

FAQ:

1. What happens when a complaint for support or a petition to modify support is filed?

Both parties will attend a support conference where a conference officer will collect information necessary to calculate a support obligation using the guidelines and rules found in the Pennsylvania Rules of Civil Procedure. The conference officer will then recommend a support order.

2. What can either party do if they want to appeal the conference officer's recommendation?

Within 20 days of the recommended order either party can request a de novo hearing. De novo is a Latin phrase meaning "of new," so a de novo hearing will address the same complaint or petition as if the initial conference did not occur. In Cumberland County de novo hearings are held in front of a support hearing officer. The support hearing officer is an attorney who has been appointed to that role.

3. How do I request a de novo review?

A request for a de novo review must be in writing and it must include a signature. Additionally, it must include a PACSES number or docket number to identify the case.

A request for a de novo review can be filed by either physically delivering the request to the offices of the Cumberland County Domestic Relations Section located at 13 N. Hanover Street, Carlisle, PA 17013, or by mailing them to the P.O. Box 320, Carlisle, PA 17013. *When mailing a request for de novo review, please remember it will not be filed until the date it is received.*

Additionally, a request for a de novo review can be filed electronically by emailing the request to domesticrelations@cumberlandcountypa.gov. Any requests for de novo review that are filed electronically must be sent as an attachment and the attachment must be either a PDF or a JPEG. Submissions made after 4:30 p.m. will be considered filed the next business day.

4. How is a de novo hearing different from a conference?

The primary distinction is that a de novo hearing is a record hearing. This means all testimony will be under oath and a complete record of the proceeding will be generated so that, if necessary, a full transcript can be created. Also, as mentioned above, a de novo hearing is a completely new proceeding so any documents provided at a previous conference must be presented again to the support hearing officer. *The support hearing officer will not be able to consider documents not available at the time of the hearing.*

After the de novo hearing the support hearing officer will generate a written report and recommendation within 20 days and a judge will sign a new order based on that recommendation.

5. What should I bring with me to a de novo hearing?

The scheduling order will direct you to bring your most recent federal tax return as filed, W-2 statements, six months of paystubs, verification of child care expenses, proof of medical coverage, and, if applicable, a Physician's Verification Form completed by the appropriate doctor and/or an Income and Expense Statement completed by you.

In addition, if you are self-employed or own your own business you should bring, at a minimum, (1) a profit and loss statement detailing all of the business's revenues and expenses for at least six months, (2) the business tax returns and all supporting schedules or attachments and (3) copies of bank statements, both personal and business, for the last six months.

There are many other documents which could be helpful to support your case. Some examples might be: a full description of health care coverages and costs, copies of custody orders, submitted job applications and associated employer responses, printed copies of relevant text messages, mortgage statements, etc. Depending on the specific circumstances of your case, many other types of documents could be relevant. In general, the more documentary evidence you are able to provide, the better.

6. Can other witnesses testify at a de novo hearing?

Yes. Either side is free to develop their case as fully as they feel is necessary. However, if you plan on presenting additional witnesses you should contact the support hearing officer's assistant to make sure there is sufficient time allotted for the hearing. Additionally, the support hearing officer reserves the right to dismiss any witness if their testimony is considered duplicative or irrelevant.

7. Can a party testify by telephone or appear by Zoom at the de novo hearing?

Yes. However, please be aware that the Rule of Civil Procedure which addresses telephone testimony in support matters is Pa. R.C.P. 1930.3, which states telephone testimony is to be the exception, not the rule. However, Rule 1930.3 provides that telephone testimony may be permitted where good cause exists. Thus, a party who wishes to testify by phone can provide evidence of a good cause to allow such testimony. The support hearing officer will review each request and make a decision based on the facts of the case.

A request to appear by Zoom will be treated similarly. However, the hearing space does not presently have the technology required to accommodate one participants by Zoom while other participants appear in person. As a result, if the support hearing officer grants a request to appear by Zoom, all parties will need to appear by Zoom.

A request for telephone or Zoom participation form is available here: [Request for Electronic Testimony](#).

8. Can the de novo hearing be continued?

Yes. The easiest way to continue a de novo hearing is by agreement. In almost all cases an agreed-upon request to continue will be sufficient to have the de novo hearing continued. Such a request must be made in writing and it must be signed and dated by both parties.

However, it is also possible to request a continuance without the agreement of the opposing party. A client wishing to proceed in this manner should submit a motion to continue the hearing to the support hearing officer along with their reasons for needing the continuance. The support hearing officer will make a decision based on a number of factors, but the main considerations will be whether that party has previously requested a continuance, how many days remain before the hearing, and whether the need for the continuance was unavoidable.

Requests to continue a hearing scheduled in front of the support hearing officer can be filed electronically by sending the motion as an attachment to an email. The attachment must contain, at a minimum, (1) a PACSES number or docket number to identify the case and (2) the party's signature. A motion to continue as a fillable form is available here: [Motion to Continue](#).

9. Can a request for a de novo hearing be withdrawn?

Yes, but to successfully withdraw a request for a de novo, *both* parties must agree to that withdrawal. As soon as either party makes a request for a de novo hearing, both parties have the right to a de novo hearing. Therefore, neither party can cancel that hearing without the agreement of the other party.

A party wishing to withdraw their request for de novo review should send a written request to the support hearing officer. That request can be sent as an attachment to an email, and it must include, at a minimum, (1) a PACSES number or docket number to identify the case and (2) the party's signature. The support hearing officer will also need to receive a signed written agreement from the opposing party stating that they do not oppose the withdrawal of the request for de novo review. Alternatively, both parties can send one document that contains signatures of both parties.

If the support hearing officer does not receive confirmation that both parties consent to the withdrawal of the hearing, then the hearing will proceed as scheduled.

A mutual withdrawal as a fillable form is available here: [Withdraw De Novo Request](#).

10. What can either party do if they want to appeal the support hearing officer's recommendation?

Within 20 days of the order that comes from the support hearing officer's recommendation either party may seek review by filing "exceptions." A Cumberland County judge will then review the exceptions.

11. How are exceptions different from a de novo hearing?

In reviewing the support hearing officer's recommendation, a judge will request that each party file legal briefs in support of their position and a hearing will be scheduled to allow each

party to present their legal arguments. However, no new facts are introduced into the record during that hearing. The judge is to make their decision based only on the same facts that were available to the support hearing officer.

If either party wants to have a transcript made during this process, they can submit a request for a transcript following Cumberland County Local Rule 4007.

12. How do I file exceptions?

There are a few rules which you must follow to file exceptions:

1. All exceptions must be in writing.
2. All exceptions must include information sufficient to identify the case. Typically this is done by creating a case caption with the names of the plaintiff and the defendant, the docket number, and the PACSES number (e.g. Joe Smith v. Jane Smith, 123 S 2017, 123456789).
3. You must include an original signature at the end of the exceptions.
4. Pursuant to Pa. R.C.P. 1910.12, "Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters." To implement this rule, it may be helpful to list each issue in a separate numbered paragraph.

For additional guidance, an example of an exceptions filing that follows all of the above rules is available here: [Exceptions example](#).

13. Where do I file exceptions?

Exceptions can be filed by either physically delivering them to the offices of the Cumberland County Domestic Relations Section at 13 N. Hanover Street, Carlisle, PA 17013, or by mailing them to the P.O. Box 320, Carlisle, PA 17013. Exceptions can also be filed electronically by emailing them to domesticrelations@cumberlandcountypa.gov. Any exceptions that are filed electronically must be sent as an attachment and the attachment must be either a PDF or a JPEG. Submissions made after 4:30 p.m. will be considered filed the next business day.

14. Is there a fee associated with filing exceptions?

There is no filing fee associated with exceptions. However, if transcripts are requested, there will be a cost associated with producing the transcript of the de novo hearing. The cost of the transcript is based on the number of pages it contains, so it will vary based on the length of the hearing. The current charging rate is \$2.50 per page. There is no minimum cost.

If you believe you are without the financial resources to pay for the transcript you may file a Petition to Waive All or a Portion of the Transcript Costs. The form for the Petition to Waive All or a Portion of the Transcript Costs is available on the Cumberland County website at <https://www.cumberlandcountypa.gov/4413/Transcript-Requests>.

The Petition to Waive All or a Portion of the Transcript Costs must then be filed with the Cumberland County Domestic Relations Section, and it cannot be filed electronically.

15. Am I required to do anything after I file my exceptions?

Yes. You are required to submit a brief in support of each issue raised in your exceptions. If you fail to file a brief, your exceptions may be dismissed. You are also required to appear at the argument hearing before the judge to present your argument in person.

16. What will the judge do with my exceptions?

The judge will consider all arguments submitted in briefs and all arguments presented during the argument hearing, and the judge will make a complete and independent review of the support hearing officer's recommendation. From that, the judge may dismiss the exceptions, uphold the exceptions, or remand the case back to the support hearing officer for additional proceedings.

17. Can I appeal the judge's decision?

Yes. If the judge disposes of all exceptions by either dismissing them or by upholding them, then within 30 days of the judge's order either party may file an appeal to the Pennsylvania Superior Court.

**CUMBERLAND COUNTY DOMESTIC RELATIONS
REQUEST FOR ELECTRONIC TESTIMONY AT DE NOVO HEARING**

CASE TITLE: v.

PACSES CASE NUMBER:

DOCKET NUMBER:

REQUESTING PARTY: _____

PARTY TESTIFYING ELECTRONICALLY: _____

ELECTRONIC MEDIUM REQUESTED: Zoom / Telephone (circle one)

Electronic testimony is required because:

1. _____

2. _____

3. _____

IS THIS REQUEST UNOPPOSED? IF SO, THE NON-REQUESTING PARTY CAN SIGN THIS REQUEST. THE PRESENCE OF A SIGNATURE FROM THE NON-REQUESTING PARTY WILL REPRESENT THE NON-REQUESTING PARTIES' CONSENT TO ELECTRONIC TESTIMONY.

Date

Signature (requesting party)

Date

Signature (non-requesting party)

**CUMBERLAND COUNTY DOMESTIC RELATIONS
MOTION TO CONTINUE A SUPPORT HEARING**

CASE TITLE:

_____ v. _____

PACSES CASE NUMBER:

DOCKET NUMBER:

1. There is a support hearing scheduled to be heard by the support hearing officer on _____ (date) at _____ (time).

2. This matter has been continued _____ times previously.

3. This hearing should be continued because:

a. _____

b. _____

c. _____

IS THIS MOTION UNOPPOSED? IF SO, THE NON-MOVING PARTY CAN SIGN THIS MOTION. THE PRESENCE OF A SIGNATURE FROM THE NON-MOVING PARTY WILL REPRESENT THE NON-MOVING PARTIES' CONSENT TO THE CONTINUANCE.

Date

Signature (moving party)

Date

Signature (non-moving party)

**CUMBERLAND COUNTY DOMESTIC RELATIONS
AGREEMENT TO WITHDRAW DE NOVO REQUEST**

CASE TITLE:

_____ v. _____

PACSES CASE NUMBER:

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DOCKET NUMBER:

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I submitted a timely request for a de novo review in this support matter, and I would now like to withdraw my request for a de novo review.

Date

Printed name (party that requested review)

Signature (party that requested review)

I do not require a de novo review of this support case at this time.

Date
review)

Printed name (party that did not request

Signature (party that did not request review)

INSTRUCTIONS:

THIS AGREEMENT CAN BE SUBMITTED IN TWO WAYS:

- (1) BOTH PARTIES CAN SIGN ONE FORM, OR
- (2) EACH PARTY CAN FILE A SEPARATE FORM.

BOTH METHODS ARE EQUALLY ENFORCEABLE. IF TWO SEPARATE FORMS ARE SUBMITTED, THE AGREEMENT BECOMES VALID UPON RECEIPT OF THE SECOND FORM.

JOE G. SMITH, : IN THE COURT OF COMMON PLEAS OF
Plaintiff, : CUMBERLAND COUNTY, PENNSYLVANIA
 :
vs. : DOMESTIC RELATIONS SECTION
 : DOCKET NO. 123 S 2017
JANE C. SMITH, : PACSES NO. 123456789
Defendant. :

EXCEPTIONS TO SUPPORT HEARING OFFICER'S REPORT AND
RECOMMENDATION

1. Plaintiff should have been imputed an earning capacity equal to their income from their last job.
2. Plaintiff's childcare costs should not have been considered.
3. The support hearing officer did not consider the length of the marriage.

Jane Smith