

MOMJIAN & MOMJIAN
PENNSYLVANIA
FAMILY LAW
ANNOTATED

With Related State and Federal Law

Annotations by
Mark A. Momjian



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DEDICATION

By Mark A. Momjian

This book is dedicated to my late father,

ALBERT MOMJIAN
(1933–2016)

For more than half a century, Albert Momjian’s name was synonymous with the distinguished practice of family law in Pennsylvania. His high-profile cases were featured in *People*, *Time*, *Vanity Fair*, the *New York Times* and the *Wall Street Journal*. *Super Lawyers* magazine named Albert one of the Top 10 Lawyers in Pennsylvania. A major force in both the development and advancement of family law practice in Pennsylvania, Albert’s landmark treatise *Pennsylvania Family Law* was cited numerous times by the Commonwealth’s appellate courts.

The author of hundreds of articles on family law, Albert was a Fellow of the American College of Trial Lawyers, the American Academy of Matrimonial Lawyers (of which he was past president of the Pennsylvania chapter), and the International Academy of Matrimonial Lawyers. He was also a member of the Matrimonial Network, an elite group of 30 of the nation’s top lawyers dedicated to improving and modernizing the practice of family law.

But Albert was known for more than his knowledge, intelligence, and skill as a lawyer. He was also recognized as “the Dean of Family Law in Pennsylvania,” in significant part because of his generosity and courtesy in mentoring others. In 2004, Albert received the Eric D. Turner Award presented by the Family Law Section of the Pennsylvania Bar Association for outstanding service as a teacher and mentor.

Albert co-chaired the Committee to Consolidate Pennsylvania Family Laws and served as a consultant to the Pennsylvania House and Senate Judiciary Committees during passage of the 1980 Divorce Code. He was regularly listed in *Best Lawyers in America*. Albert was a member of the Domestic Relations Advisory Committee of the Joint State Government Commission, and he served on the Alimony and Assisted Reproduction Technologies subcommittees. In 2008, he was appointed to the Disciplinary Board of the Pennsylvania Supreme Court.

Albert was a member of the Doris Jonas Freed American Inn of Court (of which he was past President), past Chair of the Family Law Section of the Pennsylvania Bar Association, and the inaugural Chair of the PBA’s Animal Law Committee.

Albert received his B.A. from Columbia College (1955) and his J.D. from the Columbia University School of Law (1957). The founder of the Columbia University Club of Philadelphia, Albert was awarded the Alumni Medal for Distinguished Service to his Alma Mater in 1983. He was also a recipient of the Cecil B. Moore Award from the Barristers’ Association of Philadelphia. Albert served as the Honorary Consul to the Republic of Haiti since 1978, and he was past President of the Consular Corps Association of Philadelphia representing 33 countries.

Albert’s legal practice spanned 55 years. As Chair of the Family Law Department of Philadelphia-based Schnader Harrison Segal & Lewis, he not only led the largest family law practice in Pennsylvania, but one of the largest in the nation. He did so with unmatched professionalism, devoting himself to improving the law, while simultaneously representing countless clients and organizations *pro bono*. After his retirement in 2013, Albert was honored by the American Jewish Committee with the Judge Learned Hand Award, presented to outstanding leaders of the legal profession who exemplify the high principles for which Judge Hand was renowned. In 2014, Albert was honored by the Pennsylvania Bar Association’s Family Law Section with its first-ever Lifetime Achievement Award.

DEDICATION

Dad passed away on July 11, 2016, and shortly thereafter, the Pennsylvania Chapter of the American Academy of Matrimonial Lawyers voted unanimously to name its annual lecture series in his memory. At his service in the Lincoln Memorial Room at the Union League of Philadelphia on October 5, 2016, speakers included the Honorable Ronald D. Castille, Chief Justice of the Supreme Court of Pennsylvania (Retired), the Honorable Susan P. Gantman, Chief Judge of the Superior Court of Pennsylvania, the Honorable Emanuel A. Bertin, Senior Judge, Montgomery County Court of Common Pleas, as well as some of the Commonwealth's most distinguished family lawyers. The October 2016 issue of the *Pennsylvania Family Lawyer* (published by the Family Law Section of the Pennsylvania Bar Association) was also dedicated to Albert's memory.

Dozens of family lawyers and staff were privileged to work under Albert over the past half-century, but none more than I. We wrote our first edition of *Pennsylvania Family Law Annotated* more than fifteen years ago, and it was a joy to collaborate with the "Dean" of the Commonwealth's family law bar. Thank you, Dad, for enriching our personal and professional lives.

I owe profound thanks to my law partner, Catherine M. McFadden, a legal-research sage and mentor. There is no one better than Catherine when it comes to synthesizing Pennsylvania appellate case law. My deep appreciation also extends to our paralegal, Elisa S. Rickett, an alumna of the Agnes Irwin School and the University of Pennsylvania. Finally, I'm especially proud of the extensive research and editorial assistance of the following individuals: David V. Momjian (Columbia College, B.A., Temple Law School, J.D.), who annotated the child-custody cases in this year's edition; Patricia Hemphill (Temple University, B.A., Drexel Law School, 3L), who annotated the child-support and PFA cases; and Grace E. Devlin (Georgetown University, School of Foreign Service, B.S.), who annotated cases dealing with the Hague Convention on the Civil Aspects of International Child Abduction.

Mark A. Momjian, Esquire
Philadelphia, Pennsylvania

ABOUT THE AUTHOR

Mark A. Momjian

A graduate of Columbia College and the Columbia University School of Law, Mark Momjian writes frequently about trends in domestic relations, with a special emphasis on biotechnology's impact on family law. A member of the Board of Editors of *The Matrimonial Strategist* from 1994–2018, Mr. Momjian has published numerous articles on specialized aspects of family law, some of which have appeared in the *National Law Journal*, the *American Journal of Family Law*, and *Divorce Litigation*. His articles on family law have been cited in numerous law reviews and journals, including the *Yale Law Journal*, the *Virginia Journal of Social Policy and the Law*, *Law & Psychology Review*, *Law and Inequality*, and the *American University Journal of Gender, Social Policy & the Law*. Listed in *Best Lawyers in America* and *Who's Who in America*, Mr. Momjian's public-service work focuses on the unique challenges facing nontraditional families.

He is (or has been) a member of the Board of Directors of both the Homeless Advocacy Project and Philadelphia VIP. Among his awards and honors, Mr. Momjian was named Pro Bono Attorney of the Year by the Center for Lesbian and Gay Civil Rights in 2002, and received the Cheryl Ingram Advocate for Justice Award presented by the Philadelphia Bar Association in 2004. In 2005, he was presented with the Earl G. Harrison Award in recognition of his pro bono service and commitment to mentoring young lawyers, and in 2006, he received the Outstanding Advocate Award presented by SeniorLAW Center for protecting and promoting the rights of senior citizens in need. *Super Lawyers* magazine has named Mr. Momjian one of the Top 100 Lawyers in Philadelphia.

At Columbia University, Mr. Momjian's clinical training included work at Morningside Heights Legal Services, a child-advocacy unit located on the Upper West Side of Manhattan. In addition, he represented special-needs children at the Manhattan Child Psychiatric Center. Mr. Momjian has lectured on Family Law and Professional Ethics at the University of Pennsylvania, Temple, Villanova and Widener Law Schools, as well as on HIV–AIDS and the Law at Rutgers–Camden Law School. Since 2001, he has served as an Adjunct Associate Professor of Psychiatry in the Department of Psychiatry at the Drexel University College of Medicine, and since 2014, Mr. Momjian has taught family law as an Adjunct Professor at Villanova University School of Law.

In 2008, Mr. Momjian was appointed by the Pennsylvania Supreme Court's Domestic Relations Procedural Rules Committee to chair a subcommittee charged with creating and standardizing family court forms for download and usage in every Pennsylvania judicial district.

In 2011, Mr. Momjian was awarded the Alumni Medal for Distinguished Service to his Alma Mater. Together with his father, Albert Momjian (who won the Alumni Medal in 1983), they are one of only three dual-generation recipients of the award, first bestowed by Columbia University in 1933.

In 2018, Mr. Momjian was appointed to the Advisory Committee of Domestic Relations Laws of the Joint State Government Commission, where he serves as Chair of the Committee on Developing Issues in Family Law. He currently serves on the Executive Committee of the Philadelphia Bar Association's Family Law Section, where he also serves as Programming Co-Chair of the Annual Bench-Bar. Mr. Momjian has been a Master of the Nicholas A. Cipriani American Inn of Court since 2007.

Mr. Momjian practices at the firm of Momjian Anderer, LLC in Philadelphia. Named annually to the list of Best Law Firms in *U.S. News & World Report*, Momjian Anderer has represented clients in more than 25 judicial districts throughout Pennsylvania, and was selected by the

ABOUT THE AUTHOR

American Law Institute and the American Bar Association (ALI-ABA) to present its Continuing Legal Education program on the “Fundamentals of Pennsylvania Family Law.”

In 2022, Mr. Momjian was honored by the Philadelphia Bar Association as one of its “Bar Stars,” an award given to members who have “gone above and beyond at carrying out the Association’s mission of leadership, education and advocacy.”

In 2023, Mr. Momjian was selected by the Student Bar Association of Villanova University School of Law as “Adjunct Professor of the Year.”

PREFACE

Designed for use in the office or courtroom, this pamphlet brings together in one convenient publication both state and federal provisions affecting family law practice in Pennsylvania, as selected by author Mark A. Momjian, well-known specialist in Pennsylvania family law. Additionally, Mr. Momjian has supplemented these provisions with commentary, citation of important cases, articles and books, contact information for governmental and non-governmental agencies and numerous references to internet resources.

WHAT'S NEW

- Over 70 new author's case notes.
- Pennsylvania statutes current through Act 2024-96.
- Pennsylvania court rules current with amendments received through September 15, 2024.
- Federal statutes current through Public Law 118-106, approved October 4, 2024.
- Federal regulatory provisions current through 89 F.R. 82189, October 10, 2024.
- Internet resources verified through September 15, 2024.

CONTACT US

For additional information or research assistance, contact the Reference Attorneys at 1-800-REF-ATTY (1-800-733-2889) or by Live Chat: Access via Westlaw. Contact our U.S. legal editorial department directly with your questions and suggestions by e-mail at editors.us-legal@tr.com. Thank you for subscribing to this product. Should you have any questions regarding this product, please contact Customer Service at 1-800-328-4880 or by submitting an online request through our Support center on legal.thomsonreuters.com. If you would like to inquire about related publications, or to place an order, please contact us at 1-888-728-7677 or visit us at legal.thomsonreuters.com.

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TABLE OF CONTENTS

SELECTED STATE PROVISIONS

	Page
PENNSYLVANIA RULES OF CIVIL PROCEDURE	
Actions Pursuant to Protection From Abuse Act	7
Actions for Support	41
Actions for Custody, Partial Custody and Visitation of Minor Children	190
Action of Divorce or Annulment of Marriage	250
Rules Relating to Domestic Relations Matters Generally	297
Voluntary Mediation in Custody Actions	311
Actions Pursuant to the Protection of Victims of Sexual Violence or Intimidation Act	317
Depositions and Discovery	328
ORPHANS' COURT RULES	
Chapter I. Preliminary Rules (Rule 1.5)	388
Chapter XV. Adoptions	388
Appendix of Forms	423
PENNSYLVANIA RULES OF APPELLATE PROCEDURE	
Ch. 1. General Provisions	451
Documents Generally (Rule 126)	451
Ch. 13. Interlocutory Appeals by Permission	452
Ch. 17. Effect of Appeals; Supersedeas and Stays	460
In General (Rules 1701 to 1703)	461
Stay or Injunction in Civil Matters	465
PENNSYLVANIA RULES OF PROFESSIONAL CONDUCT	
Client–Lawyer Relationship (Rules 1.1 to 1.6, 1.14, 1.16)	471
Counselor	492
Advocate (Rules 3.1 to 3.4)	496
Transactions with Persons other than Clients	501
Law Firms and Associations (Rule 5.3)	505
Information about Legal Services (Rule 7.3)	507

TABLE OF CONTENTS

	Page
 18 Pa.C.S.A. CRIMES AND OFFENSES	
Ch. 27. Assault (§§ 2706, 2709, 2709.1, 2711)	509
Ch. 29. Kidnapping (§§ 2901 to 2905, 2908 to 2910)	520
Ch. 43. Offenses Against the Family (§§ 4301 to 4305)	530
Ch. 63. Minors (§§ 6301, 6312, 6321)	536
 20 Pa.C.S.A. DECEDENTS, ESTATES AND FIDUCIARIES	
Ch. 53. Pennsylvania Uniform Transfers to Minors Act	543
Ch. 54. Health Care	564
Ch. 55. Incapacitated Persons	596
Ch. 56. Powers of Attorney	613
Ch. 58. Mental Health Care	639
 23 Pa.C.S.A. DOMESTIC RELATIONS	
I. GENERAL PROVISIONS	
Ch. 1. Preliminary Provisions	661
II. MARRIAGE	
Ch. 11. Preliminary Provisions	662
Ch. 13. Marriage License	669
Ch. 15. Marriage Ceremony	673
Ch. 17. Miscellaneous Provisions Relating to Marriage	677
Ch. 19. Abolition of Actions for Alienation of Affections and Breach of Promise to Marry	682
III. ADOPTION	
Ch. 21. Preliminary Provisions	696
Ch. 23. Jurisdiction and Parties	697
Ch. 25. Proceedings Prior to Petition to Adopt	698
Ch. 27. Petition for Adoption	712
Ch. 29. Decrees and Records	721
IV. DIVORCE	
Ch. 31. Preliminary Provisions	734
Ch. 33. Dissolution of Marital Status	743
Ch. 35. Property Rights	762
Ch. 37. Alimony and Support	784
Ch. 39. Mediation	800
V. SUPPORT, PROPERTY AND CONTRACTS	
Ch. 41. General Provisions	801
Ch. 43. Support Matters Generally	802
Ch. 45. Reciprocal Enforcement of Support Orders [Repealed]	857
Ch. 46. Support of the Indigent	857

TABLE OF CONTENTS

	Page
VI. CHILDREN AND MINORS	
Ch. 51. General Provisions	861
Ch. 52. Uniform Child Abduction Prevention	864
Ch. 53. Child Custody	879
Ch. 54. Uniform Child Custody Jurisdiction and Enforcement	926
Ch. 55. Liability for Tortious Acts of Children	973
Ch. 56. Standby and Temporary Guardianship	975
Ch. 57. Sex Trafficking and Missing and Abducted Children	985
VII. ABUSE OF FAMILY	
Ch. 61. Protection From Abuse	987
Ch. 63. Child Protective Services	1026
Ch. 65. Newborn Protection	1104
Ch. 67. Domestic and Sexual Violence Victim Address Confidentiality	1109
VIII. UNIFORM INTERSTATE FAMILY SUPPORT	
Ch. 71. General Provisions	1125
Ch. 72. Jurisdiction	1133
Ch. 73. Civil Provisions of General Application	1147
Ch. 74. Establishment of Support Order or Determination of Parentage	1162
Ch. 75. Enforcement of Support Order Without Registration	1163
Ch. 76. Registration, Enforcement and Modification of Support Order	1170
Ch. 77. Determination of Parentage [Repealed]	1187
Ch. 77A. Support Proceeding Under Convention	1187
Ch. 78. Interstate Rendition	1203
Ch. 79. Miscellaneous Provisions	1205
VIII-A. INTRASTATE FAMILY SUPPORT	
Ch. 81. General Provisions	1206
Ch. 82. Jurisdiction	1208
Ch. 83. Civil Provisions of General Application	1209
Ch. 84. Enforcement and Modification of Support Order After Registration ..	1213
 35 P.S. HEALTH AND SAFETY	
Ch. 64. Medical Marijuana Act (§ 10231.2103)	1216
 42 Pa.C.S.A. JUDICIARY AND JUDICIAL PROCEDURE	
Ch. 19. Administrative Office of Pennsylvania Courts (§ 1904)	1218
Ch. 59. Depositions and Witnesses	1220
Subch. A. Witnesses Generally	1221
Criminal Proceedings (§§ 5913 to 5916)	1221
Civil Matters (§§ 5923 to 5929)	1222

TABLE OF CONTENTS

	Page
Certain Privileges and Immunities (§§ 5944 to 5945.2, 5947, 5948, 5949)	1224
Subch. D. Child Victims and Witnesses	1228
Ch. 62A. Protection of Victims of Sexual Violence or Intimidation	1234
Ch. 73. Arbitration	1246
Subch. D. Uniform Family Law Arbitration (§§ 7371 to 7398) ...	1246
Ch. 74. Collaborative Law Process	1267

51 Pa.C.S.A. MILITARY AFFAIRS

Ch. 41. Rights and Immunities (§§ 4109, 4110)	1273
---	------

54 Pa.C.S.A. NAMES

Ch. 7. Judicial Change of Name	1276
--------------------------------------	------

SELECTED FEDERAL PROVISIONS

10 U.S.C.A. ARMED FORCES

Ch. 71. Computation of Retired Pay (§ 1408)	1288
Ch. 73. Annuities Based on Retired or Retainer Pay (§§ 1447, 1448, 1450) ...	1297

11 U.S.C.A. BANKRUPTCY

Ch. 3. Case Administration (§ 362)	1315
Ch. 5. Creditors, the Debtor, and the Estate (§ 523)	1326
Ch. 13. Adjustment of Debts of an Individual with Regular Income (§ 1301)	1330

18 U.S.C.A. CRIMES AND CRIMINAL PROCEDURE

Ch. 11A. Child Support (§ 228)	1331
Ch. 55. Kidnapping (§ 1204)	1335
Ch. 110. Sexual Exploitation and Other Abuse of Children (§§ 2251 to 2252, 2253 to 2257, 2258, 2259, 2260).....	1337
Ch. 110A. Domestic Violence and Stalking	1353

22 U.S.C.A. FOREIGN RELATIONS AND INTERCOURSE

Ch. 4. Passports (§ 213)	1362
22 C.F.R. § 51.28	1363
Ch. 97. International Child Abduction Remedies	1365

TABLE OF CONTENTS

	Page
26 U.S.C.A. INTERNAL REVENUE CODE	
Ch. 1. Normal Taxes and Surtaxes (§§ 121, 151, 152, 1041) (26 C.F.R. §§ 1.121-1 to 1.121-5, 1.1398-3, 1.152-4, 1.1041-1T)	1372
Ch. 61. Information and Returns (§§ 6013, 6015) (26 C.F.R. §§ 1.6015-0 to 1.6015-9)	1413
 28 U.S.C.A. JUDICIARY AND JUDICIAL PROCEDURE	
Ch. 115. Evidence; Documentary (§§ 1738A to 1738C)	1448
 HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION	 1453
 INDEX	 I-1