

Table of Contents

CHAPTER 1. MARRIAGE

- § 1:1 Generally
- § 1:2 Common law marriage
- § 1:3 Statutory or ceremonial marriage
- § 1:4 Void and voidable marriages
- § 1:5 Presumption of death
- § 1:6 Presumption of validity

CHAPTER 2. SPOUSES

- § 2:1 Generally
- § 2:2 Income
- § 2:3 Debts
- § 2:4 Privileged communications

CHAPTER 3. NAMES

- § 3:1 Generally
- § 3:2 Married women's surnames
- § 3:3 Children's names
- § 3:4 Change of name
- § 3:5 Resumption of prior name incident to divorce

CHAPTER 4. ANNULMENT

- § 4:1 Generally
- § 4:2 Jurisdiction
- § 4:3 Declaratory judgment
- § 4:4 Grounds for annulment of void marriages
- § 4:5 Grounds for annulment of voidable marriages
- § 4:6 Defenses
- § 4:7 Children
- § 4:8 Equitable distribution, alimony, support, and counsel fees

CHAPTER 5. UNMARRIED COHABITATION

- § 5:1 Generally
- § 5:2 Rights and obligations: between the parties
- § 5:3 Rights and obligations: third parties
- § 5:4 Cohabitation agreements
- § 5:5 Enforcement of agreements between unmarried cohabitants

CHAPTER 6. SUPPORT AND ALIMONY PENDENTE LITE

- § 6:1 Generally
- § 6:2 Actions, parties and procedure
- § 6:3 Necessaries
- § 6:4 Alimony *pendente lite* and support
- § 6:5 Defenses to support actions
- § 6:6 Guidelines
- § 6:7 Cases outside the guidelines
- § 6:8 Health insurance and medical expenses
- § 6:9 The one-third rule
- § 6:10 Expenses
- § 6:11 Standard of living
- § 6:12 Income
- § 6:13 Earning capacity
- § 6:14 Children's assets
- § 6:15 Other household income
- § 6:16 Shared custody
- § 6:17 Stepchildren
- § 6:18 The Nurturing Parent Doctrine
- § 6:19 Duration and termination
- § 6:20 Modification
- § 6:21 Enforcement
- § 6:22 Adult children/college support
- § 6:23 Tax consequences

CHAPTER 7. AGREEMENTS

- § 7:1 Generally
- § 7:2 Antenuptial agreements
- § 7:3 Postnuptial agreements
- § 7:4 Agreement provisions: postnuptial agreements
- § 7:5 Agreement provisions: antenuptial agreements
- § 7:6 Enforcement
- § 7:7 Modification

CHAPTER 8. THE HISTORY OF DIVORCE IN PENNSYLVANIA

- § 8:1 The common law tradition
- § 8:2 Divorce in early Pennsylvania
- § 8:3 The next 200 years
- § 8:4 The Divorce Code of 1980

CHAPTER 9. GROUNDS FOR DIVORCE

- § 9:1 Generally

TABLE OF CONTENTS

- § 9:2 No-fault grounds for divorce
- § 9:3 Divorce with the consent of both parties
- § 9:4 Living separate and apart
- § 9:5 Irretrievable breakdown
- § 9:6 Desertion
- § 9:7 Adultery
- § 9:8 Cruel and barbarous treatment
- § 9:9 Bigamy
- § 9:10 Conviction of a crime
- § 9:11 Indignities
- § 9:12 Mental illness

CHAPTER 10. DEFENSES IN DIVORCE ACTIONS

- § 10:1 Generally
- § 10:2 Injured and innocent spouse
- § 10:3 Collusion
- § 10:4 Condonation, recrimination, and connivance
- § 10:5 Provocation
- § 10:6 Consent and justification
- § 10:7 Laches
- § 10:8 Mental illness

CHAPTER 11. JURISDICTION AND VENUE

- § 11:1 Generally
- § 11:2 Subject matter jurisdiction
- § 11:3 Residence and domicile
- § 11:4 Personal jurisdiction
- § 11:5 Venue
- § 11:6 Continuing jurisdiction
- § 11:7 Abatement
- § 11:8 Concurrent jurisdiction
- § 11:9 Jurisdiction over third parties

CHAPTER 12. PLEADING AND PROCEDURE

- § 12:1 Applicable rules
- § 12:2 Parties
- § 12:3 Complaint
- § 12:4 Counterclaim
- § 12:5 Service of process
- § 12:6 Responsive pleadings
- § 12:7 Default

- § 12:8 Discovery
- § 12:9 Bill of particulars
- § 12:10 Inventory
- § 12:11 Pretrial statement
- § 12:12 Affidavit of consent
- § 12:13 Affidavit of separation
- § 12:14 Discontinuance and dismissal
- § 12:15 Counseling
- § 12:16 Vital statistics information
- § 12:17 Military service
- § 12:18 Praeceptum to transmit record/notice of intention to request entry of divorce decree
- § 12:19 Verification
- § 12:20 Sealing the record/maintaining confidentiality
- § 12:21 Closing the hearing

CHAPTER 13. COUNSEL FEES

- § 13:1 Generally
- § 13:2 Counsel fees for obdurate, vexatious, dilatory, arbitrary, or bad faith conduct
- § 13:3 Amount
- § 13:4 Preliminary and interim counsel fees
- § 13:5 Enforcement

CHAPTER 14. EQUITABLE RELIEF

- § 14:1 Generally
- § 14:2 Special relief
- § 14:3 Writs *ne exeat*
- § 14:4 Possession of the marital residence

CHAPTER 15. PROTECTION FROM ABUSE

- § 15:1 Domestic violence
- § 15:2 Proceedings pursuant to the Protection From Abuse Act
- § 15:3 Emergency relief
- § 15:4 Enforcement

CHAPTER 16. TRIAL AND DECREE

- § 16:1 Generally
- § 16:2 Hearing by master
- § 16:3 Master's report
- § 16:4 Hearing by judge
- § 16:5 Trial by jury
- § 16:6 Bifurcation

TABLE OF CONTENTS

§ 16:7 Decree

CHAPTER 17. POSTDECREE REVIEW AND RELIEF

- § 17:1 Generally
- § 17:2 Appeals
- § 17:3 Appealable orders
- § 17:4 Preserving issues for appellate review
- § 17:5 Scope and standard of review on appeal
- § 17:6 Supersedeas
- § 17:7 Posttrial motions
- § 17:8 Exceptions
- § 17:9 Reconsideration and trial court proceedings after appeal
- § 17:10 Actions to open, vacate, or strike
- § 17:11 Constructive trust
- § 17:12 Posttrial special relief

CHAPTER 18. ENFORCEMENT

- § 18:1 Generally
- § 18:2 Civil contempt
- § 18:3 Criminal contempt
- § 18:4 Defenses in contempt proceedings
- § 18:5 Sanctions in contempt proceedings
- § 18:6 Criminal proceedings
- § 18:7 Wage attachment
- § 18:8 Judgment and execution
- § 18:9 Interest
- § 18:10 Federal jurisdiction
- § 18:11 Limitations on enforcement

CHAPTER 19. FOREIGN JUDGMENTS

- § 19:1 Generally
- § 19:2 Full faith and credit
- § 19:3 Divisible divorce
- § 19:4 Enforcement
- § 19:5 Collateral attacks on foreign judgments
- § 19:6 Comity

CHAPTER 20. BANKRUPTCY

- § 20:1 Generally
- § 20:2 The automatic stay
- § 20:3 Discharge of obligations

- § 20:4 Preferences and fraudulent conveyances
- § 20:5 Protecting the nondebtor spouse

CHAPTER 21. PROPERTY OWNERSHIP DURING MARRIAGE AND PARTITION

- § 21:1 Generally
- § 21:2 Partition proceedings

CHAPTER 22. EQUITABLE DISTRIBUTION

- § 22:1 Generally
- § 22:2 The marital estate
- § 22:3 Separate property: exclusions from the marital estate
- § 22:4 Valuation
- § 22:5 The equitable distribution award
- § 22:6 Credits
- § 22:7 Time and method of distribution
- § 22:8 Life insurance
- § 22:9 Health insurance
- § 22:10 Marital residence
- § 22:11 Business interests
- § 22:12 Patents, trademarks and copyrights and other
intangibles
- § 22:13 Professional degrees, licenses and practices

CHAPTER 23. RETIREMENT BENEFITS AND QUALIFIED DOMESTIC RELATIONS ORDERS

- § 23:1 Generally
- § 23:2 Valuation of retirement benefits
- § 23:3 Distribution of retirement benefits
- § 23:4 Qualified domestic relations orders
- § 23:5 Retirement benefits in enforcement proceedings
- § 23:6 Military benefits
- § 23:7 Social security benefits

CHAPTER 24. ALIMONY

- § 24:1 Historically
- § 24:2 Amount
- § 24:3 Requirements
- § 24:4 Cohabitation
- § 24:5 Duration and termination
- § 24:6 Modification
- § 24:7 Reimbursement alimony

TABLE OF CONTENTS

§ 24:8 Enforcement

CHAPTER 25. CHILDREN

§ 25:1 Generally

§ 25:2 Emancipation

§ 25:3 Parental liability

CHAPTER 26. ASSISTED REPRODUCTION

§ 26:1 Generally

§ 26:2 Gamete (sperm and egg) donation and artificial insemination

§ 26:3 *In vitro* fertilization (IVF)

§ 26:4 Gestational agreements (surrogacy)

§ 26:5 Same-sex couples

§ 26:6 Health insurance coverage and access to infertility treatment

§ 26:7 Estates and posthumous and postincompetency assisted reproduction

§ 26:8 Conflict of laws, choice of law, and jurisdictional issues

§ 26:9 Privacy and confidentiality

§ 26:10 Professional liability and ethics considerations

CHAPTER 27. CHILDREN BORN OUT OF WEDLOCK AND PATERNITY PROCEEDINGS

§ 27:1 Historically

§ 27:2 Procedure in paternity proceedings

§ 27:3 Scientific tests

§ 27:4 Child of the marriage presumption and equitable estoppel

CHAPTER 28. CUSTODY

§ 28:1 Historically

§ 28:2 Custody proceedings generally

§ 28:3 Joint and shared custody

§ 28:4 Grandparents

§ 28:5 Other third parties

§ 28:6 Evidentiary issues

§ 28:7 Scope and standard of review

§ 28:8 Experts

§ 28:9 Counsel for the child

§ 28:10 The child's preference

§ 28:11 Testimony by the child

§ 28:12 Extramarital relationships

- § 28:13 Illness, handicaps and substance abuse
- § 28:14 Religion
- § 28:15 Child abuse
- § 28:16 Relocation
- § 28:17 Modification of custody orders
- § 28:18 Enforcement of custody orders

CHAPTER 29. JURISDICTION AND VENUE IN CUSTODY PROCEEDINGS

- § 29:1 Generally
- § 29:2 Uniform Child Custody Jurisdiction and Enforcement Act
- § 29:3 Parental Kidnapping Prevention Act
- § 29:4 International custody problems: the UCCJEA and The Hague Convention

CHAPTER 30. JUVENILE COURT

- § 30:1 Generally
- § 30:2 Jurisdiction and venue
- § 30:3 Commencement of proceedings
- § 30:4 Hearing
- § 30:5 Adjudication
- § 30:6 Disposition
- § 30:7 Children and youth services

CHAPTER 31. GUARDIANSHIP

- § 31:1 Generally
- § 31:2 Jurisdiction and venue
- § 31:3 Pleading and procedure

CHAPTER 32. ADOPTION

- § 32:1 Historically
- § 32:2 Jurisdiction and venue
- § 32:3 Counsel for the child
- § 32:4 Consent
- § 32:5 Voluntary relinquishment of parental rights
- § 32:6 Involuntary termination of parental rights: procedure
- § 32:7 Grounds for involuntary termination of parental rights
- § 32:8 Reports and investigations
- § 32:9 Petition, hearing and decree
- § 32:10 Confidentiality of records
- § 32:11 Inheritance

TABLE OF CONTENTS

- § 32:12 Adoption of relatives and adults
- § 32:13 Placement and other issues
- § 32:14 Negligent placement and wrongful adoption
- § 32:15 Revocation of adoption

CHAPTER 33. TAX CONSEQUENCES

- § 33:1 Generally
- § 33:2 Historical development
- § 33:3 Alimony, alimony *pendente lite* and spousal support
- § 33:4 Third party payments
- § 33:5 Unallocated spousal and child support payments
- § 33:6 Recapture
- § 33:7 Child support
- § 33:8 Exemptions and credits
- § 33:9 Filing status
- § 33:10 Refunds
- § 33:11 Interest
- § 33:12 Transfers of property
- § 33:13 Principal residence
- § 33:14 Counsel fees and expenses
- § 33:15 Liability
- § 33:16 State and local taxes
- § 33:17 Division of retirement accounts
- § 33:18 Adoption expenses

CHAPTER 34. FORMS

- § 34:1 Petition to determine marital status
- § 34:2 Complaint for annulment
- § 34:3 Complaint in divorce
- § 34:4 Verification
- § 34:5 Verification by attorney pursuant to Pa. R.C.P. 1024(c)
- § 34:6 Agreement as to Venue (to be filed with divorce complaint)
- § 34:7 Acceptance of service of complaint in divorce
- § 34:8 Affidavit of service by certified mail
- § 34:9 Affidavit of personal service
- § 34:10 Petition to bifurcate divorce and economic claims
- § 34:11 Answer to petition to bifurcate
- § 34:12 Bifurcation order
- § 34:13 Decree in divorce
- § 34:14 Notice of Election to resume prior name
- § 34:15 Complaint for custody
- § 34:16 Custody order

§ 34:17	Complaint for shared custody
§ 34:18	Shared custody order
§ 34:19	Order and notice to appear (contempt)
§ 34:20	Petition for civil contempt (custody)
§ 34:21	Petition for appointment of a guardian of the person of a minor
§ 34:22	Consents and order (guardian of the person of a minor)
§ 34:23	Notice to Attend and Produce Documents
§ 34:24	Exceptions to hearing officer's recommendation
§ 34:25	Exceptions to master's report
§ 34:26	Antenuptial agreement
§ 34:27	Nonmarital agreement
§ 34:28	Marriage settlement agreement
§ 34:29	Agreement for indemnification of tax liability
§ 34:30	Confidentiality agreement
§ 34:31	Authorization (employee benefits)
§ 34:32	Authorization (insurance)
§ 34:33	Authorization (bank)
§ 34:34	Motion to designate support case complex
§ 34:35	Order designating case complex
§ 34:36	Notice of service of interrogatories
§ 34:37	Interrogatories
§ 34:38	Request for production of documents
§ 34:39	Request for production and entry for inspection
§ 34:40	Production of documents and things from nonparties
§ 34:41	Motion to compel production of documents
§ 34:42	Motion for sanctions
§ 34:43	Calculation of marital property component of retirement plan
§ 34:44	Qualified domestic relations order (defined contribution plan)
§ 34:45	Qualified domestic relations order (defined benefit plan)
§ 34:46	Interim qualified domestic relations order
§ 34:47	Final decree in equitable distribution
§ 34:48	Petition for special relief to permit foreign travel
§ 34:49	Order permitting foreign travel
§ 34:50	Affidavit of permission to travel

Table of Laws and Rules

Table of Cases

Index