

IN RE: : IN THE COURT OF COMMON PLEAS OF
LOCAL RULES : CUMBERLAND COUNTY, PENNSYLVANIA
: :
(1920.51-1, 1920.51-2, 1920.51-3, : 1996-1335
1920.53-1, 1920.53-2, 1920.53-3, :
1920.53-4, 1920.53-6, 1920.55-1) :
:

ORDER OF COURT

AND NOW, this 6th day of June 2022, it is hereby Ordered and Decreed, that effective thirty (30) days after publication in the Pennsylvania Bulletin, the Cumberland County Court of Common Pleas **amends local rules 1920.51-1, 1920.51-2, 1920.51-3, 1920.53-1, 1920.53-2, 1920.53-3, 1920.53-4, 1920.53-6, 1920.55-1. Changes and additions are in RED. The final revised rules are attached as Exhibit A.**

Rule 1920.51-1. Unless directed otherwise by the court or precluded by the Divorce Code or Pennsylvania Rules of Civil Procedure, claims in a divorce action shall be heard by ~~a master, who shall be appointed based upon experience in family law and familiarity with the Divorce Code~~ the Cumberland County Divorce Hearing Officer. ~~Counsel shall be responsible for~~

- (a) The party who moves for ~~requesting the~~ appointment of the ~~master on~~ Hearing Officer shall file on a form ~~provided by Pa. R.C.P. 1920.74~~ prescribed by the Court and available on the Court Website
- (b) The moving party shall also provide a proposed order on a form prescribed by the Court and available on the Court Website
- (c) If the moving party has never filed a Federal Income Tax Return, they shall note that status in an addendum attachment to the required motion.

Adopted April 29, 1983, effective June 1, 1983.

Rule 1920.51-2. ~~The party requesting appointment of the Hearing Officer shall file the motion with the Prothonotary and serve a copy on the other party. The motion for appointment of a master and the proposed order shall be delivered to the court and a copy shall be served upon the other party.~~

- (a) ~~Upon application of the master, the court may require, upon good cause shown, additional deposits.~~

~~Note: This amendment substantially changes prior practice by abolishing prior subsection (a), (b), and (d).~~

Adopted April 29, 1983, effective June 1, 1983.

Amended December 1, 1991, effective December 1, 1991.

Rule 1920.51-3. The ~~master~~ Hearing Officer shall mail or deliver the written notice of the ~~master's~~ hearing, required by Pa. R.C.P. 1920.51(b), at least fifteen (15) days prior to the hearing date.

Note: This rule is derived from former Rule 1133.5.

Adopted April 29, 1983, effective June 1, 1983.

Rule 1920.53-1. If the ~~master~~ Hearing Officer finds the proceedings are fatally defective ~~in any particular~~, he shall make a prompt report to the court. If ~~he finds them the defective in a particular~~ is curable by amendment, ~~he~~ the Hearing Officer shall notify counsel and suspend further action pending correction. If no correction is made, ~~he~~ the Hearing Officer shall report to the court.

Note: This rule was formerly Rule 1133-6.

Adopted April 29, 1983, effective June 1, 1983.

Rule 1920.53-2. To facilitate efficient review of the transcript of the testimony, the ~~master~~ Hearing Officer ~~shall~~ may require presentation of evidence in the following order:

- (a) Name, address, age, and occupation of each party;
- (b) when the method of service of the complaint has been by registered mail, proof of the defendant's signature;
- (c) date and place of marriage;
- (d) length of the parties' respective residences within the Commonwealth;
- (e) name, age, and residence of each child, and with whom each resides;
- (f) grounds for divorce or annulment; and
- (g) other relevant matters.

Note: This rule is derived from former Rule 1133-7 and Pa. R.C.P. 1920.53(b) & (c).

Adopted April 29, 1982, effective June 1, 1983.

Rule 1920.53-3. The ~~master~~ Hearing Officer shall determine whether actions for support and custody have been instituted, whether decrees have been entered, the nature of the decrees, and whether they have been observed.

Note: This rule is derived from former Rule 1133-10 and 1133-11.

Adopted April 29, 1983, effective June 1, 1982.

Rule 1920.53-4. The ~~master~~ Hearing Officer shall engage the services of a stenographer; however, the testimony shall not be transcribed unless:

- (a) required by the ~~master~~ Hearing Officer to prepare the report to the court, or
- (b) ordered by the court following the filing of exceptions or otherwise.

Note: This rule is derived from former Rule 1133-12. Under this rule the expense of transcribing the recorded testimony should be incurred only when there is an actual need for a transcript. If the ~~master~~ Hearing Officer can prepare the report without a transcript and no exceptions are filed thereto, then no transcript need be prepared.

Adopted April 29, 1983, effective June 1, 1983.

Rule 1920.53-6. Proof of notice of the filing of the ~~master~~ Hearing Officer's report to each party, as required by Pa. R.C.P. 1920.53(a)(2), shall be filed of record. The ~~master~~ Hearing Officer shall inform each party that exceptions may be filed pursuant to Pa. R.C.P. 1920.55 within ten (10) days after notice of the filing of the report was mailed.

Note: This rule is derived from former Rule 1133-17.

Adopted April 29, 1983, effective June 1, 1983.

Rule 1920.55-1.

- (a) When exceptions to the Divorce ~~Master~~ Hearing Officer's report are filed, the Prothonotary shall ~~forthwith~~ promptly forward the cases to the Court Administrator who shall assign them to ~~a the~~ Judges of the Court of Common Pleas ~~on-a rotating basis~~.
- (b) If the parties withdraw or settle all claims pending before the Hearing Officer, the parties shall provide the Hearing Officer with a copy of the Marital Settlement Agreement or a signed letter acknowledging that all outstanding claims are resolved or withdrawn. Upon receipt of appropriate proof that claims are no longer outstanding, the Hearing Officer shall forward a proposed order vacating appointment of the Hearing Officer to Court Administration.

Adopted April 29, 1983, effective June 1, 1983.

Amended March 22, 2017, effective May 1, 2017

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.
4. Incorporate the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the Pennsylvania Bulletin.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.
6. Forward one (1) copy to the Cumberland Law Journal.

By the Court,

A handwritten signature in blue ink, appearing to read "E. E. Guido", is placed over a horizontal line.

Edward E. Guido, P.J.

EXHIBIT A

Rule 1920.51-1. Unless directed otherwise by the court or precluded by the Divorce Code or Pennsylvania Rules of Civil Procedure, claims in a divorce action shall be heard by the Cumberland County Divorce Hearing Officer.

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- (c) When exceptions to the Divorce Hearing Officer's report are filed, the Prothonotary shall promptly forward the cases to the Court Administrator who shall assign them to a Judge of the Court of Common Pleas.
- (d) If the parties withdraw or settle all claims pending before the Hearing Officer, the parties shall provide the Hearing Officer with a copy of the Marital Settlement Agreement or a signed letter acknowledging that all outstanding claims are resolved or withdrawn. Upon receipt of appropriate proof that claims are no longer outstanding, the Hearing Officer shall forward a proposed order vacating appointment of the Hearing Officer to Court Administration.

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