

County of Adams

Courts' Self-Help Center – Packets

APPOINTMENT OF DIVORCE HEARING OFFICER

This form is to be used to request appointment of a Divorce Hearing Officer.

If you do not have an existing divorce case in Adams County, and you wish to begin proceedings, please use the Divorce Procedure packet.

DISCLAIMER

Court staff cannot give you legal advice or help you complete these forms. The information in this packet is not a substitute for professional legal advice. The Court, the Adams County Bar Association and the Family Law Committee assume no responsibility and accept no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, please call the Pennsylvania Lawyer Referral Service at 1-800-692-7375. A list of Attorneys Practicing in Adams County available for consultation on filling out self-help custody and divorce forms can be found on the Courts' Self-Help webpage at <https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter>

Packet Last Updated: May 16, 2023

MOTION FOR APPOINTMENT OF DIVORCE HEARING OFFICER

Requesting a Divorce Hearing Officer be assigned to handle unresolved claims in your divorce

In this Packet:

- **Information and Instruction (consists of four pages)**
- **Motion and Verification (consists of two pages)**

INFORMATION AND INSTRUCTION

You must complete and file a Motion for Appointment of Divorce Hearing and pay the required fee to the Prothonotary.

To ask for the appointment of a Divorce Hearing Officer, you must have already filed a Complaint in Divorce with the Court and completed all the required steps for a divorce action pursuant to 23 Pa.C.S. 3301(a), (b) or 3301(d) divorce. If you have not yet done so, **STOP HERE** and consult the Divorce Procedure self-help packet or a licensed attorney before proceeding.

A Divorce Hearing Officer is an attorney with experience in family law who has been appointed by the Court to conduct the proceedings in a contested divorce action. The Divorce Hearing Officer will meet with the parties, and if applicable their attorneys, before a hearing is scheduled in order to identify the contested issues (which could include any or all of the following: fault divorce, annulment, two-year separation, irretrievable breakdown of the marriage, division of property, temporary alimony pending the litigation, alimony after the divorce, counsel fees, costs, or expenses).

The Divorce Hearing Officer can help the attorneys and the parties obtain the information necessary to resolve these issues (called "discovery"). This will help eliminate some of the disagreements and may enable the parties to resolve their issues through negotiation. The Divorce Hearing Officer will then conduct the hearing with respect to issues that cannot be resolved between the parties. This hearing will be conducted with the same formality as if it were being conducted by a Judge. After the hearing, the Divorce Hearing Officer will then write a formal report to the Court, recommending a resolution for these issues. If either party disagrees with the recommendation, he or she can ask a Judge to review it for errors by filing "exceptions." If the Judge finds errors in the Divorce Hearing Officer's Report, then the Judge may adopt a final order that differs from the Report. If exceptions are filed, the Judge will review the entire report, not just the parts addressed in the exceptions.

Completing the Motion for Appointment of Divorce Hearing Officer

The numbers used on these instructions correspond with the numbers in the boxes on the form. Use the form with the boxes to guide you through filling out the blank form.

Box 1: Fill in the caption the exact same way it appears on other filings for this case.

Box 2: Print your name.

Box 2.a.: Check the box beside your name to indicate whether you are the Plaintiff or the Defendant in the divorce action.

Box 3: Check all the boxes for which you have raised claims for the Divorce Hearing Officer to address.

Box 4: Provide your current mailing address for the party.

Box 5: Provide the non-moving party's (the opposing party) current mailing address.

Box 6: By checking a box, identify whether the non-moving party has appeared pro-se in the divorce or if they are represented by counsel and include the name of the non-moving party's attorney.

Box 7: Indicate whether discovery is, is not, or is partially complete regarding the claims you indicated in Box 3 above.

Box 8: Provide the grounds for divorce which is being sought.

Box 9: Check a box to indicate whether the action is contested or if a settlement as to all or some of the claims has been reached. If so, indicate for which claims a settlement has been reached.

Box 10: Complete this section **only** if you are seeking an annulment.

Box 11: Indicate whether the action involves complex issues of law or fact. **If you indicate that it does, then a Divorce Hearing Officer will not be appointed.**

Box 12: Provide an estimate of how long the Divorce Hearing is expected to take.

Box 13: Provide any additional information the Court should know regarding the motion, if any.

Box 14: Indicate when a copy of this motion was served on the non-moving party or their counsel.

Box 15: Print your name.

Box 16: Print the date on which you are signing the motion.

Box 17: Sign your name.

File the completed Motion for Appointment with the Prothonotary's Office and pay the required fee.

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

Plaintiff v. _____

Defendant

Case No. _____-SU-_____
CIVIL ACTION
IN DIVORCE

MOTION FOR APPOINTMENT OF DIVORCE HEARING OFFICER

(PURSUANT TO 23 Pa.C.S. 3301)

OR FOR ANNULLMENT

Officer with respect to the following claims:

- Divorce
- Annulment
- Alimony
- Equitable Division of Marital Property
- Counsel Fees
- Costs and Expenses
- Other: _____

And in support of the motion avers:

1. The moving party's current mailing address is: _____
2. The non-moving party's current mailing address is: _____
3. The non-moving party has has not appeared in the action personally by his or her attorney _____, Esquire.
4. Discovery is is not is partially complete as to the claim(s) for which the appointment of a hearing officer is requested.
5. The statutory ground(s) for divorce is are: _____

6. If the hearing officer's appointment is for resolution of a divorce, an annulment, or ancillary claims, the parties have complied with Pa.R.C.P. Nos. 1920.31, 1920.33, and 1920.46, as applicable. 9

7. Check and complete the applicable paragraph(s):

a. The action is not contested.

b. An agreement has been reached with respect to the following claims:

c. The action is contested with respect to the following claims:

10

8. If seeking an annulment, then:

a. The issue was first raised in the _____ (name of pleading) filed on _____; and

i. The Complaint asserts that the marriage is void (Section 3304), OR

ii. The Complaint asserts that the marriage is voidable (Section 3305). 11

9. The action involves does not involve complex issues of law or fact. 12

10. The hearing is expected to take _____ hours days. 13

11. Any additional information, if any, relevant to the motion: 14

14

12. I served a copy of this motion to all parties and/or their legal counsel at their addresses of record on _____, 20_____.

15

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VERIFICATION

I, _____, verify that the facts set forth in the Motion for Appointment of Divorce Hearing Officer are true and correct. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

Date

16

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17

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Signature of Plaintiff/Defendant

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

Plaintiff	:	Case No. _____-SU-_____
v.	:	
Defendant	:	CIVIL ACTION IN DIVORCE

**MOTION FOR APPOINTMENT OF DIVORCE HEARING OFFICER
(PURSUANT TO 23 Pa.C.S. 3301)
OR FOR ANNULLMENT**

_____ Plaintiff Defendant moves this court to appoint a Divorce Hearing Officer with respect to the following claims:

- Divorce
- Annulment
- Alimony
- Equitable Division of Marital Property
- Counsel Fees
- Costs and Expenses
- Other: _____

And in support of the motion avers:

1. The moving party's current mailing address is:

2. The non-moving party's current mailing address is:

3. The non-moving party has has not appeared in the action personally by his or her attorney _____, Esquire.
4. Discovery is is not is partially complete as to the claim(s) for which the appointment of a hearing officer is requested.
5. The statutory ground(s) for divorce is are:

6. If the hearing officer's appointment is for resolution of a divorce, an annulment, or ancillary claims, the parties have complied with Pa.R.C.P. Nos. 1920.31, 1920.33, and 1920.46, as applicable.

7. Check and complete the applicable paragraph(s):

a. The action is not contested.

b. An agreement has been reached with respect to the following claims:

c. The action is contested with respect to the following claims:

8. If seeking an annulment, then:

a. The issue was first raised in the _____ (name of pleading)
filed on _____; and

i. The Complaint asserts that the marriage is void (Section 3304), OR

ii. The Complaint asserts that the marriage is voidable (Section 3305).

9. The action involves does not involve complex issues of law or fact.

10. The hearing is expected to take _____ hour(s) day(s).

11. Any additional information, if any, relevant to the motion:

12. I served a copy of this motion to all parties and/or their legal counsel at their addresses
of record on _____, 20_____.

VERIFICATION

I, _____, verify that the facts set forth
in the Motion for Appointment of Divorce Hearing Officer are true and correct. I understand that
the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn
falsifications to authorities.

Date

Signature of Plaintiff/Defendant