

Rule 1910.29. Evidence in Support Matters.

[(a) Record Hearing. Except as provided in this rule, the Pennsylvania Rules of Evidence shall be followed in all record hearings conducted in an action for support. A verified petition, affidavit or document, and any document incorporated by reference therein which would not be excluded under the hearsay rule if given in person shall be admitted into evidence if (1) at least 20 days' written notice of the intention to offer them into evidence was given to the adverse party accompanied by a copy of each document to be offered; (2) the other party does not object to their admission into evidence; and (3) the evidence is offered under oath by the party or witness. An objection must be in writing and served on the proponent of the document within 10 days of the date of service of the notice of intention to offer the evidence. When an objection is properly made, the Pennsylvania Rules of Evidence shall apply to determine the admissibility of the document into evidence.

(b) Medical Evidence.

(1) *Non-Record Proceeding.* In a non-record hearing, if a physician has determined that a medical condition affects a party's ability to earn income and that party obtains a Physician Verification Form from the domestic relations section, has it completed by the party's physician and submits it at the conference, it may be considered by the conference officer. If a party is receiving Social Security disability or workers' compensation benefits, the party shall submit copies of the disability or workers' compensation determination in lieu of the Physician Verification Form.

(2) *Record Proceeding.* If the matter proceeds to a record hearing and the party wishes to introduce the completed Physician Verification Form into evidence, he or she must serve the form on the other party not later than 20 days after the conference. The other party may file and serve an objection to the introduction of the form within 10 days of the date of service. If an objection is made and the physician testifies, the trier of fact shall have the discretion to allocate the costs of the physician's testimony between the parties. If there is no objection, the form may be admitted into evidence without the testimony of the physician. In the event that the record hearing is held sooner than 30 days after the conference, the trier of fact may provide appropriate relief, such as granting a continuance to the objecting party.

(3) The Physician Verification Form shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF _____ COUNTY

Member Name:

Docket Number:

PACSES Case Number:

Other State ID Number:

TO BE COMPLETED BY THE TREATING PHYSICIAN

Physician's name: _____

Physician's license number: _____

Nature of patient's sickness or injury: _____

Date of first treatment: _____

Date of most recent treatment: _____

Frequency of treatments: _____

Medication: _____

The patient has had a medical condition that affects his or her ability to earn income from: _____ **through**

If the patient is unable to work, when should the patient be able to return to work? Will there be limitations? _____

Remarks: _____

Date: _____ **Signature of Treating Physician:** _____

Physician's address: _____

Physician's telephone number: _____

I authorize my physician to release the above information to the _____ County Domestic Relations Section.

Patient's signature: _____ **Date:** _____]

(This is entirely new text)

- (a) **Record Hearing.** Except as provided in this rule, the court shall follow the Pennsylvania Rules of Evidence in a record hearing conducted in an action.

- (b) **Documentary Evidence.**
 - (1) The court shall admit into evidence statements contained in a verified petition, affidavit, document, or a document incorporated by reference that would not be excluded under the hearsay rule if the declarant testified in person, when:
 - (i) at least 20 days written notice of the intention to offer the document into evidence was given to the adverse party accompanied by the document to be offered;
 - (ii) the other party does not object to the document's admission into evidence; and
 - (iii) the party offers the evidence under oath.
 - (2) A party objecting under subdivision (b)(1)(ii) shall state the objection in writing and serve on the document's proponent within 10 days of the date of service of the notice of intention to offer the evidence.
 - (3) When a party properly objects, the Pennsylvania Rules of Evidence shall apply to determine the document's admissibility.

- (c) **Medical Evidence.**
 - (1) **Definition.** For the purpose of this rule, an "advance practice provider" shall mean a licensed physician, physician's assistant, or nurse practitioner.
 - (2) **Non-Record Proceeding.**
 - (i) A conference officer may consider a party's medical condition when:
 - (A) an advanced practice provider has determined the medical condition affects a party's ability to earn income;

- (B) the party's advanced practice provider has completed an Advanced Practice Provider's Verification Form, which shall substantially be the same as subdivision (d); and
 - (C) the party submits the completed form at the conference.
 - (ii) If a party is receiving Social Security disability or Workers' Compensation benefits, the party shall submit the disability or Workers' Compensation determination in lieu of the Advanced Practice Provider's Verification Form.
- (3) **Record Proceeding.**
 - (i) Prior to the record hearing, if a party plans to introduce a completed Advanced Practice Provider's Verification Form into evidence, the party shall serve the completed form on the other party not later than 20 days after the conference.
 - (ii) The other party may file and serve a written objection to the completed form's introduction within 10 days of the date of service.
 - (A) If an objection is made and the advanced practice provider testifies, the trier-of-fact shall have the discretion to allocate the cost of the advanced practice provider's testimony between the parties.
 - (B) If there is no objection, the trier-of-fact may admit the completed form into evidence without the advanced practice provider's testimony.
 - (iii) If the record hearing is held sooner than 30 days after the conference, the trier-of-fact may provide appropriate relief, including granting a continuance to the objecting party.
- (d) **Advanced Practice Provider's Verification Form.** The Advanced Practice Provider's Verification Form shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF _____ COUNTY

Member Name: _____

Docket Number: _____

PACSES Case Number: _____

Other State ID Number: _____

TO BE COMPLETED BY AN ADVANCED PRACTICE PROVIDER

Provider's name: _____

Provider's license number: _____

Nature of patient's sickness or injury: _____

Date of first treatment: _____

Date of most recent treatment: _____

Frequency of treatments: _____

Medication: _____

The patient has had a medical condition that affects the patient's ability to earn income from: _____ through _____.

- Fully Disabled
- Partially Disabled
- Able to Work Light Duty Full-Time
- Able to Work Part-Time (___hours/day)

If the patient is unable to work, when should the patient be able to return to work?

Will there be limitations? _____

Describe limitations on employability: _____

Date: _____ Signature of Treating Provider: _____

Provider's address: _____

Provider's telephone number: _____

I authorize my provider to release the above information to the _____
County Domestic Relations Section.

Patient's signature: _____ Date: _____

[EXPLANATORY COMMENT—2000]

Comment: This rule is based on 23 Pa.C.S. § 4342(f) [creates a hearsay exception in support actions to permit a verified petition, affidavit or document and a document incorporated by reference in any of them to be admitted into evidence if it would not otherwise be excluded as hearsay if given in person and it is admitted under oath by a party or witness to the support action. Rule 1910.29 requires that notice of the documents to be admitted be given to the other party prior to the hearing. It also sets forth the procedures for raising an objection to the admission of those documents].

[If the requisite 20-day notice is given and there is no objection, the document must be admitted into evidence under this rule and 23 Pa.C.S. § 4342(f). In the event an objection is timely made, the rules of evidence apply to determine the document's ultimate admissibility.]

[Rule 1910.29] This rule is not intended to affect 23 Pa.C.S. § 4342(g) and (h) relating to the admissibility of payment records, billing statements, and bills for genetic testing and prenatal and postnatal health care of the mother and child. Those documents are admissible into evidence without advance notice for the limited purposes **[which are expressly] set forth in those statutory provisions.**