

**SUPREME COURT OF PENNSYLVANIA
DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

Proposed amendment of Pa.R.C.P. No. 1930.2

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 1930.2 — No Post-Trial Motions. Motions for Reconsideration — for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by **February 12, 2021**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Domestic Relations Procedural Rules
Committee

The Honorable Daniel J. Clifford
Chair

**SUPREME COURT OF PENNSYLVANIA
DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE**

RULE PROPOSAL 182

Rule 1930.2. No Post-Trial Practice. Motions for Reconsideration

(a) There shall be no motions for post-trial relief in any domestic relations matter, including Protection of Victims of Sexual Violence or Intimidation matters.

Note: See Pa.R.C.P. No. 1957.

*** * * The following text replaces subdivisions (b) - (e) entirely * * ***

(b) **Motion for Reconsideration.** Within 30 days of the entry of an order, a party aggrieved by the court's order may file with the court a motion for reconsideration.

(1) **Reconsideration Granted.** If the court grants the motion for reconsideration and enter its order within the 30-day appeal period as provided in Pa.R.A.P. 903:

Note: See Pa.R.A.P. 903. A party shall file the Notice of Appeal within 30 days after the entry of the order from which the appeal is taken, except as otherwise set forth in that rule.

(i) The underlying order under reconsideration remains in effect pending the court's reconsideration decision unless the court, upon motion of a party or *sua sponte*:

(A) vacates the underlying order; or

(B) stays the underlying order.

(ii) During the 120-day period provided in subdivision (b)(1)(iii), the court may order additional testimony, and as a result, the court need not render its reconsidered decision within 120 days.

(iii) **Reconsidered Decision.** Except as set forth in subdivision (b)(1)(ii):

(A) the court shall enter the reconsidered decision within

120 days from the date the court granted the motion for reconsideration; or

(B) if the court does not enter a reconsidered decision within 120 days, the underlying order shall be deemed affirmed.

(iv) **Notice of Appeal.** The time for filing a notice of appeal will begin to run anew from:

(A) the day the court enters the reconsidered decision; or

(B) the 121st day after the motion for reconsideration was granted, when the underlying order has been deemed affirmed as provided in subdivision (b)(1)(iii)(B).

(2) **Reconsideration Denied.** If the court denies the motion for reconsideration within the underlying order's 30-day appeal period, the time for filing a notice of appeal will run as if the motion for reconsideration had never been presented to the court.

***** The preceding text replaces subdivisions (b) - (e) entirely *****

**SUPREME COURT OF PENNSYLVANIA
DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE**

PUBLICATION REPORT

Rule Proposal 182

The Domestic Relations Procedural Rules Committee (Committee) is proposing an amendment to Pa.R.C.P. No. 1930.2 as that rule relates to a motion for reconsideration. The proposed amendment would address the status of the underlying order pending the trial court's reconsideration. Currently, the Rules of Civil Procedure do not address the order's status. Although the Committee is proposing the amendment, it believes the proposal is merely a codification of current practice.

The Committee received a rulemaking request suggesting that Pa.R.C.P. No. 1930.2 should be amended to clarify the status of the underlying order that a party has requested reconsideration from the trial court. The rule as written provides guidance on requesting reconsideration but does not indicate whether the underlying order is effective pending the trial court's reconsideration.

Unlike other civil actions, post-trial motions are precluded for domestic relations actions. See Pa.R.C.P. No. 1930.2(a). A party seeking relief from a court's order may appeal, request the trial court reconsider its order, or both. As noted in the Pennsylvania Rules of Appellate Procedure, the trial court has the authority to reconsider its order even after an appeal is filed. See Pa.R.A.P. 1701(b). Generally, a domestic relations order appealed is effective unless the appellant requests a stay or supersedeas pending the appeal from the trial court as provided in Pa.R.A.P. 1731(b) and 1732. However, there is no similar provision in the Rules of Civil Procedure as it relates to reconsideration. The Committee is proposing an amendment to Pa.R.C.P. No. 1930.2 that would provide similar treatment of an order pending reconsideration; in other words, the order is effective pending reconsideration unless the moving party requests the trial court stay or vacate the order.

Subdivisions (b) through (e) have been entirely rewritten into an outline format with the substantive change noted above included in subdivision (b)(1)(i). Otherwise, Pa.R.C.P. No. 1930.2 remains substantively unchanged. The 1994 Explanatory Comment is deleted as it essentially reiterates the rule text without further explanation.

All comments, concerns, and suggestions concerning this rule proposal are welcome.