

NOTICE TO THE FAMILY LAW BAR

Effective February 1, 2016, we will be changing the way we process Alimony Pendente Lite motions. Pa.R.C.P. 1920.31(a)(1) now requires that, “**A party may not file a motion for the appointment of a master or a request for court action regarding alimony, alimony pendente lite or counsel fees, cost and expenses until at least 30 days following the filing of that party’s tax returns, Income Statement and Expense Statement.**” We will be enforcing this requirement with respect to all motions and requests that are covered by the rule. This includes requests for new APL orders and requests for APL modifications.

We are aware of the effect this will have on retroactivity. In order to avoid unnecessary delays in the effective date of APL orders, you should file your Petition for APL or Petition for Modification/Amendment of APL at the same time you file your client’s Income Statement and Expense statements. (This is new; up to now, you presented the Petition with your Motion and it was filed with the DRS.) You should then present your Motion to Appoint thirty days later. APL orders will be retroactive to the **later** of either 1) the date the **Petition** was filed, or 2) the date **thirty days prior** to the presentation of the **Motion to Appoint** or other request for court action. “Presentation” is the date that the **Motion** is delivered to the Divorce Masters Office.

It will not be necessary to provide copies of the tax returns, Income Statement and Expense Statement to the Divorce Masters Office, but it will be necessary to state the correct filing date in your Motion to Appoint. The forms for the Motion to Appoint have been revised and will be posted on our website shortly along with revised instructions. As always, it will be necessary to substantially complete the Income Statement and Expense Statement before you file them. Failure to do so will delay processing your request and may result in the denial of your Motion to Appoint.

It will still be necessary to present the following documents with your Motion to Appoint:

- One clocked-in copy of the Petition for Alimony Pendente Lite (the original should be filed with the Prothonotary when you file the Income and Expense statements in order to claim retroactivity);
- Original and two copies of the Background for APL;
- Original Social Security Disclosure Notice; and
- One copy of the initial pleading raising the APL claim (if different from the Petition for APL referenced above).

William G. Baughman, Director
York County Divorce Masters Office