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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 640**

Session of  
1979

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INTRODUCED BY MESSRS. SCIRICA, BERSON, SPENCER, RHODES,  
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LEVIN, LASHINGER, EARLEY, WACHOB, RICHARDSON, KUKOVICH  
AND CHESS, MARCH 12, 1979

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SENATOR O'PAKE, JUDICIARY, IN SENATE, AS AMENDED,  
FEBRUARY 11, 1980

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AN ACT

1 Consolidating, revising and amending the divorce and annulment  
2 laws of the Commonwealth and making certain repeals.

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1 family rather than the vindication of private rights or the  
2 punishment of matrimonial wrongs.

3 (4) Mitigate the harm to the spouses and their children  
4 caused by the legal dissolution of the marriage.

5 (5) Seek causes rather than symptoms of family  
6 disintegration and cooperate with and utilize the resources  
7 available to deal with family problems.

8 (6) Effectuate economic justice between parties who are  
9 divorced or separated and grant or withhold alimony according  
10 to the actual need and ability to pay of the parties and  
11 insure a fair and just determination and settlement of their  
12 property rights.

13 (b) The objectives set forth in subsection (a) shall be  
14 considered in construing provisions of this act and shall be  
15 regarded as expressing the legislative intent.

16 Section 103. Construction.

17 The provisions of this act, so far as they are the same as  
18 those of existing laws, are intended as a continuation of such  
19 laws and not as new enactments. The provisions of this act shall  
20 apply to all cases, whether the cause for divorce or annulment  
21 arose prior or subsequent to enactment of this act. The  
22 provisions of this act shall not affect any suit or action  
23 pending, but the same may be proceeded with and concluded either  
24 under the laws in existence when such suit or action was  
25 instituted, notwithstanding the repeal of such laws by this act,  
26 or, upon application granted, under the provisions of this act.  
27 The provisions of this act shall not apply to any case in which  
28 a decree has been rendered prior to the effective date of the  
29 act. This act shall not affect any marital agreement executed  
30 prior to the effective date of this act or any amendment or

1 modification thereto.

2 Section 104. Definitions.

3 The following words and phrases when used in this act shall  
4 have the meanings given to them in this section unless the  
5 context clearly indicates otherwise:

6 "Act." The Divorce Code.

7 "Alimony." An order for support granted by this or any other  
8 state to a spouse or former spouse in conjunction with a decree  
9 granting a divorce or annulment.

10 "Alimony pendente lite." An order for temporary support  
11 granted to a spouse during the pendency of a divorce or  
12 annulment proceeding.

13 "Court." The court of common pleas.

14 "Divorce." Divorce from the bonds of matrimony.

15 "Grounds for divorce." The grounds enumerated in section  
16 201.

17 "Law." Includes both statutory and common law.

18 "Qualified professionals." Includes marriage counselors,  
19 psychologists, psychiatrists, social workers, ministers,  
20 priests, or rabbis, or other persons who, by virtue of their  
21 training and experience, are able to provide counseling.

22 "Separate and apart." Complete cessation of any and all  
23 cohabitation.

24 CHAPTER 2

25 DISSOLUTION OF MARITAL STATUS

26 Section 201. Grounds for divorce.

27 (a) It shall be lawful for the court to grant a divorce to  
28 the innocent and injured spouse whenever it shall be judged that  
29 the other spouse shall have:

30 (1) Committed willful and malicious desertion, and

1 absence from the habitation of the injured and innocent  
2 spouse, without a reasonable cause, for the period of one or  
3 more years.

4 (2) Committed adultery.

5 (3) By cruel and barbarous treatment, endangered the  
6 life or health of the injured and innocent spouse.

7 (4) Knowingly entered into a bigamous marriage while a  
8 former marriage still is subsisting.

9 (5) Been sentenced to imprisonment for a term of two or  
10 more years upon conviction of having committed a crime.

11 (6) Offered such indignities to the innocent and injured  
12 spouse as to render his or her condition intolerable and life  
13 burdensome.

14 (b) It shall be lawful for the court to grant a divorce upon  
15 the ground that insanity or serious mental disorder has resulted  
16 in confinement in a mental institution for at least three years  
17 immediately before the filing of the complaint, and where there  
18 is no reasonable prospect of the defendant spouse's being  
19 discharged from inpatient care during the next three years  
20 subsequent to the filing of the complaint. A presumption that no  
21 such prospect of discharge exists shall be established by a  
22 certificate of the superintendent of such institution to that  
23 effect and which includes a supporting statement of a treating  
24 physician.

25 (c) It shall ~~also~~ be lawful for the court to grant a divorce <—  
26 where a complaint has been filed alleging that the marriage is  
27 irretrievably broken and 90 days have elapsed from the date of  
28 filing of the complaint and an affidavit has been filed by each  
29 of the parties evidencing that each of the parties consents to  
30 the divorce.

~~(d) The court may also grant a divorce when for a period of at least three years immediately preceding the granting of the divorce the parties have continuously lived separate and apart, with complete cessation of cohabitation, which must be established by an affidavit of one of the parties and corroborated by a witness other than the parties and 90 days have elapsed from the date of the filing of the complaint.~~

Section 202. Counseling.

(a) Whenever section 201(a)(6) is the ground for divorce, the court shall require up to a maximum of three counseling sessions where either of the parties requests it.

(b) Whenever section 201(c) ~~or (d)~~ is the ground for divorce, the court shall require up to a maximum of three counseling sessions within the 90 days following the filing of the complaint where either of the parties requests it.

(c) Whenever section 201(a)(6), ~~(c) or (d)~~ OR (C) is the ground for divorce, the court shall upon filing of the complaint, notify both parties of the availability of counseling and upon request, provide both parties a list of qualified professionals who provide such services.

(d) The choice of a qualified professional shall be at the option of the parties and such professional need not be selected from the list provided by the court.

(e) Where the court requires counseling, a report shall be made by the qualified professional stating that the parties did or did not attend.

Section 203. Annulment of void and voidable marriages.

In all cases where a supposed or alleged marriage shall have been contracted which is void or voidable under this act or under applicable law, either party to such supposed or alleged

1 marriage may bring an action in annulment to have it declared  
2 null and void in accordance with the procedures provided for  
3 under this act and the Rules of Civil Procedure.

4 Section 204. Annulment or invalidity of void marriages.

5 (a) Where there has been no confirmation by cohabitation  
6 following the removal of an impediment, the supposed or alleged  
7 marriage of any person shall be deemed void in the following  
8 cases:

9 (1) Where either party at the time of such marriage had  
10 an existing spouse and the former marriage had not been  
11 annulled nor had there been a divorce, except where such  
12 person had obtained a decree of presumed death of the former  
13 spouse.

14 (2) Where the parties to such marriage are related  
15 within the prohibited degrees of consanguinity, which degrees  
16 are as follows:

17 A man may not marry his mother.

18 A man may not marry his father's sister.

19 A man may not marry his mother's sister.

20 A man may not marry his sister.

21 A man may not marry his daughter.

22 A man may not marry the daughter of his son or  
23 daughter.

24 A woman may not marry her father.

25 A woman may not marry her father's brother.

26 A woman may not marry her mother's brother.

27 A woman may not marry her brother.

28 A woman may not marry her son.

29 A woman may not marry the son of her son or daughter.

30 (3) Where either party to such marriage was incapable of



1 consenting by reason of insanity or serious mental disorder,  
2 or otherwise lacked capacity to consent or did not intend to  
3 assent to such marriage.

4 (b) In all such cases of marriages which are void, the  
5 marriage may be annulled as set forth in section 203, or its  
6 invalidity may be declared in any collateral proceeding.  
7 Section 205. Grounds for annulment of voidable marriages.

8 (a) The marriage of any person shall be deemed voidable and  
9 subject to annulment in the following cases:

10 (1) Where either party to such marriage was under 16  
11 years of age, unless such marriage was expressly authorized  
12 by a judge of the court.

13 (2) Where either party was 16 or 17 years of age and  
14 lacked the consent of parent or guardian or express  
15 authorization of the court and has not subsequently ratified  
16 such marriage upon reaching the age of 18 and such proceeding  
17 for annulment is commenced within 60 days after the marriage  
18 ceremony.

19 (3) Where either party to such marriage was under the  
20 influence of intoxicating liquor or drugs and a proceeding  
21 for annulment has been filed within 60 days after the  
22 marriage ceremony.

23 (4) Where either party to such marriage still is and was  
24 naturally and incurably impotent at the time of such  
25 marriage, unless the condition was known to the other party  
26 prior to the marriage.

27 (5) Where one party was induced to enter into such  
28 marriage due to the fraud, duress, coercion, or force  
29 attributable to the other party, and there has been no  
30 subsequent voluntary cohabitation after knowledge of such

1 fraud or release from the effects of fraud, duress, coercion,  
2 or forces.

3 (b) In all such cases of marriages which are voidable,  
4 either party thereto may seek and obtain an annulment of such  
5 marriage, but unless and until such decree is obtained from a  
6 court of competent jurisdiction, such marriage shall be valid  
7 and subsisting. The validity of such a voidable marriage shall  
8 not be subject to attack or question by any person if it is  
9 subsequently confirmed by the parties thereto or if either party  
10 has died.

11 Section 206. Proceedings to determine marital status.

12 When the validity of any marriage shall be denied or doubted,  
13 either or both of the parties to the marriage may bring an  
14 action for a declaratory judgment seeking a declaration of the  
15 validity or invalidity of the marriage, and, upon due proof of  
16 the validity or invalidity thereof, it shall be declared valid  
17 or invalid by decree of such court, and, unless reversed upon  
18 appeal, such declaration shall be conclusive upon all persons  
19 concerned.

20 Section 207. Defenses.

21 (a) Existing common law defenses are retained as to the  
22 grounds enumerated in section 201(a) and (b). The defenses of  
23 condonation, connivance, collusion; recrimination and  
24 provocation are abolished as to the grounds enumerated in  
25 section 201(c).

26 (b) In any action or suit for divorce for the cause of  
27 adultery, if the defendant shall allege and prove, or it shall  
28 appear in the evidence, that the plaintiff has been guilty of  
29 the like offense, or has admitted the defendant into conjugal  
30 society or embraces after he or she knew of the fact, or that

1 the said plaintiff allowed the defendant's prostitution, or  
2 received hire from it, or exposed the defendant to lewd company  
3 whereby he or she became ensnared to the offense after said, it  
4 shall be a good defense and a perpetual bar against the same.  
5 Section 208. Jurisdiction where defendant is insane or suffering  
6 from serious mental disorder.

7 In cases where a spouse is insane or suffering from serious  
8 mental disorder the court shall have jurisdiction to receive a  
9 complaint for divorce in which such person is made the defendant  
10 upon any ground set forth in section 201, and for annulment.

### 11 CHAPTER 3

### 12 PROCEDURE

13 Section 301. Jurisdiction.

14 (a) The courts of this Commonwealth as defined in section  
15 104 shall have original jurisdiction in cases of divorce and for  
16 the annulment of void or voidable marriages and, where they have  
17 jurisdiction, shall determine in conjunction with any decree  
18 granting a divorce or annulment ~~in~~ the following matters, where <—  
19 raised in the complaint or the answer and issue appropriate  
20 decrees or orders with reference thereto and may retain  
21 continuing jurisdiction thereof:

22 (1) The determination and disposition of property rights  
23 and interests between spouses, including any rights created  
24 by any antenuptial, postnuptial, or separation agreement and  
25 including the partition of property held as tenants by the  
26 entireties or otherwise and any accounting between them, and  
27 the order of any alimony, alimony pendente lite, counsel  
28 fees, or costs authorized by law.

29 (2) The future care, custody and visitation rights as to  
30 children of such marriage or purported marriage.

1           (3) Any support or assistance which shall be paid for  
2     the benefit of any children of such marriage or purported  
3     marriage.

4           (4) Any property settlement, involving any of the  
5     matters set forth in paragraphs (1), (2) and (3) as submitted  
6     by the parties.

7           (5) Any other matters pertaining to such marriage and  
8     divorce or annulment authorized by law and which fairly and  
9     expeditiously may be determined and disposed of in such  
10    action.

11   (b) The said courts having power to grant divorces shall  
12   have authority to do so notwithstanding the fact that the  
13   marriage of the parties and the cause for divorce occurred  
14   outside of this Commonwealth and that both parties were at the  
15   time of such occurrence, domiciled without this Commonwealth.  
16   Said courts shall also have power to annul void or voidable  
17   marriages notwithstanding the fact such were celebrated without  
18   this Commonwealth at a time when neither party was domiciled  
19   within this Commonwealth.

20   Section 302. Residence and domicile of parties.

21   No spouse shall be entitled to commence proceeding for  
22   divorce or annulment by virtue of this act, unless at least one  
23   of the parties has been a bona fide resident in this  
24   Commonwealth for at least six months immediately previous to the  
25   filing of the complaint. Both parties shall be competent  
26   witnesses to prove his or her residence and proof of actual  
27   residence within the Commonwealth for six months shall create a  
28   presumption of domicile within the Commonwealth.

29   Section 303. General appearance and collusion.

30   The entry of a general appearance by, or in behalf of, a

1 defendant shall not be deemed collusion. Collusion shall be  
2 found to exist only where the parties conspired to fabricate  
3 grounds for divorce or annulment, agreed to and did commit  
4 perjury, or perpetrated fraud on the court. Negotiation and  
5 discussion of terms of property settlement and other matters  
6 arising by reason of contemplated divorce or annulment shall not  
7 be deemed to constitute collusion.

8 Section 304. Hearing by master.

9 A master may be appointed by the court to hear testimony on  
10 all or some issues, except issues of custody AND paternity <—  
11 ~~property distribution and alimony~~, and return the record and a <—  
12 transcript of the testimony together with his report and  
13 recommendation as provided by the Rules of Civil Procedure, or a  
14 judge of the court in chambers may appoint a master to take  
15 testimony and return the same to the court.

16 Section 305. Jury trial.

17 (a) After service of the complaint in divorce or annulment  
18 on the defendant in the manner provided by the Rules of Civil  
19 Procedure, or entry of a general appearance for the defendant,  
20 if either of the parties shall desire any matter of fact that is  
21 affirmed by one and denied by the other to be tried by a jury,  
22 he or she may take a rule upon the opposite party, to be allowed  
23 by a judge of the court, to show cause why the issues of fact  
24 set forth in such rule shall not be tried by a jury, which rule  
25 shall be served upon the opposite party or his or her counsel.

26 (b) Upon the return of such rule, after hearing, the court  
27 may discharge it, or make it absolute, or frame issues itself,  
28 and only the issues so ordered by the court shall be tried  
29 accordingly, but such rule shall not be made absolute when, in  
30 the opinion of the court, a trial by jury cannot be had without

1 prejudice to the public morals.

2 CHAPTER 4

3 DECREE OF COURT; PROPERTY RIGHTS AND COSTS

4 Section 401. Decree of court.

5 (a) In all matrimonial causes, the court having jurisdiction  
6 may either dismiss the complaint or enter a decree of divorce or  
7 annulment of the marriage.

8 (b) Any decree granting a divorce or an annulment, shall  
9 include after a full hearing, where these matters are raised in  
10 the complaint, the answer or other petition, an order or orders  
11 determining and disposing of existing property rights and  
12 interests between the parties, custody and visitation rights,  
13 child support, alimony and any other related matters including  
14 the enforcement of separation agreements voluntarily entered  
15 into between the parties. In the enforcement of the rights of  
16 any party to any such matters, the court shall have all  
17 necessary powers, including but not limited to, the power of  
18 contempt and the power to attach wages. In the event that the  
19 court is unable for any reason to determine and dispose of the  
20 matters provided for in this subsection within 30 days after the  
21 master's report has been filed, it may enter a decree of divorce  
22 or annulment. The court may order alimony, reasonable counsel  
23 fees and expenses pending final disposition of the matters  
24 provided for in this subsection and upon final disposition, the  
25 court may award costs to the party in whose favor the order or  
26 decree shall be entered, or may order that each party shall pay  
27 his or her own costs, OR MAY ORDER THAT COSTS BE DIVIDED <—  
28 EQUITABLY as it shall appear just and reasonable.

29 (c) In all matrimonial causes, the court shall have full  
30 equity power and jurisdiction and may issue injunctions or other

1 orders which are necessary to protect the interests of the  
2 parties or to effectuate the purposes of this act, and may grant  
3 such other relief or remedy as equity and justice require  
4 against either party or against any third person over whom the  
5 court has jurisdiction and who is involved in or concerned with  
6 the disposition of the cause.

7 (d) In a proceeding for divorce or annulment, the court  
8 shall, upon request of either party, equitably divide,  
9 distribute or assign the marital property between the parties  
10 without regard to marital misconduct in such proportions as the  
11 court deems just after considering all relevant factors  
12 including:

13 (1) The length of the marriage.

14 (2) Any prior marriage of either party.

15 (3) The age, health, station, amount and sources of  
16 income, vocational skills, employability, estate, liabilities  
17 and needs of each of the parties.

18 (4) The contribution by one party to the education,  
19 training, or increased earning power of the other party.

20 (5) The opportunity of each party for future  
21 acquisitions of capital assets and income.

22 (6) The sources of income of both parties, including but  
23 not limited to medical, retirement, insurance or other  
24 benefits.

25 (7) The contribution or dissipation of each party in the  
26 acquisition, preservation, depreciation or appreciation of  
27 the marital property, including the contribution of a party  
28 as homemaker.

29 (8) The value of the property set apart to each party.

30 (9) The standard of living of the parties established

1 during the marriage.

2 (10) The economic circumstances of each party at the  
3 time the division of property is to become effective.

4 (e) For purposes of this chapter only, "marital property"  
5 means all property acquired by either party during the marriage  
6 except:

7 (1) Property acquired in exchange for property acquired  
8 prior to the marriage except for the increase in value during  
9 the marriage.

10 (2) Property excluded by valid agreement of the parties  
11 entered into before, during or after the marriage.

12 (3) Property acquired by gift, bequest, devise or  
13 descent except for the increase in value during the marriage.

14 (4) Property acquired after separation until the date of  
15 divorce, provided however, if the parties separate and  
16 reconcile, all property acquired subsequent to the final  
17 separation until their divorce.

18 (5) Property which ~~the~~ A party has mortgaged, sold, <—  
19 granted, conveyed or otherwise encumbered or disposed of in  
20 good faith and for a fair consideration prior to the time  
21 proceedings for the divorce are commenced.

22 (6) Property acquired with, or received in exchange for  
23 property acquired with, funds derived from compensation,  
24 pensions, income, or other payments received as payment for  
25 the loss or impairment of parts or functions of the body of  
26 the party who received the payment. This exclusion includes  
27 income from and increases in value of the property. The  
28 burden of proof shall be on the party claiming the exclusion  
29 provided by this paragraph. The property funds, income from  
30 and increases in value of such property excluded by this



1 paragraph or any increase in the standard of living resulting  
2 from such property funds, income from and increases in value  
3 of such property shall not be considered in the distribution  
4 of the other property or the award of alimony.

5 (f) All property, whether real or personal, acquired by  
6 either party during the marriage is presumed to be marital  
7 property regardless of whether title is held individually or by  
8 the parties in some form of co-ownership such as joint tenancy,  
9 tenancy in common or tenancy by the entirety. The presumption of  
10 marital property is overcome by a showing that the property was  
11 acquired by a method listed in subsection (e).

12 (g) The court may ~~also~~ impose a lien or charge upon the <—  
13 marital property assigned to a party as security for the payment  
14 of alimony or other award for the other party.

15 (h) The court may award to one, each, or both of the parties  
16 the right to live in the family home for reasonable periods of  
17 time.

18 (i) The court may also direct the continued maintenance and  
19 beneficiary designations of existing policies insuring the life  
20 of either party. The court's power under this subsection shall  
21 extend only to policies originally purchased during the marriage  
22 and owned by or within the effective control of either party.

23 (j) Whenever a decree or judgment is granted which nullifies  
24 or absolutely terminates the bonds of matrimony, any and all  
25 property rights which are dependent upon such marital relation,  
26 save those which are vested rights, are terminated unless the  
27 court otherwise expressly provides in its decree in accordance  
28 with subsection (b). All duties, rights, and claims accruing to  
29 either of said parties at any time heretofore in pursuance of  
30 the said marriage, shall cease and the parties shall, severally,

1 be at liberty to marry again in like manner as if they had never  
2 been married, except where otherwise provided by law.

3 Section 402. Disposition of realty and personalty after  
4 termination of marriage.

5 Unless otherwise provided by the court, whenever a decree of  
6 annulment or divorce is decreed by a court of competent  
7 jurisdiction, both parties whose marriage is so terminated or  
8 affected, shall have complete freedom of disposition as to their  
9 separate property and may mortgage, sell, grant, convey, or  
10 otherwise encumber or dispose of such realty or personalty,  
11 whether such separate property was acquired before, during, or  
12 after coverture, and neither need join in, consent to, or  
13 acknowledge any deed, mortgage, or instrument of the other.

14 Section 403. Injunction against disposition of property  
15 pending suit and decree rendering fraudulent  
16 transfers null and void.

17 (a) Where it appears to the court that a party is about to  
18 remove himself ~~or his~~ OR HERSELF OR HIS OR HER property from the <—  
19 jurisdiction of the court or is about to dispose of, alienate,  
20 or encumber property in order to defeat alimony pendente lite,  
21 alimony, child and spousal support, or similar award, an  
22 injunction may issue to prevent such removal or disposition and  
23 such property may be attached as provided by the Rules of Civil  
24 Procedure. The court may also issue a writ of ne exeat to  
25 preclude such removal.

26 (b) Both parties shall submit to the court an inventory and  
27 appraisal of all property owned or possessed at the time  
28 action was commenced.

29 (c) If any party deliberately or negligently fails to  
30 disclose information required by subsection (b) and in

1 consequence thereof any asset or assets with a fair market value  
2 of \$500 or more is omitted from the final distribution of  
3 property, the party aggrieved by such nondisclosure may at any  
4 time petition the court granting the annulment or divorce to  
5 declare the creation of a constructive trust as to all  
6 undisclosed assets, for the benefit of the parties and their  
7 minor or dependent children, if any, with the party in whose  
8 name the assets are held declared the constructive trustee, said  
9 trust to include such terms and conditions as the court may  
10 determine. The court shall grant the petition upon a finding of  
11 a failure to disclose such assets as required under subsection  
12 (b).

13 (d) Any encumbrance or disposition of property to third  
14 persons who had notice of the pendency of the matrimonial action  
15 or who paid wholly inadequate consideration for such property  
16 may be deemed fraudulent and declared null and void.

17 Section 404. Statement of reasons for distribution.

18 In an order made under this chapter for the distribution of  
19 property the court shall set forth the reason or reasons for the  
20 distribution ordered.

## 21 CHAPTER 5

### 22 ALIMONY AND SUPPORT

23 Section 501. Alimony.

24 (a) The court may allow alimony, as it deems reasonable, to  
25 either party, only if it finds that the party seeking alimony:

26 (1) lacks sufficient property, including but not limited  
27 to any property distributed pursuant to Chapter 4, to provide  
28 for his or her reasonable needs; and

29 (2) is unable to support himself or herself through  
30 appropriate employment.

1 (b) In determining whether alimony is necessary, and in  
2 determining the nature, amount, duration, and manner of payment  
3 of alimony, the court shall consider all relevant factors  
4 including:

5 (1) The relative earnings and earning capacities of the  
6 parties.

7 (2) The ages, and the physical, mental and emotional  
8 conditions of the parties.

9 (3) The sources of income of both parties including but  
10 not limited to medical, retirement, insurance or other  
11 benefits.

12 (4) The expectancies and inheritances of the parties.

13 (5) The duration of the marriage.

14 (6) The contribution by one party to the education,  
15 training or increased earning power of the other party.

16 (7) The extent to which it would be inappropriate for a  
17 party, because said party will be custodian of a minor child,  
18 to seek employment outside the home.

19 (8) The standard of living of the parties established  
20 during the marriage.

21 (9) The relative education of the parties and the time  
22 necessary to acquire sufficient education or training to  
23 enable the party seeking alimony to find appropriate  
24 employment.

25 (10) The relative assets and liabilities of the parties.

26 (11) The property brought to the marriage by either  
27 party.

28 (12) The contribution of a spouse as homemaker.

29 (13) The relative needs of the parties.

30 (14) The marital misconduct of either of the parties

1 during the marriage; however, the marital misconduct of  
2 either of the parties during separation subsequent to the  
3 filing of a divorce complaint shall not be considered by the  
4 court in its determinations relative to alimony.

5 (c) Duration.--Unless the ability of the party seeking the  
6 alimony to provide for his or her reasonable needs through  
7 employment is substantially diminished by reason of age,  
8 physical, mental or emotional condition, custody of minor  
9 children, or other compelling impediment to gainful employment,  
10 the court in ordering alimony shall limit the duration of the  
11 order to a period of time which is reasonable for the purpose of  
12 allowing the party seeking alimony to meet his or her reasonable  
13 needs by:

14 (1) obtaining appropriate employment; or

15 (2) developing an appropriate employable skill.

16 (d) In an order made under this section the court shall set  
17 forth the reason or reasons for its denial or award of alimony  
18 and the amount thereof.

19 (e) Any order entered pursuant to this section is subject to  
20 further order of the court upon changed circumstances of either  
21 party of a substantial and continuing nature whereupon such  
22 order may be modified, suspended, terminated, reinstituted, or a  
23 new order made. Any such further order shall apply only to  
24 payment accruing subsequent to the petition for the requested  
25 relief. Remarriage of the party receiving alimony shall  
26 terminate the award of alimony.

27 Section 502. Alimony pendente lite, counsel fees and expenses.

28 The court may, upon petition, in proper cases, allow a spouse  
29 reasonable alimony pendente lite and reasonable counsel fees and  
30 expenses.

1 Section 503. Enforcement of arrearages.

2 If at any time a party is in arrears in the payment of  
3 alimony or alimony pendente lite as provided for in sections 501  
4 and 502, after hearing, the court may, in order to effect  
5 payment of the arrearages:

6 (1) Enter judgment.

7 (2) Authorize the taking and seizure of the goods and  
8 chattels and collection of the rents and profits of the real  
9 estate of the party.

10 (3) Attach no more than 50% of the wages of the party.

11 (4) Award interest on unpaid installments.

12 (5) Require security to insure future payments.

13 (6) Issue attachment proceedings, directed to the  
14 sheriff or other proper officer of the county, directing that  
15 the person named as having failed to comply with the court  
16 order be brought before the court at such time as the court  
17 may direct. If the court finds, after hearing, that the said  
18 person willfully failed to comply with the court order, it  
19 may deem said person in civil contempt of court and in its  
20 discretion make an appropriate order including, but not  
21 limited to, commitment of said person to the county jail for  
22 a period not to exceed six months.

23 Section 504. Payment of support, alimony and alimony pendente  
24 lite.

25 When so ordered by the court, all payments of child and  
26 spousal support, alimony or alimony pendente lite, shall be made  
27 to the domestic relations section of the court which issued the  
28 order or such section of the court at the residence of the party  
29 entitled to receive such an award. The domestic relations  
30 section shall keep an accurate record of all such payments and

1 shall notify the court immediately whenever any person subject  
2 to a payment order is 30 days in arrears in such payment so that  
3 appropriate action may be taken to enforce the order of the  
4 court. It shall be the duty of the domestic relations section to  
5 distribute such payments to the person entitled thereto as soon  
6 as possible after receipt.

7 Section 505. Alimony where a foreign ex parte divorce or  
8 annulment.

9 Whenever a person who was a resident of this Commonwealth at  
10 the time such person was a defendant or respondent in a foreign  
11 ex parte action for annulment or divorce petitions a court of  
12 this Commonwealth for alimony and establishes the need therefor,  
13 such court, if it has jurisdiction over the person or property  
14 of the other party, may order that such alimony be paid in the  
15 same manner and under the same conditions and limitations which  
16 pertain when alimony is sought as provided in this chapter. In  
17 the event that the other party from whom such alimony is sought  
18 cannot be located within this Commonwealth, the court may attach  
19 such of the tangible or intangible property of said party as is  
20 within the jurisdiction of the court in the manner provided by  
21 the Rules of Civil Procedure, except that no exemption shall  
22 apply. Such property shall thereupon be subject to the payment  
23 of alimony in the same manner as provided by law in actions for  
24 nonsupport.

25 Section 506. Enforcement of foreign decrees.

26 Whenever a person subject to a valid decree of a sister state  
27 or territory for the payment of alimony, temporary alimony, or  
28 alimony pendente lite, or his or her property is found within  
29 this Commonwealth, the obligee of such a decree may petition the  
30 court, where the obligor or his or her property is found, to

1 register, adopt as its own, and to enforce the said decree as a  
2 duly issued and authenticated decree of a sister state or  
3 territory. Upon registration and adoption, such relief and  
4 process for enforcement as is provided for at law, in equity, or  
5 by court rule, in similar cases originally commenced in this  
6 Commonwealth, shall be available, and a copy of the decree and  
7 order shall be forwarded to the court of the state or territory  
8 which issued the original decree. The obligor, in such actions  
9 to register, adopt, and enforce, shall have such defenses and  
10 relief as are available to him in the state or territory which  
11 issued the original decree and may question the jurisdiction of  
12 that court if not otherwise barred. Interest may be awarded on  
13 unpaid installments and security may be required to insure  
14 future payments as in such cases originally commenced in this  
15 Commonwealth. Where property of the obligor, but not his person,  
16 is found within this Commonwealth, there shall be jurisdiction  
17 quasi in rem and, upon registration and adoption of the decree  
18 of the sister state or territory, such relief and enforcement of  
19 the decree shall be available as in other proceedings which are  
20 quasi in rem.

21 Section 507. Bar to any alimony.

22 No petitioner shall be entitled to receive any award of  
23 alimony where such petitioner has entered into cohabitation with  
24 a person of the opposite sex who is not a member of the  
25 petitioner's immediate family within the degrees of  
26 consanguinity subsequent to the divorce pursuant to which  
27 alimony is being sought.

28 CHAPTER 6

29 APPEALS AND ATTACKS UPON DECREES

30 Section 601. Limitations on attacks upon decrees.



1       The validity of any decree of divorce or annulment issued by  
2 a court shall not be questioned, except by appeal, in any court  
3 or place in this Commonwealth after the death of either party to  
4 such proceeding and if it is shown that a party who subsequently  
5 attempts to question the validity of such a decree had full  
6 knowledge of the facts and circumstances later complained of, at  
7 the time of issuance of said decree, or failed to take any  
8 action, despite such knowledge, within two years after the date  
9 of such decree, said party shall be barred from questioning such  
10 decree and it shall be deemed valid in all courts and places  
11 within this Commonwealth.

12   Section 602.   Opening or vacating divorce decrees.

13       A motion to open a decree of divorce or annulment may be made  
14 only within 30 days after entry of the decree and not  
15 thereafter. Such motion may lie where it is alleged that the  
16 decree was procured by intrinsic fraud or that there is new  
17 evidence relating to the cause of action which will sustain the  
18 attack upon its validity. A motion to vacate a decree or strike  
19 a judgment alleged to be void because of extrinsic fraud, lack  
20 of jurisdiction over the subject matter or because of a fatal  
21 defect apparent upon the face of the record, must be made within  
22 five years after entry of the final decree. Intrinsic fraud is  
23 such as relates to a matter adjudicated by the judgment,  
24 including perjury and false testimony, whereas extrinsic fraud  
25 relates to matters collateral to the judgment which have the  
26 consequence of precluding a fair hearing or presentation of one  
27 side of the case.

28   Section 603.   Plaintiff a competent witness.

29       In all proceedings for divorce, the plaintiff shall be fully  
30 competent to prove all the facts, as long as the defendant has

1 been served as provided by the Rules of Civil Procedure.

2 Section 604. Rules of court.

3 The court is hereby authorized to make and adopt such rules  
4 and practices as may be necessary to carry this act into effect  
5 which are consistent with the Rules of Civil Procedure, and to  
6 regulate proceedings before masters, and to fix their fees.

7 Section 605. Res judicata and estoppel.

8 The validity of any divorce or annulment decree granted by a  
9 court having jurisdiction over the subject matter may not be  
10 questioned by any party who was subject to the personal  
11 jurisdiction of such court except by such direct appeal as is  
12 provided by law. A party who sought and obtained such decree,  
13 financed or agreed to its procurement, or accepted a property  
14 settlement, alimony pendente lite or alimony pursuant to the  
15 terms of such decree, or who remarries after such decree, or is  
16 guilty of laches, is barred from making a collateral attack upon  
17 the validity of such decree unless by clear and convincing  
18 evidence it is established that fraud by the other party  
19 prevented him from making a timely appeal from such divorce or  
20 annulment decree.

## 21 CHAPTER 7

### 22 MISCELLANEOUS PROVISIONS

23 Section 701. Marriage upon false rumor of spouse's death.

24 (a) The remarriage of a spouse who has obtained a license to  
25 marry and a decree of presumed death of the former spouse shall  
26 be valid for all intents and purposes as though the former  
27 marriage had been terminated by divorce, and any and all  
28 property of the presumed decedent shall be administered and  
29 disposed of as provided by Title 20 of the Pennsylvania  
30 Consolidated Statutes (relating to decedents, estates and

1   fiduciaries).

2       (b)   Where a remarriage has occurred upon false rumor of the  
3   death of a former spouse, in appearance well founded, but there  
4   has been no decree of presumed death, the remarriage shall be  
5   deemed void and subject to annulment by either party to such  
6   remarriage as provided by section 204 and the returning spouse  
7   shall have cause for divorce as provided in section 201.

8       (c)   Where the remarriage was entered into in good faith,  
9   neither party to such remarriage shall be subject to criminal  
10  prosecution therefore.

11       (d)   If the former spouse dies or procures a divorce the  
12  parties to the remarriage shall be deemed to be lawfully married  
13  from the date of such death or decree.

14  Section 702.   Resumption of prior name.

15       It shall be lawful for any person who has heretofore been or  
16  shall hereafter be divorced, or whose marriage is annulled, to  
17  retake and thereafter use his or her prior name. Every such  
18  person who elects to resume his or her prior name shall file a  
19  written notice avowing such intention in the office of the  
20  prothonotary of the court in which such decree of divorce or  
21  annulment was entered, showing the caption and number and term  
22  of the proceeding in divorce or annulment, and duly acknowledged  
23  before a notary public. Where a person has a decree of divorce  
24  or annulment granted to him or her, or his or her spouse, in a  
25  foreign jurisdiction, a certified copy of such foreign divorce  
26  or annulment decree shall be filed with the prothonotary where  
27  the affiant resides, and thereafter such person desiring to  
28  resume his or her prior name may file a written notice to do so  
29  by making full reference therein to the filing of the foreign  
30  divorce or annulment decree with the prothonotary of the county

1 where the affiant resides. A copy of the written notice in  
2 either case, so filed, duly certified by the prothonotary, shall  
3 be competent evidence for all purposes of right and duty of such  
4 person to use such prior name thereafter.

5 Section 703. Privileged communications.

6 Communications of a confidential character made by a spouse  
7 to an attorney, or a qualified professional, shall be privileged  
8 and inadmissible in evidence in any matrimonial cause unless the  
9 party concerned waives such immunity.

## 10 CHAPTER 8

### 11 REPEALS AND EFFECTIVE DATE

12 Section 801. Repeals.

13 (a) The following acts and parts of acts and all amendments  
14 thereto are repealed to the extent specified:

15 Sections V, VI and IX, act of March 13, 1815 (P.L.150,  
16 Ch. CIX), entitled "An act concerning divorces," insofar as  
17 supplied by this act.

18 The act of May 2, 1929 (P.L.1237, No.320), known as "The  
19 Divorce Law," absolutely.

20 Clause (h) of section 5, act of August 22, 1953  
21 (P.L.1344, No.383), known as "The Marriage Law."

22 (b) All other acts and parts of acts, general, local and  
23 special, are repealed insofar as they are inconsistent herewith.

24 Section 802. Effective date.

25 This act shall take effect in 90 days.