

INSTRUCTIONS
MOTION FOR THE APPOINTMENT OF A MASTER
TO ESTABLISH GROUNDS FOR DIVORCE
(PURSUANT TO 23 Pa.C.S. 3301 (a), (b), or (d))
OR FOR ANNULMENT

Purpose Of Form

Use this form to establish grounds for divorce or annulment. You must establish grounds for divorce or annulment before you can proceed with your economic claims. You must also establish grounds for divorce in order to avoid abatement on the death of a party.

Definitions

Completed Discovery – Both parties have obtained all of the information they need to go to trial.

DMO – The Divorce Masters Office.

Moving Party – The party who is filing the motion to appoint a master.

Responding Party – The party who is not filing the motion.

Appointment Fee

You must pay a fee of \$350 to the Prothonotary before you present this motion to the DMO. The Prothonotary will initial the payment certification on your original Motion and give you a receipt. This fee covers the first twelve hours that the master spends with the parties and/or counsel. Additional fees will be imposed if the case requires more of the master's time.

Presenting the Motion

Present the original motion to the DMO with three additional copies.

Specific Instructions

Cover sheet.

If the case has already been assigned to a master, insert the master's name on the cover sheet in the blank provided. Otherwise, leave this space blank, to be filled in by the DMO.

Related Cases refer to related economic claims (the "15" number) and custody, PFA, and/or support actions involving the same parties. Provide the docket number, DRS number and PACSES number for related support actions.

It's OK to fill in "n/a" for your fax number and e-mail address if you don't want to receive communications by fax or email. It's also OK to fill in "n/a" for the opposing Attorney's fax number and e-mail address if unknown.

Pages 2-3.

No separate caption is required. Check **one** and **only one** of the two boxes under the first section. If you check box "a," then specify whether you are proceeding under Section 3301(a), (b), or (d). **YOU CANNOT APPOINT A MASTER UNDER SECTION 3301(c).**

In Paragraphs 1 & 2, please provide **current** mailing addresses for both parties in addition to the **address of record** for the non-moving party. This will help us obtain service and avoid delays in the initial conference.

Paragraph 3 is self-explanatory.

Paragraphs 4 thru 7 go to the underlying authority of the master to act. Please provide the requested information so that the appointment won't be delayed while the DMO staff retrieves and reviews the Prothonotary's file.

Paragraphs 8 thru 10.

The Pleadings may raise multiple grounds for divorce or annulment in the alternative. By the time you are ready to appoint a master, you will have engaged in discovery and decided on whether to proceed on "fault" or "no-fault" grounds for divorce or whether to seek an annulment. The purpose of appointing a master is to resolve a specific issue, such as whether one of the parties is at fault or whether one of the parties is entitled to a "no fault" divorce under Section 3301(d) of the Divorce Code. If both parties consent to a "no-fault" divorce, you don't need to appoint a master to establish grounds.

Fill in Paragraph 8 if you are seeking a divorce under Section 3301(a) or (b) of the Divorce Code. If proceeding under Section 3301(a), please specify the subsection(s) involved in your claim. This will help the master and opposing counsel focus on the issues in the case. Remember, your pleading must specify the alleged grounds for a fault divorce (adultery, bigamy, indignities, etc.). Remember that you can't proceed under subsection (a)(6) relating to indignities if the pleading only specifies adultery under subsection (a)(1) as grounds for a fault divorce. Leave Paragraph 8 blank if you are seeking a divorce under Section 3301(d) or an annulment.

Fill in Paragraph 9 if you are seeking a divorce under Section 3301(d) of the Divorce Code. Provide the dates on which the affidavit and counter affidavit were filed and indicate which issues were raised in the counter affidavit. Leave Paragraph 9 blank if you are seeking a divorce under Section 3301(a) or (b) or an annulment.

Fill in Paragraph 10 if you are seeking an annulment (extremely rare). Leave Paragraph 10 blank if you are seeking a divorce under Section 3301(a), (b), or (d).

Remember, you cannot appoint a master under Section 3301(c) of the Divorce Code.

Paragraph 11 is your certification that both sides have completed discovery with respect to the divorce (as opposed to economic) issues. If you can't certify that both sides have completed discovery, then you aren't ready to appoint a master to establish grounds for divorce. You should be appointing a master for Interim Relief instead. See the Motion for Interim Relief.

Certification/Verification

While the form is titled as a Motion, it contains at least one averment of fact not of record in the underlying divorce action. Therefore, it must be certified (if filed by an attorney) or verified (if filed by a pro-se party). Use whichever signature block is applicable to your situation.