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.

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 David V. Momjian (Columbia College, B.A., Temple Law School, J.D.), who annotated the child-custody cases in this year's edition.

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 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, and again in 2025, 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 75 new author's case notes.
- Pennsylvania statutes current through Act 2026–51.
- Pennsylvania court rules current with amendments received through September 10, 2026.
- Federal statutes current through Public Law 119–111, approved September 18, 2026.
- Federal regulatory provisions current through 91 F.R. 59000, September 17, 2026.
- Internet resources verified through September 1, 2026.

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