

**RULE 1920.43 PRE-HEARING DIVORCE MATTERS, SPECIAL RELIEF,
ADVANCE DISTRIBUTION, DISCOVERY, POST-
DIVORCE ISSUES (OTHER THAN EXCEPTIONS TO HEARING
OFFICER'S REPORT)**

- (a) The Court may assign Petitions for Special Relief and Motions raising pre-trial and post-divorce issues to the Divorce Hearing Officer.
- (b) Any Pre-Hearing or Post-Divorce Petition or Motion in a divorce matter shall comply with Dauphin County Local Rule 205.2(a)(3)(b).
 - (1) The filing party shall certify that (s)he disclosed the full text of the Petition or Motion and Proposed Order to all parties by facsimile or electronic communication and whether each party concurs or opposes the Petition or Motion and Proposed Order in accordance with Dauphin County Local Rule 208.2(d).
 - (2) If any party opposes the Petition or Motion and Proposed Order, or any party fails to respond in a timely manner, the Petition or Motion is contested and the moving party shall attach:
 - (a) A Rule to Show Cause in accordance with Pa.R.C.P. 206.5;
 - (b) A Proposed Order;
 - (c) A Certificate of Service;
 - (d) A Self-Represented Party Entry of Appearance if unrepresented by legal counsel.
 - (3) If all parties concur, the Petition or Motion is uncontested and the filing party shall attach the proposed agreed Order.
- (c) If the Petition or Motion is contested, a Family Court Judge shall issue a Rule to Show Cause.
- (d) (1) Either party shall file an original and one copy of the Request for Assignment form with the Prothonotary when a response to the Rule to Show Cause is filed or the time for a response has expired. The Request for Assignment form shall be in the following form. This form is available in the Dauphin County Self-Help Center.

Plaintiff
v.

Defendant

: IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. _____ CV _____
:
: CIVIL ACTION
: IN DIVORCE

(ATTORNEY FOR MOVING PARTY)(SELF-REPRESENTED MOVING PARTY):

Name: _____
Address: _____
Phone: _____ FAX: _____ E-Mail: _____

(ATTORNEY FOR NON-MOVING PARTY) (SELF-REPRESENTED NON-MOVING PARTY):

Name: _____
Address: _____
Phone: _____ FAX: _____ E-Mail: _____

REQUEST FOR ASSIGNMENT TO DIVORCE HEARING OFFICER OR JUDGE

Date Petition for Special Relief/Advance Distribution/Post-Divorce Relief was filed: _____

Date Rule to Show Cause was issued: _____

Date Response was filed: _____

The matter is ready for assignment to a Judge or Divorce Hearing Officer.

Date

Signature

- (2) The Court Administrator's Office shall assign the Petition and Response to a Family Law Judge for review. The Family Law Judge shall either schedule a hearing, enter an Interim Order and refer the matter to the Divorce Hearing Officer, or refer the matter to the Divorce Hearing Officer to address the issues in dispute.
- (3) If the Family Law Judge refers the matter to the Divorce Hearing Officer, the moving party shall file an original and one copy of a Motion for Appointment of Hearing Officer with the Prothonotary together with the \$75.00 administrative fee in accordance with Dauphin County Local Rule 1920.51 plus any other filing fee required by the Prothonotary.

- (4) The Prothonotary shall promptly forward the Motion for Appointment of Hearing Officer to the Court Administrator's Office. A Family Court Judge will appoint the Divorce Hearing Officer to hear the pending matter.
 - (5) The Divorce Hearing Officer will schedule a Conference.
 - (6) The Divorce Hearing Officer shall file a Memorandum memorializing the agreement reached at any Pre-Hearing Conference with the Prothonotary and shall forward the agreed Order to a Family Court Judge for review.
 - (7) The Divorce Hearing Officer shall schedule a hearing if an agreement is not reached at any Conference.
 - (8) The Divorce Hearing Officer shall file a Report and Recommendation and Proposed Order with the Prothonotary within twenty (20) days in uncontested actions or thirty (30) days in contested actions from the date of the hearing and mail a copy of the Report and Recommendation and Proposed Order to all counsel and/or self-represented parties.
 - (9) A party may file exceptions to the Report and Recommendation and Proposed Order in accordance with Pa.R.C.P. 1920.55-2(b).
 - (10) If no exceptions are filed, the Prothonotary shall promptly forward the Report and Recommendation and Proposed Order to the Court Administrator's Office for assignment to a Family Court Judge to issue an Order.
 - (11) If exceptions are filed, the Prothonotary shall promptly forward the Exceptions to the Court Administrator's Office for assignment to a Family Court Judge for disposition.
- (e) A party may file an original and one copy of a Motion For Appointment of Hearing Officer with the Prothonotary together with the administrative fee of \$75.00 plus any other filing fee required by the Prothonotary to address discovery at any point after the filing of the Divorce Complaint.