Pretrial Statements in accordance with Pa.R.C.P. 1920.33(b). Counsel of record shall attend the Pretrial Conference; parties shall not attend but shall be available to consult with their counsel by telephone. The Notice of the time and date of the Pretrial Conference and the deadline for the filing of Pretrial Statements shall be served by the Master upon counsel of record, any unrepresented parties and the Court. In the event that counsel for either party fails to attend the Pretrial Conference, or fails to file a Pretrial Statement, the Master may recommend that the Court impose sanctions.

5. If a Pretrial Conference or any portion of a hearing day is held, the Master shall receive a fee in the amount to be determined by the fee schedule adopted by the Court, payable from the court cost deposits. The Master shall be compensated for any additional full or partial days of hearings.

6. The Praeceptum for Master's Hearing shall be in the form set out as follows:

**Form- Praeceptum for Master's Hearing in Divorce**

**COURT OF COMMON PLEAS OF MONROE COUNTY**  
**43<sup>RD</sup> JUDICIAL DISTRICT**  
**COMMONWEALTH OF PENNSYLVANIA**

\_\_\_\_\_ NO. \_\_\_\_\_

\_\_\_\_\_ NO. \_\_\_\_\_

\_\_\_\_\_ VS. \_\_\_\_\_

**PRAECEPTUM FOR MASTER'S  
HEARING IN DIVORCE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO THE PROTHONOTARY OF SAID COURT:

Kindly request the Court Administrator to schedule a Master's Hearing in the above divorce case.

- ( ) The case is now at issue.
- ( ) Estimated time required for Hearing is \_\_\_\_\_ days.
- ( ) Approximate value of marital assets is \$\_\_\_\_\_.

This case to be tried by and notices sent to:

_____	_____
_____	_____
Attorney(s) for Plaintiff(s)	Attorney(s) for Defendant(s)
_____	_____
Address	Address
_____	_____
Telephone Number	Telephone Number
_____	_____
Attorney I.D. Number	Attorney I.D. Number

I hereby certify that the above entitled case is at issue and ready for Hearing; that discovery is complete or foreclosed; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed; that Inventories have been filed; that the Co-Parenting Education Program has been completed or properly waived; that the attorneys of record are named above; and that an initial filing fee of \$750.00 has previously been paid, and that the per diem Hearing Fee and Costs Deposit, previously determined by the Court Administrator, has concurrently been deposited with the Court.

\_\_\_\_\_, 200 \_\_\_\_\_  
Attorney for \_\_\_\_\_

**1920.54 Settlement Before Scheduled Hearing**

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the Master and state the terms of their settlement on the record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the Master an executed Divorce Settlement Agreement and Affidavits of Consent.

Where parties settle on the record or by the filing of a written Divorce Settlement Agreement, the Master shall file a Report and Recommendation within thirty days of the scheduled hearing date.

**1920.55-2 Master's Report**

Following the conclusion of the final hearing, the Master shall file the Record and the

Report and Recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days after the receipt by the master of the transcript in contested actions.

Counsel for the parties shall file Briefs or Memoranda of Law within fifteen days after the filing of the transcript. The service of the Master's Report and Recommendations and the filing of Exceptions shall follow the procedures set out in Pa.R.Civ.P. 1920.55-2. The parties shall serve a copy of any Exceptions they file upon the Master, by regular mail or by personal service by a competent adult at the Master's principal office.

### **1920.72 Form of Complaint**

1. Complaints in Divorce shall include the following Notice if there are children of the marriage under the age of eighteen.

#### **Notice of Mandatory Co-Parent Education Program**

ALL PARTIES ARE ORDERED to attend a program entitled the Co-Parent Education Program. You must register for the program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the program within sixty (60) days from the date of this Order.

**FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.**

No Master's Hearing shall be held or Divorce Decree granted where there are children under the age of eighteen of the marriage until all adult parties have attended the Program.