
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1392 Session of
2021

INTRODUCED BY SAYLOR, R. BROWN, HELM, KEEFER, LEWIS DELROSSO,
MILLARD, MOUL, PICKETT, ROTHMAN, RYAN, WHEELAND AND
ZIMMERMAN, MAY 14, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MAY 14, 2021

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for procedures in domestic
4 relations and litigation; repealing provisions relating to
5 hearing by master, jury trial, mediation programs, fees and
6 costs, review of programs, existing programs and
7 consolidation of proceedings; conferring powers and duties on
8 the unified judicial system, the Secretary of the
9 Commonwealth and the Legislative Reference Bureau;
10 establishing the Family Justice Account; and making editorial
11 changes.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Sections 3303(a) and 3308 of Title 23 of the
15 Pennsylvania Consolidated Statutes are amended to read:

16 § 3303. Annulment of void and voidable marriages.

17 (a) General rule.--In all cases where a supposed or alleged
18 marriage has been contracted which is void or voidable under
19 this title or under applicable law, either party to the supposed
20 or alleged marriage may bring an action in annulment to have it
21 declared void in accordance with the procedures provided by
22 [this part and prescribed by general rules.] 42 Pa.C.S. Ch. 72

1 (relating to family law and justice).

2 * * *

3 § 3308. Action where defendant suffering from mental disorder.

4 If a spouse is insane or suffering from serious mental
5 disorder, an action may be commenced [under this part] in
6 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and
7 justice) against that spouse upon any ground for divorce or
8 annulment.

9 Section 2. Sections 3321 and 3322 of Title 23 are repealed:

10 [§ 3321. Hearing by master.

11 The court may appoint a master to hear testimony on all or
12 some issues, except issues of custody and paternity, and return
13 the record and a transcript of the testimony together with a
14 report and recommendation as prescribed by general rules, or a
15 judge of the court in chambers may appoint a master to hold a
16 nonrecord hearing and to make recommendations and return the
17 same to the court, in which case either party may demand a
18 hearing de novo before the court.

19 § 3322. Jury trial.

20 (a) Application for jury trial.--After service of the
21 complaint in divorce or annulment on the defendant in the manner
22 prescribed by general rules or entry of a general appearance for
23 the defendant, if either of the parties desires any matter of
24 fact that is affirmed by one and denied by the other to be tried
25 by a jury, that party may take a rule upon the opposite party,
26 to be allowed by a judge of the court, to show cause why the
27 issues of fact set forth in the rule should not be tried by a
28 jury, which rule shall be served upon the opposite party or
29 counsel for the opposite party.

30 (b) Disposition of application.--Upon the return of the

1 rule, after hearing, the court may discharge it, make it
2 absolute or frame issues itself. Only the issues ordered by the
3 court shall be tried. The rule shall not be made absolute when,
4 in the opinion of the court, a trial by jury cannot be had
5 without prejudice to the public morals.]

6 Section 3. Sections 3323, 3502(a) and (e), 3505, 3506,
7 3507(a), 3508, 3701(a), (d) and (e), 3702(a), 3703 and 3705(a)
8 of Title 23 are amended to read:

9 § 3323. Decree of court.

10 (a) General rule.--In accordance with 42 Pa.C.S. Ch. 72
11 (relating to family law and justice), in all matrimonial causes,
12 the court may either dismiss the complaint or enter a decree of
13 divorce or annulment of the marriage.

14 (b) Contents of decree.--[A] In accordance with 42 Pa.C.S.
15 Ch. 72, a decree granting a divorce or an annulment shall
16 include, after a full hearing, where these matters are raised in
17 any pleadings, an order determining and disposing of existing
18 property rights and interests between the parties, custody,
19 partial custody and visitation rights, child support, alimony,
20 reasonable attorney fees, costs and expenses and any other
21 related matters, including the enforcement of agreements
22 voluntarily entered into between the parties. In the enforcement
23 of the rights of any party to any of these matters, the court
24 shall have all necessary powers, including, but not limited to,
25 the power of contempt and the power to attach wages.

26 [(c.1) Bifurcation.--With the consent of both parties, the
27 court may enter a decree of divorce or annulment prior to the
28 final determination and disposition of the matters provided for
29 in subsection (b) if the court determines that doing so provides
30 sufficient economic protections for any minor children of the

1 marriage. In the absence of the consent of both parties, the
2 court may enter a decree of divorce or annulment prior to the
3 final determination and disposition of the matters provided for
4 in subsection (b) if:

5 (1) grounds have been established as provided in
6 subsection (g); and

7 (2) the moving party has demonstrated that:

8 (i) compelling circumstances exist for the entry of
9 the decree of divorce or annulment; and

10 (ii) sufficient economic protections have been
11 provided for the other party and any minor children of
12 the marriage during the pendency of the disposition of
13 the matters provided for in subsection (b).]

14 (d) Substitution for deceased party.--[If] In accordance
15 with 42 Pa.C.S. Ch. 72, if one of the parties dies after the
16 decree of divorce has been entered, but prior to the final
17 determination in such proceeding of the property rights and
18 interests of the parties under this part, the personal
19 representative of the deceased party shall be substituted as a
20 party as provided by law and the action shall proceed.

21 (d.1) Death of a party.--In the event one party dies during
22 the course of divorce proceedings, no decree of divorce has been
23 entered and grounds have been established as provided in
24 subsection (g), the parties' economic rights and obligations
25 arising under the marriage shall be determined under this part
26 rather than under 20 Pa.C.S. (relating to decedents, estates and
27 fiduciaries).

28 (e) Costs.--[The] In accordance with 42 Pa.C.S. Ch. 72, the
29 court may award costs to the party in whose favor the order or
30 decree shall be entered or may order that each party shall pay

1 their own costs or may order that costs be divided equitably as
2 it shall appear just and reasonable.

3 (f) Equity power and jurisdiction of the court.--In
4 accordance with 42 Pa.C.S. Ch. 72, in all matrimonial causes,
5 the court shall have full equity power and jurisdiction and may
6 issue injunctions or other orders which are necessary to protect
7 the interests of the parties or to effectuate the purposes of
8 this part and may grant such other relief or remedy as equity
9 and justice require against either party or against any third
10 person over whom the court has jurisdiction and who is involved
11 in or concerned with the disposition of the cause.

12 (g) Grounds established.--For purposes of [subsections (c.1)
13 and] subsection (d.1), grounds are established as follows:

14 (1) In the case of an action for divorce under section
15 3301(a) or (b) (relating to grounds for divorce), the court
16 adopts a report of the master or makes its own findings that
17 grounds for divorce exist.

18 (2) In the case of an action for divorce under section
19 3301(c), both parties have filed affidavits of consent or, if
20 the presumption in section 3301(c)(2) is established, one
21 party has filed an affidavit of consent.

22 (3) In the case of an action for divorce under section
23 3301(d), an affidavit has been filed and no counter-affidavit
24 has been filed or, if a counter-affidavit has been filed
25 denying the affidavit's averments, the court determines that
26 the marriage is irretrievably broken and the parties have
27 lived separate and apart for at least one year at the time of
28 the filing of the affidavit.

29 § 3502. Equitable division of marital property.

30 (a) General rule.--[Upon] In accordance with 42 Pa.C.S. Ch.

1 72 (relating to family law and justice), upon the request of
2 either party in an action for divorce or annulment, the court
3 shall equitably divide, distribute or assign, in kind or
4 otherwise, the marital property between the parties without
5 regard to marital misconduct in such percentages and in such
6 manner as the court deems just after considering all relevant
7 factors. The court may consider each marital asset or group of
8 assets independently and apply a different percentage to each
9 marital asset or group of assets. Factors which are relevant to
10 the equitable division of marital property include the
11 following:

12 (1) The length of the marriage.

13 (2) Any prior marriage of either party.

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

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

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

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

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

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

29 (9) The standard of living of the parties established
30 during the marriage.

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

3 (10.1) The Federal, State and local tax ramifications
4 associated with each asset to be divided, distributed or
5 assigned, which ramifications need not be immediate and
6 certain.

7 (10.2) The expense of sale, transfer or liquidation
8 associated with a particular asset, which expense need not be
9 immediate and certain.

10 (11) Whether the party will be serving as the custodian
11 of any dependent minor children.

12 * * *

13 (e) Powers of the court.--If, at any time, a party has
14 failed to comply with an order of equitable distribution, as
15 provided for in this chapter or with the terms of an agreement
16 as entered into between the parties, after hearing, the court
17 may, in addition to any other remedy [available under this part]
18 provided by statute, in order to effect compliance with its
19 order:

20 (1) enter judgment;

21 (2) authorize the taking and seizure of the goods and
22 chattels and collection of the rents and profits of the real
23 and personal, tangible and intangible property of the party;

24 (3) award interest on unpaid installments;

25 (4) order and direct the transfer or sale of any
26 property required in order to comply with the court's order;

27 (5) require security to insure future payments in
28 compliance with the court's order;

29 (6) issue attachment proceedings, directed to the
30 sheriff or other proper officer of the county, directing that

1 the person named as having failed to comply with the court
2 order be brought before the court, at such time as the court
3 may direct. If the court finds, after hearing, that the
4 person willfully failed to comply with the court order, it
5 may deem the person in civil contempt of court and, in its
6 discretion, make an appropriate order, including, but not
7 limited to, commitment of the person to the county jail for a
8 period not to exceed six months;

9 (7) award counsel fees and costs;

10 (8) attach wages; or

11 (9) find the party in contempt.

12 * * *

13 § 3505. Disposition of property to defeat obligations.

14 (a) Preliminary relief.--Where it appears to the court that
15 a party is about to leave the jurisdiction of the court or is
16 about to remove property of that party from the jurisdiction of
17 the court or is about to dispose of, alienate or encumber
18 property in order to defeat equitable distribution, alimony
19 pendente lite, alimony, child and spousal support or a similar
20 award, an injunction may issue to prevent the removal or
21 disposition and the property may be attached as prescribed by
22 general rules. The court may also issue a writ of ne exeat to
23 preclude the removal.

24 [(b) Inventory of property.--Both parties shall submit to
25 the court an inventory and appraisal, which shall contain all
26 of the following:

27 (1) A list of the property owned or possessed by either
28 or both of them as of:

29 (i) the date of separation; and

30 (ii) thirty days prior to the date of hearing on

1 equitable distribution.

2 (2) A list of the value of the property owned or
3 possessed by either or both of them as of:

4 (i) the date of acquisition;

5 (ii) the date of separation; and

6 (iii) thirty days prior to the date of hearing on
7 equitable distribution.

8 (3) A list of the liabilities of either or both of them
9 as of 30 days prior to the date of hearing on equitable
10 distribution, whether or not the liabilities are related to
11 the property set forth in the inventory and appraisalment.]

12 (c) Discovery.--Discovery [under this part] in 42 Pa.C.S.
13 Ch. 72 (relating to family law and justice) shall be as provided
14 for all other civil actions under the Pennsylvania Rules of
15 Civil Procedure.

16 (d) Constructive trust for undisclosed assets.--If a party
17 fails to disclose information required by [general rule of the
18 Supreme Court] the family information statement under 42 Pa.C.S.
19 Ch. 72 and in consequence thereof an asset or assets with a fair
20 market value of \$1,000 or more is omitted from the final
21 distribution of property, the party aggrieved by the
22 nondisclosure may at any time petition the court granting the
23 award to declare the creation of a constructive trust as to all
24 undisclosed assets for the benefit of the parties and their
25 minor or dependent children, if any. The party in whose name the
26 assets are held shall be declared the constructive trustee
27 unless the court designates a different trustee, and the trust
28 may include any terms and conditions the court may determine.
29 The court shall grant the petition upon a finding of a failure
30 to disclose the assets as required by [general rule of the

1 [Supreme Court] the family information statement.

2 (e) Encumbrance or disposition to third parties.--An
3 encumbrance or disposition of marital property to third persons
4 who paid wholly inadequate consideration for the property may be
5 deemed fraudulent and declared void.

6 § 3506. Statement of reasons for distribution.

7 In an order made [under this chapter] in accordance with 42
8 Pa.C.S. Ch. 72 (relating to family law and justice) for the
9 distribution of property, the court shall set forth the
10 percentage of distribution for each marital asset or group of
11 assets and the reason for the distribution ordered.

12 § 3507. Division of entireties property between divorced
13 persons.

14 (a) General rule.--Whenever married persons holding property
15 as tenants by entireties are divorced, they shall, except as
16 otherwise provided by an order [made under this chapter] issued
17 in accordance with 42 Pa.C.S. Ch. 72 (relating to family law and
18 justice), thereafter hold the property as tenants in common of
19 equal one-half shares in value, and either of them may bring an
20 action against the other to have the property sold and the
21 proceeds divided between them.

22 * * *

23 § 3508. Conveyance of entireties property to divorced spouse.

24 Whenever married persons have acquired real estate as tenants
25 by entireties and thereafter are divorced, either former spouse,
26 except as otherwise provided by an order [made under this
27 chapter] issued in accordance with 42 Pa.C.S. Ch. 72 (relating
28 to family law and justice), may convey to the other, without the
29 joinder of the other, the grantor's interest in the real estate
30 so that the grantee holds the real estate in fee simple, freed

1 from all right, title and interest which the grantor had in the
2 real estate as a tenant by the entireties.

3 § 3701. Alimony.

4 (a) General rule.--Where a divorce decree has been entered
5 in accordance with 42 Pa.C.S. Ch. 72 (relating to family law and
6 justice), the court may allow alimony, as it deems reasonable,
7 to either party only if it finds that alimony is necessary.

8 * * *

9 (d) Statement of reasons.--In an order made [under this
10 section] in accordance with 42 Pa.C.S. Ch. 72, the court shall
11 set forth the reason for its denial or award of alimony and the
12 amount thereof.

13 (e) Modification and termination.--An order [entered
14 pursuant to this section] is subject to further order of the
15 court upon changed circumstances of either party of a
16 substantial and continuing nature whereupon the order may be
17 modified, suspended, terminated or reinstated or a new order
18 made in accordance with 42 Pa.C.S. Ch. 72. Any further order
19 shall apply only to payments accruing subsequent to the petition
20 for the requested relief. Remarriage of the party receiving
21 alimony shall terminate the award of alimony.

22 * * *

23 § 3702. Alimony pendente lite, counsel fees and expenses.

24 (a) General rule.--In proper cases in accordance with 42
25 Pa.C.S. Ch. 72 (relating to family law and justice), upon
26 petition, the court may allow a spouse reasonable alimony
27 pendente lite, spousal support and reasonable counsel fees and
28 expenses. Reasonable counsel fees and expenses may be allowed
29 pendente lite, and the court shall also have authority to direct
30 that adequate health and hospitalization insurance coverage be

1 maintained for the dependent spouse pendente lite.

2 * * *

3 § 3703. Enforcement of arrearages.

4 If at any time a party is in arrears in the payment of
5 alimony or alimony pendente lite as provided for in sections
6 3701 (relating to alimony) and 3702 (relating to alimony
7 pendente lite, counsel fees and expenses), the court may in
8 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and
9 justice), after hearing, in order to effect payment of the
10 arrearages:

11 (1) Enter judgment.

12 (2) Authorize the taking and seizure of the goods and
13 chattels and the collection of the rents and profits of the
14 real estate of the party.

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

16 (4) Award interest on unpaid installments.

17 (5) Require security to insure future payments.

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

28 (7) Award counsel fees and costs.

29 § 3705. Enforcement of foreign decrees.

30 (a) General rule.--Whenever a person subject to a valid

1 decree of a sister state or territory for the distribution of
2 marital property or for the payment of alimony, temporary
3 alimony or alimony pendente lite, or the property of that person
4 is found within this Commonwealth, the obligee of the decree
5 may, in accordance with 42 Pa.C.S. Ch. 72 (relating to family
6 law and justice), petition the court where the obligor or the
7 property of the obligor is found to register, adopt as its own
8 and enforce the decree as a properly issued and authenticated
9 decree of a sister state or territory. Upon registration and
10 adoption, such relief and process for enforcement as is provided
11 or prescribed by law in similar cases originally commenced in
12 this Commonwealth shall be available. A copy of the decree and
13 order shall be forwarded to the court of the state or territory
14 which issued the original decree. The obligor shall have
15 whatever defenses and relief are available to the obligor in the
16 state or territory which issued the original decree and may
17 question the jurisdiction of that court if not otherwise barred.
18 Interest may be awarded on unpaid installments and security may
19 be required to insure future payments as in cases originally
20 commenced in this Commonwealth. Where property of the obligor,
21 but not the person of the obligor, is found within this
22 Commonwealth, there shall be jurisdiction quasi in rem, and,
23 upon registration and adoption of the decree of the sister state
24 or territory, relief and enforcement of the decree shall be
25 available as in other proceedings which are quasi in rem.

26 * * *

27 Section 4. Sections 3901, 3902, 3903 and 3904 of Title 23
28 are repealed:

29 [§ 3901. Mediation programs.]

30 (a) Establishment.--A court may establish a mediation

1 program for actions brought under this part or Chapter 53
2 (relating to custody).

3 (b) Issues subject to mediation.--When a program has been
4 established pursuant to subsection (a), the court may order the
5 parties to attend an orientation session to explain the
6 mediation process. Thereafter, should the parties consent to
7 mediation, the court may order them to mediate such issues as it
8 may specify.

9 (c) Local rules.--

10 (1) The court shall adopt local rules for the
11 administration of the mediation program to include rules
12 regarding qualifications of mediators, confidentiality and
13 any other matter deemed appropriate by the court.

14 (2) The court shall not order an orientation session or
15 mediation in a case where either party or child of either
16 party is or has been a subject of domestic violence or child
17 abuse at any time during the pendency of an action under this
18 part or within 24 months preceding the filing of any action
19 under this part.

20 (d) Model guidelines.--The Supreme Court shall develop model
21 guidelines for implementation of this section and shall consult
22 with experts on mediation and domestic violence in this
23 Commonwealth in the development thereof. The effective date of
24 this chapter shall not be delayed by virtue of this subsection.

25 § 3902. Fees and costs.

26 (a) Imposition of fee.--A county in which the court has
27 established a mediation program may impose an additional filing
28 fee of up to \$20 on divorce and custody complaints to be used to
29 fund the mediation program.

30 (b) Assessment of additional costs.--The court may assess

1 additional costs of mediation on either party.

2 § 3903. Review of programs.

3 The Supreme Court shall monitor mediation programs
4 established by courts of common pleas. The Supreme Court shall
5 establish procedures for the evaluation of the effectiveness of
6 the program.

7 § 3904. Existing programs.

8 This chapter shall not affect any existing mediation program
9 established in any judicial district pursuant to local rule.]

10 Section 5. Sections 4324, 4341(a), 4344, 4345(a) and 4347 of
11 Title 23 are amended to read:

12 § 4324. Inclusion of spousal medical support.

13 In addition to periodic support payments, the court may, in
14 accordance with 42 Pa.C.S. Ch. 72 (relating to family law and
15 justice), require that an obligor pay a designated percentage of
16 a spouse's reasonable and necessary health care expenses. If
17 health care coverage is available through an obligor or obligee
18 at no cost as a benefit of employment or at a reasonable cost,
19 the court shall order an obligor or obligee to provide or extend
20 health care coverage to a spouse. Upon failure of the obligor to
21 make this payment or reimburse the spouse and after compliance
22 with procedural due process requirement, the court shall treat
23 the amount as arrearages.

24 § 4341. Commencement of support actions or proceedings.

25 (a) Procedure.--A support action or proceeding under this
26 chapter shall be commenced in accordance with 42 Pa.C.S. Ch. 72
27 (relating to family law and justice) in the manner prescribed by
28 the Rules of Civil Procedure governing actions of support.

29 * * *

30 § 4344. Contempt for failure of obligor to appear.

1 A person who willfully fails or refuses to appear in response
2 to a duly served order or other process [under this chapter]
3 relating to support may, as prescribed by general rule, be
4 adjudged in contempt. Contempt shall be punishable by any one or
5 more of the following:

6 (1) Imprisonment for a period not to exceed six months.

7 (2) A fine not to exceed \$500.

8 (3) Probation for a period not to exceed six months.

9 § 4345. Contempt for noncompliance with support order.

10 (a) General rule.--A person who willfully fails to comply
11 with any order [under this chapter] of support, except an order
12 subject to section 4344 (relating to contempt for failure of
13 obligor to appear), may, as prescribed by general rule, be
14 adjudged in contempt. Contempt shall be punishable by any one or
15 more of the following:

16 (1) Imprisonment for a period not to exceed six months.

17 (2) A fine not to exceed \$1,000.

18 (3) Probation for a period not to exceed one year.

19 * * *

20 § 4347. Security for attendance or performance.

21 At any stage of the proceedings [under this chapter] relating
22 to support, upon affidavit filed that the obligor is about to
23 leave this Commonwealth or the judicial district or, where in
24 the judgment of the court, the obligor has habitually failed to
25 comply with court orders [under this chapter] relating to
26 support, the court may, as prescribed by general rule, issue
27 appropriate process directing that the obligor be brought before
28 the court and may direct that the obligor give security to
29 appear when directed by the court or to comply with any order of
30 the court.

1 Section 6. Section 4349 of Title 23 is repealed:

2 [§ 4349. Consolidation of proceedings.

3 In order to facilitate frequent and unimpeded contact between
4 children and parents, a judge may consolidate with a support
5 action or proceeding any proceeding commenced for visitation
6 rights, sole or shared custody, temporary or permanent custody
7 or any other matters pertaining to support authorized by law
8 which fairly and expeditiously may be determined and disposed of
9 in the support action or proceeding.]

10 Section 7. Sections 4350 and 5332(a) of Title 23 are amended
11 to read:

12 § 4350. Effect of appeal.

13 An appeal from an order of support [entered pursuant to this
14 chapter] shall not operate as a supersedeas unless so ordered by
15 the court.

16 § 5332. Informational programs.

17 (a) Attendance.--The court may direct the parties to attend
18 informational programs concerning parental duties, including the
19 separating parents seminar established under 42 Pa.C.S. § 7224
20 (relating to separating parents seminar).

21 * * *

22 Section 8. Title 42 is amended by adding a chapter to read:

23 CHAPTER 72

24 FAMILY LAW AND JUSTICE

25 Sec.

26 7201. Short title of chapter.

27 7202. Declaration of policy.

28 7203. Legislative intent.

29 7204. Definitions.

30 7205. Scope of chapter.

- 1 7206. Judicial districts.
- 2 7207. Annual report.
- 3 7208. Weighted caseload study.
- 4 7209. Intake and screening.
- 5 7210. Hearings may be private.
- 6 7211. Testimony of minor child.
- 7 7212. Commencement of family action.
- 8 7213. Differentiated case management.
- 9 7214. Case management conference.
- 10 7215. Consolidation.
- 11 7216. Bifurcation.
- 12 7217. Continuous trials.
- 13 7218. Tentative decisions.
- 14 7219. Motions day.
- 15 7220. Case management teams.
- 16 7221. Family law masters.
- 17 7222. Mediation.
- 18 7223. Appeals.
- 19 7224. Separating parents seminar.
- 20 7225. Seminar for children of separating parents.
- 21 7226. Family Justice Account.
- 22 7227. Family resource center.
- 23 7228. Family law manual.
- 24 7229. Volunteer lawyers.
- 25 7230. Judicial education seminar.
- 26 7231. Continuing judicial education.
- 27 § 7201. Short title of chapter.
- 28 This chapter shall be known and may be cited as the Family
- 29 Law and Justice Act.
- 30 § 7202. Declaration of policy.

1 The General Assembly finds and declares as follows:

2 (1) The current procedure in this Commonwealth for
3 litigating family law cases involving divorce, annulment,
4 child support, spousal support, custody, alimony and
5 equitable division of marital property has created undue
6 hardship for children and families.

7 (2) Pennsylvania's current procedure is largely based on
8 the traditional adversarial process, which is multilayered,
9 segmented, overly lengthy and costly and only serves to
10 deepen the wounds caused by family breakup.

11 (3) Family breakup invariably hurts every member but is
12 especially harmful to children. Divorce and family separation
13 have been shown to contribute to increased levels of teen
14 violence, suicide and depression and to impede learning and
15 emotional growth.

16 (4) The best interests of children and the safety of all
17 family members must be a matter of paramount concern in the
18 court processes which resolve family conflict.

19 § 7203. Legislative intent.

20 It is declared to be the intention of the General Assembly to
21 create a procedure for family litigation that complies with all
22 of the following:

23 (1) Protects and assures the present and long-term
24 safety of children and victims of domestic violence.

25 (2) Eliminates barriers to meaningful dispute resolution
26 by enabling family members to deal with the same court
27 officers and staff each time they need the court's dispute
28 resolution services and by reducing duplication and
29 fragmentation of court events.

30 (3) Is accountable to all family members in need of

1 protection and promotes public trust and confidence.

2 (4) Treats each member of a family with courtesy,
3 civility and respect.

4 (5) Speedily, efficiently, fairly and cost-effectively
5 decides family litigation cases, with the goal of resolving
6 all aspects of a case within six months of filing.

7 (6) Recognizes the realities of family breakup,
8 including the emotional trauma experienced by the parties and
9 their children.

10 (7) Assures adequate access to all those who need the
11 court's help, including parties unable to afford lawyers.

12 (8) Sufficiently trains judges and family law masters in
13 applicable substantive law and subjects needed to make the
14 best decisions for children and families, such as mental and
15 behavioral health, mediation, child abuse and neglect, child
16 sexual abuse and exploitation, domestic violence and child
17 development.

18 § 7204. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Account." The Family Justice Account established in section
23 7226 (relating to Family Justice Account).

24 "Case management team." The employees within the domestic
25 relations section of a court of common pleas who are supervised
26 by a judge in accordance with section 7220 (relating to case
27 management teams) and whose responsibility is to manage and
28 process family actions in a manner consistent with this chapter.

29 "Case management team leader." The designated manager of a
30 case management team.

1 "Court." A judge of a court of common pleas or a family law
2 master appointed by a judge to hear family litigation.

3 "Differentiated case management system." The multitrack
4 system for the management and timely disposition of family
5 litigation established in section 7214 (relating to case
6 management conference).

7 "Family action." An action filed with the court of common
8 pleas that is comprised of one or more matters of family
9 litigation.

10 "Family information statement." A printed form that includes
11 information about family history, employment, assets, income,
12 debts and liabilities and insurance provided to the court by
13 each party required under section 7212(a) (relating to
14 commencement of family action).

15 "Family law adjudication system." The system within the
16 court of common pleas established to receive family actions, to
17 hear and decide family litigation and to help families negotiate
18 the court processes involved with family litigation. The term
19 includes court resources dedicated to providing information to
20 families regarding substantive and procedural aspects of family
21 litigation, court resources dedicated to helping self-litigants
22 and court resources necessary to effectuate judicial education
23 and all other requirements of this chapter.

24 "Family law master." An attorney appointed by a judge to
25 hear family litigation. The term does not include a mediator.

26 "Family litigation." All matters involving divorce,
27 annulment, custody, except relocation in accordance with 23
28 Pa.C.S. § 5337 (relating to relocation), child support, spousal
29 support, alimony, alimony pendente lite, counsel fees and costs,
30 equitable division of marital property and related matters. The

1 term does not include matters regarding:

2 (1) adoption, delinquency, dependency or protection from
3 abuse;

4 (2) establishment of paternity or child support
5 enforcement or collection under 23 Pa.C.S. Ch. 43 (relating
6 to support matters generally);

7 (3) determination of support or paternity under 23
8 Pa.C.S. § 4342 (relating to expedited procedure);

9 (4) 23 Pa.C.S. Ch. 52 (relating to uniform child
10 abduction prevention);

11 (5) 23 Pa.C.S. Ch. 54 (relating to uniform child custody
12 jurisdiction and enforcement);

13 (6) 23 Pa.C.S. Pt. VIII (relating to uniform interstate
14 family support);

15 (7) 23 Pa.C.S. Pt. VIII-A (relating to intrastate family
16 support); or

17 (8) relocation under 23 Pa.C.S. § 5337.

18 "Family resource center." The facility required under
19 section 7227 (relating to family resource center).

20 "Judge." A judge of a court of common pleas. The term
21 includes a senior judge.

22 § 7205. Scope of chapter.

23 (a) General rule.--Except as under subsection (b), this
24 chapter applies exclusively to and governs the procedure for
25 hearing and deciding all matters involving family litigation.

26 (b) Limitation.--This chapter does not apply to matters
27 excluded from the definition of "family litigation" in section
28 7204 (relating to definitions). This chapter is not intended to
29 affect the child support collection or enforcement operations of
30 the Department of Human Services.

1 (c) Purpose.--This chapter shall be construed liberally to
2 promote justice, to ensure the safety of children and to provide
3 families with a fair, timely and cost-efficient method for
4 hearing and deciding family litigation.

5 § 7206. Judicial districts.

6 (a) Requirements.--Each judicial district in this
7 Commonwealth shall do all of the following:

8 (1) provide courtrooms, chambers, facilities, equipment,
9 legal and educational materials and supplies in accordance
10 with this chapter;

11 (2) provide employees for the operation, management and
12 recordkeeping necessary to implement the family law
13 adjudication system in accordance with this chapter; and

14 (3) establish the procedure for receiving family actions
15 and for hearing and deciding family litigation in accordance
16 with this chapter.

17 (b) Penalty.--If a judicial district fails to comply with
18 this chapter, the county or counties that comprise that judicial
19 district shall be responsible for all administrative costs
20 related to the receiving of family actions and for the hearing
21 and deciding of family litigation until the judicial district
22 complies with this chapter.

23 § 7207. Annual report.

24 (a) Preparation.--Each judicial district shall prepare and
25 submit to the Court Administrator of Pennsylvania information
26 and statistics for the previous fiscal year concerning the
27 operation of the family law adjudication system. This section
28 includes:

29 (1) The number of family actions filed and disposed.

30 (2) The types of family actions filed and disposed.

1 (3) The length of time necessary to dispose of family
2 actions.

3 (4) The number of family actions pending for more than
4 six months from the date of commencement and the reason for
5 the pendency.

6 (5) The length of time necessary to hear and decide
7 family litigation.

8 (6) The number of family actions pending in the family
9 law adjudication system.

10 (7) The number of family actions not tried continuously
11 and the reason for this treatment.

12 (8) The compliance by judges and family law masters with
13 judicial educational requirements.

14 (9) The number of self-litigants and the services
15 provided to self-litigants.

16 (b) Submission.--The Court Administrator of Pennsylvania
17 shall compile and prepare this information and submit it in an
18 annual report to the Governor, the Chief Justice of the
19 Pennsylvania Supreme Court, the President pro tempore of the
20 Senate, the Speaker of the House of Representatives and the
21 members of the Judiciary Committee of the Senate and the
22 Judiciary Committee of the House of Representatives.

23 (c) Public access.--The Court Administrator of Pennsylvania
24 shall make the annual report available to the public. This
25 subsection includes access over the Internet or other electronic
26 format readily accessible to the public.

27 § 7208. Weighted caseload study.

28 Within two years of the effective date of this section, the
29 Court Administrator of Pennsylvania shall undertake a weighted
30 caseload study to determine efficient allocation of judicial and

1 case management team resources.

2 § 7209. Intake and screening.

3 Each judicial district shall establish a family action intake
4 service within the domestic relations section of the court of
5 common pleas. The service shall have responsibilities, including
6 the screening of family actions for allegations or evidence of
7 substance abuse, child abuse, child neglect, child sexual abuse
8 and exploitation and domestic violence. This service shall
9 assist litigants by making referrals and providing information
10 regarding community-based and government services designed to
11 provide treatment for substance abuse and to help victims of
12 child abuse and neglect, child sexual abuse and exploitation and
13 domestic violence. Where appropriate, the service shall notify
14 government agencies of the need for intervention.

15 § 7210. Hearings may be private.

16 In a family action, upon demand of a party, the court shall
17 direct that:

18 (1) the trial or proceedings regarding family litigation
19 be private; and

20 (2) all persons except officers of the court, parties,
21 witnesses and counsel be excluded from the place where the
22 matter is being heard.

23 § 7211. Testimony of minor child.

24 Except upon prior approval of the judge on a case-by-case
25 basis, testimony of a minor child as to the merits of a party's
26 position regarding any part of a family action may not be
27 permitted and no minor child may be subpoenaed to appear at a
28 hearing.

29 § 7212. Commencement of family action.

30 (a) Family information statement.--

1 (1) At the time of filing a complaint or cross-complaint
2 regarding family litigation, each party shall complete and
3 file a family information statement on a form prescribed by
4 the Administrative Office of Pennsylvania Courts. The family
5 information statement shall provide information including:

6 (i) Name, address and telephone number of the
7 party's employer.

8 (ii) Residential and mailing addresses of the party
9 and the party's children.

10 (iii) Party's Social Security number.

11 (iv) Party's driver's license number.

12 (v) Itemization and identification of party's
13 assets, whether held jointly or individually.

14 (vi) Party's income, debts and liabilities.

15 (vii) Party's medical, homeowners, life and
16 automobile insurance coverage.

17 (viii) Family history. This subparagraph includes
18 all of the following:

19 (A) Physical, emotional or sexual abuse of a
20 family member.

21 (B) Physical, emotional or educational neglect
22 of a family member.

23 (C) Alcohol or drug abuse on the part of a
24 family member.

25 (D) Contact with the juvenile justice system by
26 a minor in the family.

27 (2) Information required by the family information
28 statement shall, to the extent known to the party, be fully
29 completed and be current to within 60 days. Parties have a
30 continuing duty to inform the court of any changes in the

1 information required in the family information statement and
2 to file a statement with the most current information
3 available at the time of filing a petition to modify a
4 support order. The statement shall provide that furnishing
5 information that the party does not believe to be true shall
6 subject the party to possible prosecution for a violation of
7 18 Pa.C.S. § 4904 (relating to unsworn falsification to
8 authorities).

9 (3) A party shall comply with the requirements of 23
10 Pa.C.S. § 4353 (relating to duty to report).

11 (4) If a party fails to provide a family information
12 statement, the other party shall supply the information in
13 the statement to the best of the party's knowledge.

14 (b) Sanctions.--If a party intentionally fails to file a
15 family information statement, the judge may impose sanctions or
16 dismiss a party's pleadings subject to reinstatement upon
17 conditions imposed by the judge.

18 (c) Custody.--If the complaint includes the issue of
19 custody, the complaint and cross-complaint shall be accompanied
20 by a written statement regarding the proposed custody
21 arrangement or supervision of children. Nothing in this
22 subsection may be construed to limit the court's ability to
23 require the parties to develop a parenting plan as provided in
24 23 Pa.C.S. § 5331 (relating to parenting plan).

25 § 7213. Differentiated case management.

26 (a) Establishment.--Each judicial district shall establish a
27 differentiated case management system for the handling of family
28 actions in accordance with this section.

29 (b) Assignment.--A family action shall be assigned to one of
30 the following tracks as follows:

1 (1) If the family action includes a child custody
2 dispute, it shall be assigned to the priority track.

3 (2) A family action shall be assigned to the complex
4 track if it appears likely that this action will require a
5 disproportionate expenditure of a court's and a party's
6 resources in preparation for trial and at trial due to any of
7 the following:

8 (i) Number of claims and defenses raised.

9 (ii) Legal difficulty of the issues presented.

10 (iii) Factual difficulty of the subject matter.

11 (iv) Length and complexity of discovery.

12 (v) A combination of these and other factors.

13 (3) If the family action appears to be capable of being
14 tried promptly with minimal pretrial proceedings, it shall be
15 assigned to the expedited track.

16 (4) If the family action is not qualified to be placed
17 on the priority track, the complex track or the expedited
18 track, it shall be assigned to the standard track.

19 (c) Expedited track assignment.--Subject to subsection (e),
20 a family action shall be assigned to the expedited track if any
21 of the following apply:

22 (1) There is no dispute as to the income or assets of
23 the parties and custody of minor children is not an issue.

24 (2) The parties have been married less than five years
25 and have no children.

26 (3) The parties have entered into a property settlement
27 agreement and custody of minor children is not an issue.

28 (4) The divorce is uncontested and custody of minor
29 children is not an issue.

30 (5) The petition alleges facts supporting a conclusion

1 that there is an emergency.

2 (d) Procedure.--The judge shall make the track assignment as
3 soon as practicable after each party has filed a family
4 information statement or after the case management conference
5 required by section 7214 (relating to case management
6 conference), whichever is earlier. In making the track
7 assignment, the judge shall consider a party's request for track
8 assignment. If all the parties agree on a track assignment, the
9 case may not be assigned a different track except for good cause
10 shown after giving all parties the opportunity to be heard
11 either orally or in writing. If it is not clear from an
12 examination of the information provided by the parties which
13 track assignment is appropriate, the family action shall be
14 assigned to the track which affords the greatest degree of
15 management. The parties shall be promptly advised of the track
16 assignment.

17 (e) Reassignment.--A judge may reassign a family action to a
18 track other than that specified in the original notice to the
19 parties either on the judge's own motion or upon a party's
20 application. Unless the court otherwise directs, a party's
21 application may be made informally to the judge and shall state
22 with specificity the reasons for request for reassignment. Upon
23 reassignment, the parties are not required to refile court
24 documents. The case management team shall continue to use the
25 original docket or file number.

26 § 7214. Case management conference.

27 (a) General rule.--After the filing of the family
28 information statement, in any family action, the judge shall
29 direct the parties to participate in a case management
30 conference, which may be conducted in person or by telephone, to

1 consider the following matters before the family action is
2 assigned to a differentiated case management track:

3 (1) Identification and simplification of the issues.

4 (2) Necessity or desirability of amending the pleadings.

5 (3) Possibility of obtaining admissions of fact and
6 documents that will avoid unnecessary proof or discovery.

7 (4) Participation in mediation and the separating
8 parents seminar.

9 (5) Limitation of expert witnesses.

10 (6) Appointment of a court-appointed special advocate, a
11 guardian ad litem or an attorney for a minor child.

12 (7) Establishment of a discovery schedule and
13 determination of its scope.

14 (8) Other matters as the judge deems appropriate.

15 (b) Order.--

16 (1) The judge shall issue an order which recites the
17 action taken at the case management conference, which shall
18 include:

19 (i) Amendments allowed to the pleadings.

20 (ii) Agreements made by the parties as to any of the
21 matters considered.

22 (iii) Discovery schedule.

23 (iv) A court-appointed special advocate, a guardian
24 ad litem or an attorney for a minor.

25 (v) Participation in mediation and the separating
26 parents seminar.

27 (vi) Dates for any additional case management
28 conferences.

29 (vii) Firm trial date.

30 (viii) Any other matter the judge deems appropriate.

1 (2) The order shall control the subsequent course of the
2 family action up to the time of trial before the judge. If
3 the parties proceed to trial, the order may be modified by
4 the judge at the judge's discretion.

5 § 7215. Consolidation.

6 (a) Family law master.--In the absence of a judge's order to
7 the contrary, if a family action is placed on the expedited
8 track or the standard track and if custody is not an issue that
9 the family law master will hear, a family law master may
10 consolidate as much of the family litigation as practicable and
11 dispose of it at one proceeding.

12 (b) Judge.--With the exception of custody, at the case
13 management conference, a judge may order consolidation of family
14 litigation.

15 § 7216. Bifurcation.

16 (a) General rule.--Except as under subsection (b), in a
17 family action where a complaint for divorce is filed, a decree
18 of divorce may not be granted prior to entry of an order
19 resolving all pending claims for equitable division of marital
20 property, alimony, counsel fees, costs and expenses.

21 (b) Exception.--In a family action in which a complaint for
22 divorce is filed, if a party can show exceptional circumstances,
23 a decree of divorce may be granted prior to entry of an order
24 resolving all pending claims for equitable division of marital
25 property, alimony, counsel fees, costs and expenses upon the
26 approval of the:

27 (1) president judge of the court of common pleas in a
28 judicial district in which there is no family division; or

29 (2) administrative judge of the family division of the
30 court of common pleas in a judicial district in which there

1 is a family division.

2 § 7217. Continuous trials.

3 Insofar as is practicable, court calendars shall be designed
4 to allow family actions to be tried continuously to conclusion.

5 If a family action is not tried continuously, the record at each
6 day's proceedings shall document the reason for the
7 fragmentation.

8 § 7218. Tentative decisions.

9 The judge may, prior to the scheduled date of hearing or oral
10 argument on a matter involving family litigation, decide the
11 matter on the basis of the papers filed of record or such briefs
12 as may be filed by the parties, subsequently posting the
13 tentative decision and making it available to the parties.

14 Unless a party objects, with notice to the opposing party, the
15 request for oral argument or hearing shall be deemed withdrawn,
16 and the tentative decision shall become final and shall be
17 provided in an appropriate order. If a party renews the request
18 for oral argument or hearing, with notice to the opposing party,
19 the motion shall be argued or heard as scheduled.

20 § 7219. Motions day.

21 (a) Establishment.--Each judicial district shall designate
22 one or more days each week for the hearing and disposing of
23 motions.

24 (b) Procedure.--Motions not disposed of in accordance with
25 section 7218 (relating to tentative decisions) shall be
26 scheduled for oral argument or hearing, which shall be staggered
27 throughout the day. The court may conduct an argument or hearing
28 by telephone.

29 § 7220. Case management teams.

30 (a) Establishment.--Each judicial district shall establish

1 one or more case management teams within the domestic relations
2 section of the court of common pleas, to be headed by a case
3 management team leader, to effectively manage and process family
4 litigation from filing to final disposition. The team shall be
5 supervised by a judge. Insofar as practicable, each time a party
6 seeks modification of an order involving family litigation, the
7 family action shall be assigned to the same case management
8 team.

9 (b) Duties.--The case management team shall be responsible
10 for the timely management and processing of family actions and
11 shall, subject to supervision and orders of the judge, do all of
12 the following:

13 (1) Coordinate the timely filing of reports,
14 recommendations, evaluations and other writings necessary to
15 the disposition of family litigation.

16 (2) Participate, as necessary, in case management
17 conferences.

18 (3) Assign family actions to differentiated case
19 management tracks.

20 (4) Notify parents of the separating parents seminar.

21 (5) Assign that portion of family litigation involving
22 custody to mediation.

23 (6) Share, as appropriate, information with other
24 government agencies.

25 (7) Cooperate with other employees of the domestic
26 relations section or the Department of Human Services, as
27 needed, under 23 Pa.C.S. Ch. 43 (relating to support matters
28 generally).

29 (8) Perform other duties as the judge may direct in
30 order to effectuate the timely, fair and cost-efficient

1 disposition of family actions.

2 § 7221. Family law masters.

3 (a) Appointment.--Subject to section 7222(h) (relating to
4 mediation), a judge may appoint a family law master to hear any
5 aspect of family litigation except custody.

6 (b) Qualifications.--A family law master must be an attorney
7 at law and must comply with judicial education requirements
8 under section 7230 (relating to judicial education seminar).

9 (c) Requirements.--The family law master shall comply with
10 orders issued by the judge, including the differentiated case
11 management systems track assignment, and shall cooperate with
12 the case management team with regard to the timely filing of
13 reports, recommendations and other writings.

14 (d) Powers and duties.--The family law master has all of the
15 following powers and duties:

16 (1) Take testimony and establish a record.

17 (2) Make findings of fact, conclusions of law and
18 recommendations to the judge for the establishment and
19 enforcement of an order.

20 (3) Other powers and duties under the judge's order.

21 (e) Prohibition.--Notwithstanding any statutory provision of
22 law to the contrary, a person who is not a judge or family law
23 master may not hear or decide matters that establish or modify
24 the amount of child or spousal support.

25 § 7222. Mediation.

26 (a) Program established.--Each judicial district shall
27 establish a program of mandatory mediation that meets all of the
28 following requirements:

29 (1) Facilitates and encourages the parties to resolve
30 custody disputes with the help of a neutral third party.

1 (2) Contains a mediation orientation program for the
2 parties.

3 (3) Is closed to the public and is confidential.

4 (b) Requirement.--Except as provided in subsection (c), the
5 parties shall be referred to mediation for the resolution of a
6 custody dispute in accordance with the child's best interests.
7 Upon referral, the parties shall be required to attend a
8 mediation-orientation program.

9 (c) Exception.--A party may be excused from mediation or the
10 mediation orientation program for good cause shown, which shall
11 include:

12 (1) A history of child abuse or neglect, child sexual
13 abuse or exploitation or domestic violence by a party.

14 (2) Evidence that parties are currently participating in
15 private mediation.

16 (d) Standards.--The Supreme Court shall, by general rule,
17 provide standards for the hiring and training of mediators,
18 which shall include:

19 (1) Minimum qualifications, which may not be restricted
20 to a particular professional or educational training.

21 (2) Minimum requirements for training in the procedural
22 aspects of mediation and the interpersonal skills necessary
23 to act as an effective mediator.

24 (3) A minimum period of apprenticeship for individuals
25 who have not previously acted as mediators.

26 (4) Procedures to ensure that potential mediators
27 understand the high standard of ethics and confidentiality
28 related to the potential mediator's participation in the
29 program.

30 (e) Mandatory education.--

1 (1) Except as provided in paragraph (2), a mediator must
2 successfully complete a program of education appropriate for
3 mediators in custody disputes approved by the Academy of
4 Professional Family Mediators within six months of the later
5 of:

6 (i) the date of appointment; or

7 (ii) the effective date of this section.

8 (2) Paragraph (1) does not apply to a mediator who has
9 already attended and successfully completed a similar program
10 prior to the appropriate date.

11 (3) Failure to fulfill this educational requirement
12 shall cause the mediator to forfeit the position.

13 (f) Cooperation with case management team.--A mediator shall
14 cooperate with the case management team with regard to the
15 timely filing of reports, recommendations and other writings and
16 shall comply with orders issued by a judge.

17 (g) Fees.--Each judicial district shall establish a sliding
18 schedule of fees for participation in the mediation program,
19 based on a party's ability to pay. Unless the judge issues an
20 order to the contrary, the fee for mediation shall be borne
21 equally by the parties.

22 (h) Excuse.--If a party is excused from mediation under
23 subsection (c), a family law master shall hear that part of a
24 family action involving custody.

25 (i) Custody evaluation.--A mediator or family law master may
26 refer the parties to custody evaluation. A mediator may not act
27 as a custody evaluator for the parties who appear before the
28 mediator without the express written consent of the parties and
29 approval by the judge.

30 § 7223. Appeals.

1 (a) Right of appeal.--A party may appeal a recommendation,
2 ruling or decision made by a family law master to a judge. All
3 issues in a family action not resolved to a party's satisfaction
4 by a family law master shall be heard by a judge at one
5 proceeding in accordance with section 7217 (relating to
6 continuous trials).

7 (b) Postmediation procedure.--If the parties do not resolve
8 a custody dispute during mediation, that part of the family
9 action involving custody shall be consolidated with any appeals
10 brought under subsection (a).

11 § 7224. Separating parents seminar.

12 Each judicial district shall establish a seminar for
13 separating parents. The seminar shall include the following
14 topics and others as the Administrative Office of Pennsylvania
15 Courts may designate:

16 (1) procedural aspects of family litigation;

17 (2) availability of court services to aid self-
18 litigants and represented parties;

19 (3) availability of community and government services to
20 treat drug or alcohol abuse and to help victims of domestic
21 violence, child sexual abuse and exploitation and child abuse
22 and neglect;

23 (4) basic child psychology and strategies to minimize
24 the adverse effects of separation or divorce on children; and

25 (5) the potential benefits of mediation.

26 § 7225. Seminar for children of separating parents.

27 (a) Option.--A judicial district may establish a program for
28 children eight years of age and older whose parents are
29 separating.

30 (b) Establishment.--If a judicial district establishes the

1 program under subsection (a), the judicial district shall do so
2 in cooperation with and at the direction of the Administrative
3 Office of Pennsylvania Courts. In designing a seminar, the
4 Administrative Office of Pennsylvania Courts shall consult with
5 experts in the fields of child psychology, child abuse and
6 neglect, family pathology and similar fields to ensure that the
7 content of the seminar is suited to children and will not serve
8 to further traumatize children of separating parents.

9 § 7226. Family Justice Account.

10 (a) Establishment.--There is established within the General
11 Fund a restricted account to be known as the Family Justice
12 Account.

13 (b) Purpose.--The purpose of the account is to fund the cost
14 of court-ordered mediation, court-ordered custody evaluation,
15 proceedings before family law masters and other costs or fees
16 associated with family litigation when a party is unable to pay
17 such costs or fees by reason of poverty or financial hardship.

18 (c) Procedure.--

19 (1) Each judicial district may, through the
20 Administrative Office of Pennsylvania Courts, make
21 application for payment by the account. Money received from
22 the account shall only be used to reimburse expenses
23 enumerated in subsection (b).

24 (2) A party may seek relief from costs and fees
25 enumerated in subsection (b) upon application to the judge by
26 submitting a sworn or affirmed statement regarding poverty or
27 financial hardship. The statement should be filed along with
28 the family information statement, but it may be filed at any
29 time prior to final disposition of the family action.

30 § 7227. Family resource center.

1 (a) Establishment.--Each judicial district shall establish a
2 family resource center to be located in the courthouse or
3 another centralized location where family litigation is heard
4 and decided.

5 (b) Purpose.--The purpose of the family resource center is
6 to provide parties and other interested persons a central
7 location where they may do all of the following:

8 (1) Gain access to easily understandable information
9 regarding the substantive and procedural aspects of family
10 litigation.

11 (2) Gain access to easily understandable information
12 regarding protection from abuse orders, shelters and other
13 government and community services designed to help victims of
14 domestic violence and child abuse and neglect.

15 (3) Direct inquiries regarding the family law
16 adjudication system.

17 (4) Find a suitable place to leave children during court
18 proceedings, mediation or other court-ordered activities.

19 (5) Find a suitable place to meet with volunteer
20 lawyers.

21 (c) Services.--A family resource center shall provide all of
22 the following:

23 (1) An appropriate, supervised place for children to
24 wait while a party is taking part in court proceedings,
25 mediation or other court-ordered activity.

26 (2) Easily understandable information and other
27 materials and legal books regarding the substantive law of
28 family litigation, including applicable forms.

29 (3) The family law manual under section 7228 (relating
30 to family law manual).

1 (4) At least one employee who shall be responsible for
2 answering, during the entire court day, general questions
3 from parties and other interested persons regarding the
4 family law adjudication system, the procedural aspects of
5 family litigation and the substantive law of family
6 litigation. The employee shall also make referrals to
7 appropriate government and community resources. The
8 information provided by the employee may not be construed as
9 legal advice. The employee shall be absolutely immune from
10 suit when performing duties under this paragraph.

11 § 7228. Family law manual.

12 (a) Development.--Each judicial district, in cooperation
13 with the Administrative Office of Pennsylvania Courts, shall
14 develop a family law manual that does all of the following:

15 (1) Explains in basic terms Pennsylvania substantive law
16 regarding family litigation.

17 (2) Explains in basic terms the procedural aspects of
18 family litigation.

19 (3) Explains in basic terms the substantive and
20 procedural law regarding protection from abuse.

21 (4) Provides a basic guide to family litigation motion
22 practice.

23 (5) Provides telephone numbers and addresses within that
24 judicial district for government and community services
25 designed to:

26 (i) provide treatment and prevention services for
27 drug or alcohol abuse;

28 (ii) protect children from sexual abuse and
29 exploitation, child abuse and neglect;

30 (iii) assist victims of domestic violence;

1 (iv) provide free or low-cost legal assistance; and

2 (v) provide free or low-cost psychological services.

3 (b) Availability.--

4 (1) A party must receive the manual at no cost after
5 initiating or responding to a family action and no later than
6 the date of attending the separating parents seminar.

7 (2) The manual shall be available without cost to any
8 person upon request. The manual shall be available over the
9 Internet or through other electronic means readily accessible
10 to the general public.

11 § 7229. Volunteer lawyers.

12 It is the intent of the General Assembly to encourage
13 attorneys at law to volunteer their time to help self-
14 represented litigants by providing a suitable place within the
15 family resource center for volunteer lawyers to meet with
16 parties who cannot afford lawyers. The Administrative Office of
17 Pennsylvania Courts shall work with the Pennsylvania Bar
18 Association and county bar associations to develop policies and
19 procedures to encourage attorneys to join the volunteer lawyers
20 program.

21 § 7230. Judicial education seminar.

22 (a) General rule.--

23 (1) Except as provided in paragraph (2), each judge and
24 family law master who hears family litigation must
25 successfully complete courses of instruction at the National
26 Council of Juvenile and Family Court Judges within six months
27 of the later of:

28 (i) the date of first assignment to family
29 litigation; or

30 (ii) the effective date of this section.

1 (2) Paragraph (1) does not apply to a judge or family
2 law master who has already successfully completed a program
3 in compliance with this subsection prior to the appropriate
4 date.

5 (3) Every two years, the judge or family law master must
6 successfully complete courses at the National Council of
7 Juvenile and Family Court Judges.

8 (b) Continuing education in family law.--Every two years,
9 each judge and family law master must successfully complete the
10 program established in section 7231 (relating to continuing
11 judicial education).

12 (c) Penalty.--Failure to comply with this section shall
13 result in the judge or family law master being subject to
14 disciplinary action under section 18 of Article V of the
15 Constitution of Pennsylvania.

16 (d) Monitoring.--The Administrative Office of Pennsylvania
17 Courts shall monitor compliance with this section by judges and
18 family law masters and shall notify the Judicial Conduct Board
19 of noncompliance by any judge or family law master.

20 § 7231. Continuing judicial education.

21 (a) Establishment.--There is established a continuing
22 judicial education program. The program shall be designed and
23 administered by the Administrative Office of Pennsylvania
24 Courts.

25 (b) Functions.--The Administrative Office of Pennsylvania
26 Courts has the following powers and duties:

27 (1) Design and administer a course of study and training
28 for judges and family law masters who hear family litigation
29 to be at least 20 hours in length on the following topics:

30 (i) The substantive law of family litigation.

1 (ii) The procedural aspects of family litigation.

2 (iii) Child development and child psychology.

3 (iv) Child sexual abuse and exploitation, child
4 abuse and neglect, domestic violence and other family
5 pathologies and Pennsylvania law relating to these
6 topics.

7 (v) Mental and behavioral health and alcohol and
8 drug abuse.

9 (vi) Alternate dispute resolution.

10 (vii) Financial aspects of family litigation,
11 including the law of taxation, trusts and estates,
12 employee benefits, workers' compensation and business
13 valuation.

14 (2) Establish minimum qualifications for instructors.

15 (3) Consult, cooperate and contract with universities,
16 colleges, law schools and mental health and health care
17 professionals regarding the development of courses in the
18 program and the teaching of those courses.

19 Section 9. This act shall apply to all family actions filed
20 on or after the effective date of this section.

21 Section 10. The Secretary of the Commonwealth shall transmit
22 to the Legislative Reference Bureau, for publication in the
23 Pennsylvania Bulletin, notice of adoption of an amendment to the
24 Constitution of Pennsylvania that deals with all of the
25 following:

26 (1) The procedure in each judicial district for family
27 litigation.

28 (2) The establishment in each judicial district of a
29 family resource center.

30 (3) The Judicial Conduct Board having jurisdiction over

1 family law masters with respect to ethics.

2 (4) The establishment of judicial education
3 requirements.

4 Section 11. This act shall take effect as follows:

5 (1) Section 10 and this section shall take effect
6 immediately.

7 (2) The addition of 42 Pa.C.S. §§ 7201, 7202, 7203,
8 7204, 7205, 7207, 7208 and 7226 shall take effect upon
9 publication in the Pennsylvania Bulletin of the notice under
10 section 10.

11 (3) The remainder of this act shall take effect 180 days
12 after publication of the notice under section 10.