

RULE 1920.51 DIVORCE HEARING MASTERS PROCEEDINGS

(a) Qualifications and duties of divorce masters. The Divorce Masters Office shall be responsible for scheduling and conducting all proceedings involving a master appointed pursuant to Pa.R.C.P. 1920.51, *et seq.* The court shall employ permanent salaried masters who shall not engage in any private domestic relation matters and who shall serve at the pleasure of the court. Their qualifications and duties shall be as follows:

- (1) The Director of the Divorce Masters Office. The Director shall be a full-time salaried employee of the County of York and shall serve at the pleasure of the court. The Director shall be a member of the Bar of York County and shall have at least five (5) years experience of practice in the field of Divorce and Family Law. The Director shall be responsible for the operation of the Divorce Masters Office, including supervision of the employees of the office and the other masters employed by the court. The Director shall assign cases to other masters employed by the court and shall conduct proceedings in cases not assigned to other masters. The Director shall report directly to the judge presiding over the Family Court Division.
- (2) Masters. The court may also employ part-time or full-time masters to work under the supervision of the Director. Such additional masters shall be members of the Bar of York County, shall be employees of the County of York, and shall serve at the pleasure of the court. The part-time masters shall be available at least twenty (20) hours per week to fulfill their assigned duties.

- (3) Special Masters. In cases where the Divorce Masters Office is not able to conduct proceedings pursuant to Pa.R.C.P. 1920.51, *et seq.* due to a conflict or extraordinary circumstance, the court may appoint a member of the Bar of York County to sit as a special master in any particular case. Such special master shall serve at the pleasure of the court and shall be an independent contractor of the County of York, with compensation set by the court on a case-by-case basis.
 - (4) General Duties. In each case in which a master is appointed, the master shall preside over all conferences and hearings necessary for the preparation of a final or interim report and recommendation, as appropriate. The master may schedule conferences with counsel, with or without the parties present.
- (b) Appointment of a master.
- (1) Fee certification. The Motion for the Appointment of a Master for divorce, annulment or any related claim shall be made on the form prescribed by the Divorce Masters Office. The Motion shall be presented first to the Prothonotary, who shall certify thereon that the fees have been paid. The moving party shall serve a copy of the Motion upon the opposing party or counsel.
 - (2) Counsel to present Motion to Divorce Masters Office. The original Motion and three copies shall then be presented at the Divorce Masters Office for the issuance of an order appointing a master and scheduling such further proceedings as may be necessary.
 - (3) Divorce Masters Office to file and to serve. The

Divorce Masters Office shall file the original Motion and scheduling Order with the Prothonotary and provide a copy of each to both the moving party and the responding party.

- (c) Filing fees. The designated parties shall pay to the Prothonotary the following fees, at the times indicated.
- (1) Prothonotary's fees. In every action of divorce or annulment initiated by a party, the moving party shall pay to the Prothonotary's Office the required filing fees, as published in the Prothonotary's Office fee schedule.
 - (2) Fees to appoint a master. Upon the presentation of a Motion to Appoint a Master, the moving party shall pay to the Prothonotary, in addition to the fees set forth in subsection (1) of this provision, the following fees, to bring these claims before the master:
 - [a] Divorce or annulment, equitable distribution, alimony, counsel fees, costs and/or expenses. The moving party shall pay a fee of three hundred dollars (\$300.00) for a Motion to Appoint a Master including all or one of the following: divorce, annulment, equitable distribution of marital property, alimony, counsel fees, costs and expenses. A moving party filing an Amended Motion to add one or more of these issues to the Appointment shall not be required to pay an additional fee. For additional provisions concerning alimony, see subsection [c], below.
 - [b] Alimony pendente lite. The moving party shall pay a fee of fifty dollars (\$50.00) for a Motion to Appoint a Master for alimony pendente lite. For additional provisions, see subsection (5)(d),

Alimony pendente lite – additional provisions, below.

- [c] Modification of alimony. The moving party shall pay a fee of two hundred dollars (\$200.00) for a Motion to Appoint a Master for the modification of a final alimony order.
 - [d] Modification of alimony pendente lite. The moving party shall pay a fee of fifty dollars (\$50.00) for a Motion to Appoint a Master for the modification of a prior award of alimony pendente lite.
 - [e] Additional fees. If more than two full days of hearings are necessary to resolve the case, then the parties shall pay an additional fee of one hundred fifty dollars (\$150) for each additional day of testimony or part thereof. The master shall not proceed beyond the second full day of hearings until these additional fees have been paid.
- (3) Fee changes. The fees stated in this subsection are subject to change by publication.
 - (4) Award of costs. The fees set forth in subsection (c)(2) shall be regarded as costs of the case, and the master may recommend that either party bear those costs or reimburse the other party in full or in part for those costs.
 - (5) Request for return of appointment fees. In any action where the appointment of a master is withdrawn after the appointment has been made by the court, the party who paid the fees specified in subsection (c)(2) may petition the court for the return of part of the fees in accordance with the following provisions:

[a] Refund of appointment fees. Only in those cases where no preliminary hearing or conference has been held and written notice of discontinuance or revocation of the appointment of a master has been delivered to the Divorce Masters Office no less than fifteen (15) days in advance of the first originally scheduled proceeding, the fees may be remitted in full, less fifty dollars (\$50.00).

[b] Master's consent. The petition for remission of fees will not be approved by the court unless endorsed by the master appointed to hear the case in question.

- (d) Filing of income and expense statements and inventories.
- (1) Moving party's filing of Income and Expense Statement. When a Motion for the Appointment of a Master for any claim, set forth in Pa.R.C.P. 1920.31, is presented to the Divorce Masters Office as set forth in subsection (b)(2), above, it shall be accompanied by a copy of the moving party's Income and Expense Statement that has been filed with the Prothonotary. The Income and Expense Statement shall be in the form required by Pa.R.C.P. 1910.27, and shall be substantially complete.
 - (2) Moving party's filing of Inventory. When a Motion for the Appointment of a Master for equitable distribution is presented to the Divorce Masters Office as set forth in subsection (b)(2) above, it shall be accompanied by a copy of the moving party's Inventory that has been filed with the Prothonotary. The Inventory, as required by Pa.R.C.P. 1920.33, shall be substantially complete.
 - (3) Respondent's Income and Expense Statement.

Within thirty (30) days after receiving notice that a master has been appointed to hear any claim, other than divorce or annulment, the responding party shall present to the Divorce Masters Office a copy of that party's Income and Expense Statement that has been filed with the Prothonotary. The Income and Expense Statement shall be in the form required by Pa.R.C.P. 1910.27, and shall be substantially complete.

- (4) Respondent's Inventory. Within thirty (30) days after receiving notice that a master has been appointed to hear a claim for equitable distribution, the responding party shall present to the Divorce Masters Office a copy of that party's Inventory that has been filed with the Prothonotary. The Inventory, as required by Pa.R.C.P. 1920.33, shall be substantially complete.
 - (5) Sanctions for failure to file. Parties failing to comply with the requirements of this subsection (d) shall be subject to Court Ordered sanctions and may be subject to sanctions imposed by the master, *sua sponte*, as permitted by subsection (f)(9), below.
- (e) Alimony pendente lite – additional provisions.
- (1) Additional documents required. When a Motion for Appointment of a Master is presented to the Divorce Masters Office with respect to a claim for alimony pendente lite, the moving party shall also present the following additional documents to the Divorce Masters Office:
 - [a] A time stamped copy of the initial pleading, filed with the Prothonotary, in which the claim for alimony pendente lite was raised.
 - [b] The original and two copies of the

“Background for APL” form as prescribed by the Divorce Masters Office.

[c] The original and two copies of the “Petition for Alimony Pendente Lite” form as prescribed by the Divorce Masters Office.

[d] The Prothonotary’s payment receipt.

- (2) APL referred to DRO. A Motion for the Appointment of a Master solely on the issue of alimony pendente lite may be referred by the Divorce Masters Office to the Domestic Relations Office for a conference pursuant to Pa.R.C.P. 1910.11. Any party aggrieved by the order entered as the result of such conference may request a hearing *de novo* which may be conducted by a judge. However, the court, in its sole discretion, may refer it back to the Divorce Masters Office for a hearing of record pursuant to Pa.R.C.P. 1920.54.
- (f) Preliminary proceedings.
- (1) Notice of preliminary conference. Upon appointment, the Divorce Masters Office shall give counsel or the parties not less than ten (10) days written notice of a preliminary conference to be conducted by the master.
 - (2) Scheduling of additional proceedings. At the close of the preliminary conference, the master may schedule additional proceedings, including one or more settlement conferences.
 - (3) Notice of other conferences and hearings. The Divorce Masters Office shall give counsel or the parties not less than ten (10) days written notice of any subsequent conference or hearing.
 - (4) Continuance requests. All requests for continuances are to be submitted on the Court’s “Application for

Continuance” form and shall include the response of opposing counsel. Requests for continuances shall be submitted to the Divorce Masters Office. The master shall rule on all requests for continuances. Any party aggrieved by the master’s ruling may seek relief by filing a Motion for Continuance in Current Business Court.

- (5) Attendance at conferences. Both parties and their counsel shall attend all conferences unless excused in advance by the master. Parties may participate by speaker telephone, but only with the prior consent of the master and the adverse party or by order of court. A request for a party to be excused or for a party to participate by speaker telephone must be made in writing and delivered to opposing counsel and to the Divorce Masters Office no less five (5) days in advance of the scheduled conference.
- (6) Failure to appear. If any party fails to appear at any conference or hearing, either in person or by counsel, the master may proceed with the conference or hearing without the participation of that party provided that written notice of the conference or hearing has been given as set forth above.
- (7) Good faith effort to settle. The parties, with the aid of their counsel and the appropriate assistance of the master, should make a good faith effort to resolve contested matters, including the marital property division, and shall determine those items which are contested and upon which testimony shall be taken at a scheduled hearing.
- (8) Master’s conference memoranda. During the initial conference or any subsequent conference, the master shall determine what discovery shall be provided by

the parties and shall include a description of this discovery in a conference memorandum, which shall be provided to the parties shortly after the conference. In addition to other matters contained within it, the conference memorandum shall set a date by which all of the identified discovery shall be produced.

- (9) Sanctions by masters. If either party fails to comply with the discovery deadlines established by the master in the prehearing statement or otherwise, the master, on motion of the adverse party or *sua sponte*, may impose any or all of the following sanctions:
 - [a] The matter may be continued until discovery is complete.
 - [b] The master, in his or her discretion may apply any of the sanctions set out in Pa.R.C.P. 4019(c)(1), (2), (3), or (5).
 - (10) Actions to compel discovery. If either party fails to comply with the discovery deadlines established by the master, the adverse party may elect to file a motion in current business court to compel discovery in accordance with the master's directive.
 - (11) Notice of Master's hearings. When the case is ready to proceed, the master shall establish the time and place for the formal hearing and shall give no less than ten (10) days notice thereof by mail to counsel. If either party does not have counsel, then the ten (10) day notice shall be mailed directly to that party at the address noted on the records of the Prothonotary or such other address as the party may have provided in writing to the Divorce Masters Office after service of the Complaint.
- (f) Stenographic record.

- (1) Hearings of record. All hearings before a master shall be conducted on the record. Transcripts may be produced by either an official reporter or by electronic recording devices, in the Court's sole discretion.
- (2) Preparation of transcript. At the conclusion of the hearing or any portion thereof, the master may direct that a transcript be prepared for use by the master in preparing the master's report and recommendation. Such transcript may be on paper or may be reproduced electronically by the reporter.
 - [a] In the case of paper transcripts or electronic media containing the full text of paper transcripts, the parties or their counsel may obtain copies at their own expense from the court reporter.
 - [b] In the case of electronic transcripts, the master may request a "real time" copy of the court reporter's notes. "Real time" copies of the court reporter's notes are not available to the parties or their counsel, but are only available for use by the court at a reduced cost to the parties. Therefore, if the parties or their counsel wish to have a transcript of the proceedings, they must request a paper transcript or electronic media containing the full text of the paper transcript from the court reporter and must pay the fees imposed by the court reporter.
- (3) Master's report without transcript. The master may elect to prepare a report and recommendation without the benefit of a transcript of the proceedings.
- (4) Parties to pay transcript costs. The master shall

direct the manner in which the costs of the transcript shall be paid. If the master orders the transcript, then both parties shall pay the assessed transcript costs within fifteen (15) days of the notice sent by the court reporter(s) of the amount due.

- (5) Assessment of costs. These costs shall be treated in the same manner as those set forth in subsection (c)(4), above.
- (6) Sanctions for failure to pay. In the event a party fails to pay the transcript cost, as directed by the master, the compliant party may file a motion with the Court to compel payment. The Court shall order that a judgement be entered against the non-compliant party for the sum of their portion of the transcript cost plus counsel fees in an amount not less than two hundred fifty dollars (\$250.00).

RULE 1920.55 MASTERS REPORTS AND EXCEPTIONS

- (a) Masters reports and recommendations.
 - (1) Effective date for alimony pendente lite and alimony. All reports from the masters recommending an award of alimony pendente lite or alimony shall contain a recommendation for the effective date of that order. All reports from the masters recommending an award of interim counsel fees shall contain a recommendation for a date by which the award must be paid.
 - (2) Draft court orders. In all cases, the master's report and recommendation shall be accompanied by one or more draft orders setting forth the master's recommended resolution of the case.
 - (3) Assessment of costs and expenses. In any case, the

master may assess any costs or expense in the case against either party. The master may recommend that the party pay these costs before the granting of the divorce or the enforcement of any economic decree; PROVIDED, HOWEVER, that the master must first consider the effects of staying the granting of a divorce or the enforcement of any economic decree upon the other party. The master's recommended assessment of costs and expenses shall be binding on the parties unless specific exceptions are filed with respect to this recommended assessment.

(b) Filing Exceptions.

- (1) Filing of exceptions. Exceptions to the master's report, filed pursuant to Pa. R.C.P. 1920.55, shall be filed in the Office of the Prothonotary, with copies provided to the Divorce Masters Office and to the opposing party.
- (2) Time for filing exceptions. Regardless of whether a transcript has been filed, a party must file any Exceptions to the master's report and recommendation within ten (10) days after the notice of the filing of said report has been mailed. A party filing Exceptions shall also file a certification that the transcript has been requested in accordance with Local Rules.
- (3) Request of transcript. In the event no transcript has been filed by the court reporter prior to the time that a party files Exceptions, the party filing Exceptions shall make a written request to the court reporter for the preparation and filing of the transcript. This request must be made within ten (10) days after the date of the notice from the Divorce Masters Office

that the report and recommendation has been filed. Any party requesting a transcript shall pay the costs of such transcript to the court reporter, within fifteen (15) days of the written notice from the court reporter that the transcript has been transcribed. In the event such party fails to pay the transcript cost within the fifteen (15) days allowed, then that party is deemed to have waived the right to file amended Exceptions, as set forth in this subsection and that party's briefing schedule commences, as set forth in subsection (6), below.

- (4) Amended Exceptions. If a party wishes to file additional Exceptions after reviewing the transcript, the party may do so by filing amended Exceptions within ten (10) days after the court reporter filed the transcript, provided that the party has timely paid the transcription costs.
- (5) Briefs to reference transcript. The moving party's brief shall direct the Court to the specific page or pages of the transcript of the notes of testimony that support the moving party's position on all issues raised by the Exceptions. The responding party's brief shall direct the Court to the specific page or pages the transcript of the notes of testimony that support the responding party's position on all issues raised by the Exceptions.
- (6) Filing and service of briefs.
 - [a] Moving party. In Rule 1920.55 proceedings on the Exceptions to a master's report, the party filing the Exceptions shall file a brief in support thereof within twenty (20) days from the filing of the transcript.
 - [b] Opposing party. Within fifteen (15) days after

the service of the moving party's brief, all other parties desiring to oppose the issue raised by such proceeding shall file a brief in opposition.

[c] Reply. Any moving party may file a reply brief within five (5) days after the service of the brief in opposition.

[d] Listing and disposition. See Rule 6031(b).

[e] Sanctions. See Rule 6031(c).

(c) Transmittal of the record. If no Exceptions are filed within ten (10) days of the notice of the filing of the master's report and recommendation, or if Exceptions have been filed but addressed by the court, then either party may move for the entry of a Final Order of Court by filing a "Praecipe to Transmit Record" with the Prothonotary. The Divorce Masters Office shall not be responsible for preparing or filing this Praecipe.