

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2303 Session of 2024

INTRODUCED BY HOWARD, HANBIDGE, HOHENSTEIN, M. MACKENZIE, ISAACSON, McNEILL, PROBST, HILL-EVANS, SANCHEZ, CEPEDA-FREYTIZ, SHUSTERMAN, FLICK, DELLOSO AND OTTEN, MAY 20, 2024

REFERRED TO COMMITTEE ON JUDICIARY, MAY 20, 2024

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
 2 Consolidated Statutes, in preliminary provisions relating to
 3 divorce, further providing for legislative findings and
 4 intent, for definitions, for bases of jurisdiction, for
 5 effect of agreement between parties and for premarital
 6 agreements; in dissolution of marital status, further
 7 providing for grounds for divorce, repealing provisions
 8 relating to counseling, further providing for grounds for
 9 annulment of voidable marriages, repealing provisions
 10 relating to defenses, to action where defendant suffering
 11 from mental disorder and to general appearance and collusion,
 12 further providing for hearing by master, providing for
 13 general order of divorce proceedings, repealing provisions
 14 relating to jury trial, further providing for decree of court
 15 and repealing provisions relating to opening or vacating
 16 decrees; in property rights, further providing for
 17 definitions and for disposition of property to defeat
 18 obligations; in alimony and support, further providing for
 19 alimony and repealing provisions relating to bar to alimony;
 20 and repealing provisions relating to mediation.

21 The General Assembly of the Commonwealth of Pennsylvania
 22 hereby enacts as follows:

23 Section 1. Section 3102(a) of Title 23 of the Pennsylvania
 24 Consolidated Statutes is amended to read:

25 § 3102. Legislative findings and intent.

26 (a) Policy.--[The family is the basic unit in society and

1 the protection and preservation of the family is of paramount
2 public concern. Therefore, it is the policy of the Commonwealth
3 to:

4 (1) Make the law for legal dissolution of marriage
5 effective for dealing with the realities of matrimonial
6 experience.

7 (2) Encourage and effect reconciliation and settlement
8 of differences between spouses, especially where children are
9 involved.

10 (3) Give primary consideration to the welfare of the
11 family rather than the vindication of private rights or the
12 punishment of matrimonial wrongs.

13 (4) Mitigate the harm to the spouses and their children
14 caused by the legal dissolution of the marriage.

15 (5) Seek causes rather than symptoms of family
16 disintegration and cooperate with and utilize the resources
17 available to deal with family problems.

18 (6) Effectuate economic justice between parties who are
19 divorced or separated and grant or withhold alimony according
20 to the actual need and ability to pay of the parties and
21 insure a fair and just determination and settlement of their
22 property rights.] It is the policy of the Commonwealth to:

23 (1) Create a more efficient and just process of marriage
24 dissolution.

25 (2) Mitigate the harm to the spouses and their children
26 caused by the legal dissolution of the marriage.

27 (3) Effectuate economic justice between parties who are
28 divorced or separated and grant or withhold alimony according
29 to the actual need and ability to pay of the parties and
30 ensure a fair and just determination and settlement of their

1 property rights.

2 * * *

3 Section 2. The definitions of "qualified professionals" and
4 "separate and apart" in section 3103 of Title 23 are amended and
5 the section is amended by adding a definition to read:

6 § 3103. Definitions.

7 The following words and phrases when used in this part shall
8 have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 * * *

11 "Economic issue." An issue raised in a divorce proceeding
12 concerning any item of value, including tangible and real
13 property, spousal support, alimony pendente lite, equitable
14 distribution, alimony, counsel fees, costs or expenses and
15 insurance policies.

16 * * *

17 ["Qualified professionals." Includes marriage counselors,
18 psychologists, psychiatrists, social workers, ministers,
19 priests, rabbis or other persons who, by virtue of their
20 training and experience, are able to provide counseling.]

21 "Separate and apart." Cessation of cohabitation, whether
22 living in the same residence or not. [In the event a complaint
23 in divorce is filed and served, it shall be presumed that the
24 parties commenced to live separate and apart not later than the
25 date that the complaint was served.]

26 * * *

27 Section 3. Sections 3104(a), 3105(a) and (b), 3106 and 3301
28 of Title 23 are amended to read:

29 § 3104. Bases of jurisdiction.

30 (a) Jurisdiction.--The courts shall have original

1 jurisdiction in cases of divorce and for the annulment of void
2 or voidable marriages and shall determine, in conjunction with
3 any decree granting a divorce or annulment, the following
4 matters, if raised in the pleadings, and issue appropriate
5 decrees or orders with reference thereto, and may retain
6 continuing jurisdiction thereof:

7 (1) The determination and disposition of property rights
8 and interests between spouses, including any rights created
9 by any antenuptial, postnuptial or separation agreement and
10 including the partition of property held as tenants by the
11 entirety or otherwise and any accounting between them, and
12 the order of any spousal support, alimony, alimony pendente
13 lite, counsel fees or costs authorized by law.

14 [(2) The future care, custody and visitation rights as
15 to children of the marriage or purported marriage.]

16 (3) Any support or assistance which shall be paid for
17 the benefit of any children of the marriage or purported
18 marriage.]

19 (4) Any property settlement involving any of the matters
20 set forth in paragraphs (1), (2) and (3) as submitted by the
21 parties.

22 (5) Any other matters pertaining to the marriage and
23 divorce or annulment authorized by law and which fairly and
24 expeditiously may be determined and disposed of in such
25 action.

26 * * *

27 § 3105. Effect of agreement between parties.

28 (a) Enforcement.--A party to an agreement regarding matters
29 within the jurisdiction of the court under this part[, whether
30 or not the agreement has been merged or incorporated into the

1 decree,] may utilize a remedy or sanction set forth in this part
2 to enforce the agreement to the same extent as though the
3 agreement had been an order of the court except as provided to
4 the contrary in the agreement.

5 [(b) Certain provisions subject to modification.--A
6 provision of an agreement regarding child support, visitation or
7 custody shall be subject to modification by the court upon a
8 showing of changed circumstances.]

9 * * *

10 § 3106. Premarital agreements.

11 (a) General rule.--[The burden of proof to set aside a
12 premarital agreement shall be upon the party alleging the
13 agreement to be unenforceable. A premarital agreement shall not
14 be enforceable if the party seeking to set aside the agreement
15 proves, by clear and convincing evidence, that:

16 (1) the party did not execute the agreement voluntarily;

17 or

18 (2) the party, before execution of the agreement:

19 (i) was not provided a fair and reasonable
20 disclosure of the property or financial obligations of
21 the other party;

22 (ii) did not voluntarily and expressly waive, in
23 writing, any right to disclosure of the property or
24 financial obligations of the other party beyond the
25 disclosure provided; and

26 (iii) did not have an adequate knowledge of the
27 property or financial obligations of the other party.

28 (b) Definition.--As used in this section, the term
29 "premarital agreement" means an agreement between prospective
30 spouses made in contemplation of marriage and to be effective

1 upon marriage.] A premarital agreement shall be enforceable if
2 an executed copy of the agreement is filed with the register of
3 wills on or before the date the application for a license to
4 marry is filed. In the case of marriages formed outside of this
5 Commonwealth, a premarital agreement shall be presumptively
6 valid if an executed copy of the agreement is appended to any
7 pleading filed in a pending Commonwealth action.

8 (b) Enforceability.--To be enforceable, an executed
9 premarital agreement shall contain one of the following:

10 (1) A financial disclosure setting forth the assets held
11 by each party at the time the agreement was formed and a
12 representation of each party's reported total income for the
13 tax year immediately preceding the date of marriage.

14 (2) An express waiver setting forth the waiving party's
15 acknowledgment of entitlement to a full disclosure and an
16 express representation that the disclosure is irrevocably
17 waived.

18 (c) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection unless the context clearly indicates otherwise:

21 "Premarital agreement." An agreement between prospective
22 spouses made in contemplation of marriage and to be effective
23 upon marriage.

24 § 3301. Grounds for divorce.

25 [(a) Fault.--The court may grant a divorce to the innocent
26 and injured spouse whenever it is judged that the other spouse
27 has:

28 (1) Committed willful and malicious desertion, and
29 absence from the habitation of the injured and innocent
30 spouse, without a reasonable cause, for the period of one or

1 more years.

2 (2) Committed adultery.

3 (3) By cruel and barbarous treatment, endangered the
4 life or health of the injured and innocent spouse.

5 (4) Knowingly entered into a bigamous marriage while a
6 former marriage is still subsisting.

7 (5) Been sentenced to imprisonment for a term of two or
8 more years upon conviction of having committed a crime.

9 (6) Offered such indignities to the innocent and injured
10 spouse as to render that spouse's condition intolerable and
11 life burdensome.

12 (b) Institutionalization.--The court may grant a divorce
13 from a spouse upon the ground that insanity or serious mental
14 disorder has resulted in confinement in a mental institution for
15 at least 18 months immediately before the commencement of an
16 action under this part and where there is no reasonable prospect
17 that the spouse will be discharged from inpatient care during
18 the 18 months subsequent to the commencement of the action. A
19 presumption that no prospect of discharge exists shall be
20 established by a certificate of the superintendent of the
21 institution to that effect and which includes a supporting
22 statement of a treating physician.]

23 (c) Mutual consent.--

24 (1) The court may grant a divorce [where it is alleged
25 that the marriage is irretrievably broken and] 90 days [have
26 elapsed from the date of commencement of an action under this
27 part and an affidavit has been filed by each of the parties
28 evidencing that each of the parties consents to the divorce]
29 after the service of the divorce complaint if each party
30 filed a written consent with the court.

1 (2) The consent of a party [shall be presumed where that
2 party has been convicted of committing a personal injury
3 crime against the other party.] to a decree of divorce shall
4 be presumed if no answer has been filed setting forth all of
5 the following:

6 (i) The divorce is contested.

7 (ii) The economic issues have been filed by the
8 defendant but are not resolved.

9 (iii) The one-year separation is contested.

10 (d) Irretrievable breakdown.--

11 (1) The court may grant a divorce where a complaint has
12 been filed alleging that the marriage is irretrievably broken
13 and an affidavit has been filed alleging that the parties
14 have lived separate and apart for a period of at least one
15 year. [and that the marriage is irretrievably broken and the
16 defendant either:

17 (i) Does not deny the allegations set forth in the
18 affidavit.

19 (ii) Denies one or more of the allegations set forth
20 in the affidavit but, after notice and hearing, the court
21 determines that the parties have lived separate and apart
22 for a period of at least one year and that the marriage
23 is irretrievably broken.

24 (2) If a hearing has been held pursuant to paragraph (1)
25 (ii) and the court determines that there is a reasonable
26 prospect of reconciliation, then the court shall continue the
27 matter for a period not less than 90 days nor more than 120
28 days unless the parties agree to a period in excess of 120
29 days. During this period, the court shall require counseling
30 as provided in section 3302 (relating to counseling). If the

1 parties have not reconciled at the expiration of the time
2 period and one party states under oath that the marriage is
3 irretrievably broken, the court shall determine whether the
4 marriage is irretrievably broken. If the court determines
5 that the marriage is irretrievably broken, the court shall
6 grant the divorce. Otherwise, the court shall deny the
7 divorce.

8 (e) No hearing required in certain cases.--If grounds for
9 divorce alleged in the complaint or counterclaim are established
10 under subsection (c) or (d), the court shall grant a divorce
11 without requiring a hearing on any other grounds.]

12 (2) The court may order divorce proceedings in
13 accordance with section 3321.1(b) (relating to general order
14 of divorce proceedings) in circumstances without mutual
15 consent 30 days after one party files an affidavit alleging
16 that the parties have lived separate and apart for more than
17 90 days and one of the following applies:

18 (i) The other party does not file a written denial
19 of that allegation within 30 days of receipt of the
20 affidavit.

21 (ii) A court determines after a hearing that a one-
22 year period of separation has elapsed.

23 Section 4. Section 3302 of Title 23 is repealed:

24 [§ 3302. Counseling.]

25 (a) Indignities.--Whenever indignities under section 3301(a)
26 (6) (relating to grounds for divorce) is the ground for divorce,
27 the court shall require up to a maximum of three counseling
28 sessions where either of the parties requests it.

29 (b) Mutual consent.--Whenever mutual consent under section
30 3301(c) is the ground for divorce, the court shall require up to

1 a maximum of three counseling sessions within the 90 days
2 following the commencement of the action where either of the
3 parties requests it.

4 (c) Irretrievable breakdown.--Whenever the court orders a
5 continuation period as provided for irretrievable breakdown in
6 section 3301(d) (2), the court shall require up to a maximum of
7 three counseling sessions within the time period where either of
8 the parties requests it or may require such counseling where the
9 parties have at least one child under 16 years of age.

10 (d) Notification of availability of counseling.--Whenever
11 section 3301(a) (6), (c) or (d) is the ground for divorce, the
12 court shall, upon the commencement of an action under this part,
13 notify both parties of the availability of counseling and, upon
14 request, provide both parties a list of qualified professionals
15 who provide such services.

16 (e) Choice of qualified professionals unrestricted.--The
17 choice of a qualified professional shall be at the option of the
18 parties, and the professional need not be selected from the list
19 provided by the court.

20 (f) Report.--Where the court requires counseling, a report
21 shall be made by the qualified professional stating that the
22 parties did or did not attend.

23 (g) Exception.--Notwithstanding any other provision of law,
24 in no case may the court require counseling over the objection
25 of a party that has a protection from abuse order, enforceable
26 under Chapter 61 (relating to protection from abuse) against the
27 other party, or where that party was the victim of a personal
28 injury crime for which the other party was convicted or has
29 entered into an Accelerated Rehabilitative Disposition program
30 as a result of conduct for which the other party was a victim.]

1 Section 5. Section 3305(a)(5) of Title 23 is amended to
2 read:

3 § 3305. Grounds for annulment of voidable marriages.

4 (a) General rule.--The marriage of a person shall be deemed
5 voidable and subject to annulment in the following cases:

6 * * *

7 (5) Where one party was induced to enter into the
8 marriage due to fraud, duress, coercion or force attributable
9 to the other party [and there has been no subsequent
10 voluntary cohabitation after knowledge of the fraud or
11 release from the effects of fraud, duress, coercion or
12 force].

13 * * *

14 Section 6. Sections 3307, 3308 and 3309 of Title 23 are
15 repealed:

16 [§ 3307. Defenses.

17 (a) General rule.--Existing common-law defenses are retained
18 as to the grounds enumerated in section 3301(a) and (b)
19 (relating to grounds for divorce). The defenses of condonation,
20 connivance, collusion, recrimination and provocation are
21 abolished as to the grounds enumerated in section 3301(c) and
22 (d).

23 (b) Adultery.--In an action for divorce on the ground of
24 adultery, it is a good defense and a perpetual bar against the
25 action if the defendant alleges and proves, or if it appears in
26 the evidence, that the plaintiff:

27 (1) has been guilty of like conduct;

28 (2) has admitted the defendant into conjugal society or
29 embraces after the plaintiff knew of the fact;

30 (3) allowed the defendant's prostitution or received

1 hire from it; or

2 (4) exposed the defendant to lewd company whereby the
3 defendant became involved in the adultery.

4 § 3308. Action where defendant suffering from mental disorder.

5 If a spouse is insane or suffering from serious mental
6 disorder, an action may be commenced under this part against
7 that spouse upon any ground for divorce or annulment.

8 § 3309. General appearance and collusion.

9 The entry of a general appearance by, or in behalf of, a
10 defendant does not constitute collusion. Collusion shall be
11 found to exist only where the parties conspired to fabricate
12 grounds for divorce or annulment, agreed to and did commit
13 perjury or perpetrated fraud on the court. Negotiation and
14 discussion of terms of property settlement and other matters
15 arising by reason of contemplated divorce or annulment do not
16 constitute collusion.]

17 Section 7. Section 3321 of Title 23 is amended to read:

18 § 3321. [~~Hearing by master~~] Appointment of hearing officers.

19 The court may appoint a [~~master~~] hearing officer to hear
20 testimony on all or some issues[, ~~except issues of custody and~~
21 ~~paternity,~~] and return the record and a transcript of the
22 testimony together with a report and recommendation as
23 prescribed by general rules, or a judge of the court in chambers
24 may appoint a [~~master~~] hearing officer to hold a nonrecord
25 hearing and to make recommendations and return the same to the
26 court, in which case either party may demand a hearing de novo
27 before the court.

28 Section 8. Title 23 is amended by adding a section to read:

29 § 3321.1. General order of divorce proceedings.

30 (a) Written agreements.--If the parties in a divorce

1 proceeding have no unresolved economic issues pending or pending
2 claims have been resolved by written agreement, the district and
3 municipal courts may receive consents of the parties for
4 transmission to the court of common pleas for entry of a decree
5 of divorce under the divorce caption filed with the
6 prothonotary.

7 (b) Economic issues.--When economic issues are included in
8 the divorce action or have been raised by either party in the 90
9 days following service of the complaint, the court of common
10 pleas shall conduct a proceeding within 120 days after service
11 to consider:

12 (1) Temporary orders to preserve assets.

13 (2) Discovery necessary to advance the case toward
14 settlement or trial.

15 (c) Hearing officers.--The court may appoint a hearing
16 officer to hear testimony on all or some divorce issues, and
17 return the record and a transcript of the testimony together
18 with a report and recommendation as prescribed by general rules,
19 or a judge of the court may appoint a hearing officer to hold a
20 nonrecord hearing and to make recommendations and return the
21 same to the court, in which case either party may demand a
22 hearing de novo before the court.

23 Section 9. Section 3322 of Title 23 is repealed:

24 [§ 3322. Jury trial.]

25 (a) Application for jury trial.--After service of the
26 complaint in divorce or annulment on the defendant in the manner
27 prescribed by general rules or entry of a general appearance for
28 the defendant, if either of the parties desires any matter of
29 fact that is affirmed by one and denied by the other to be tried
30 by a jury, that party may take a rule upon the opposite party,

1 to be allowed by a judge of the court, to show cause why the
2 issues of fact set forth in the rule should not be tried by a
3 jury, which rule shall be served upon the opposite party or
4 counsel for the opposite party.

5 (b) Disposition of application.--Upon the return of the
6 rule, after hearing, the court may discharge it, make it
7 absolute or frame issues itself. Only the issues ordered by the
8 court shall be tried. The rule shall not be made absolute when,
9 in the opinion of the court, a trial by jury cannot be had
10 without prejudice to the public morals.]

11 Section 10. Section 3323(a) and (b) of Title 23 are amended
12 to read:

13 § 3323. Decree of court.

14 (a) General rule.--In all matrimonial causes, the court may
15 [either dismiss the complaint or] enter a decree of divorce or
16 annulment of the marriage upon the resolution of all economic
17 issues raised by the court or the agreement of the parties.

18 (b) Contents of decree.--A decree granting a divorce or an
19 annulment shall include, after a full hearing, where these
20 matters are raised in any pleadings, an order determining and
21 disposing of existing property rights and interests between the
22 parties, [custody, partial custody and visitation rights, child
23 support,] alimony, reasonable attorney fees, costs and expenses
24 and any other related matters, including the enforcement of
25 agreements voluntarily entered into between the parties and
26 accompanied by the information required under subsection (b.1).
27 In the enforcement of the rights of any party to any of these
28 matters, the court shall have all necessary powers, including,
29 but not limited to, the power of contempt and the power to
30 attach wages.

1 * * *

2 Section 11. Section 3332 of Title 23 is repealed:

3 [§ 3332. Opening or vacating decrees.

4 A motion to open a decree of divorce or annulment may be made
5 only within the period limited by 42 Pa.C.S. § 5505 (relating to
6 modification of orders) and not thereafter. The motion may lie
7 where it is alleged that the decree was procured by intrinsic
8 fraud or that there is new evidence relating to the cause of
9 action which will sustain the attack upon its validity. A motion
10 to vacate a decree or strike a judgment alleged to be void
11 because of extrinsic fraud, lack of jurisdiction over the
12 subject matter or a fatal defect apparent upon the face of the
13 record must be made within five years after entry of the final
14 decree. Intrinsic fraud relates to a matter adjudicated by the
15 judgment, including perjury and false testimony, whereas
16 extrinsic fraud relates to matters collateral to the judgment
17 which have the consequence of precluding a fair hearing or
18 presentation of one side of the case.]

19 Section 12. Sections 3501(a), 3505(d) and 3701(b)(13) of
20 Title 23 are amended to read:

21 § 3501. Definitions.

22 (a) General rule.--As used in this chapter, "marital
23 property" means all property acquired by either party during the
24 marriage and the increase in value of any nonmarital property
25 acquired pursuant to paragraphs (1) and (3) as measured and
26 determined under subsection (a.1). However, marital property
27 does not include:

28 (1) Property acquired prior to marriage or property
29 acquired in exchange for property acquired prior to the
30 marriage.

1 (2) Property excluded by valid agreement of the parties
2 entered into before, during or after the marriage. To be a
3 valid agreement for the purpose of this paragraph, the
4 agreement shall conform to the requirements of section 3106
5 (relating to premarital agreements).

6 (3) Property acquired by gift, except between spouses,
7 bequest, devise or descent or property acquired in exchange
8 for such property.

9 (4) Property acquired after final separation until the
10 date of divorce, except for property acquired in exchange for
11 marital assets.

12 (5) [Property which a party] Marital property that one
13 spouse has sold, granted, conveyed or otherwise disposed of
14 in good faith, [and] for reasonable value and with the
15 knowledge of both spouses prior to the date of final
16 separation.

17 (6) [Veterans'] Social security and veterans' benefits
18 exempt from attachment, levy or seizure pursuant to the act
19 of September 2, 1958 (Public Law 85-857, 72 Stat. 1229), as
20 amended, except for those benefits received by a veteran
21 where the veteran has waived a portion of his military
22 retirement pay in order to receive veterans' compensation.

23 (7) Property to the extent to which the property has
24 been mortgaged or otherwise encumbered in good faith for
25 value prior to the date of final separation with the
26 knowledge of both spouses.

27 (8) Any payment received as a result of an award or
28 settlement for any cause of action or claim which accrued
29 prior to the marriage or after the date of final separation
30 regardless of when the payment was received.

1 * * *

2 § 3505. Disposition of property to defeat obligations.

3 * * *

4 (d) Constructive trust for undisclosed assets.--If a party
5 fails to disclose information required by general rule of the
6 Supreme Court and in consequence thereof an asset or assets with
7 a fair market value of \$1,000 or more is omitted from the final
8 distribution of property, the party aggrieved by the
9 nondisclosure may at any time petition the court granting the
10 award to declare the creation of a constructive trust as to all
11 undisclosed assets for the benefit of the parties [and their
12 minor or dependent children, if any]. The party in whose name
13 the assets are held shall be declared the constructive trustee
14 unless the court designates a different trustee, and the trust
15 may include any terms and conditions the court may determine.
16 The court shall grant the petition upon a finding of a failure
17 to disclose the assets as required by general rule of the
18 Supreme Court.

19 * * *

20 § 3701. Alimony.

21 * * *

22 (b) Factors relevant.--In determining whether alimony is
23 necessary and in determining the nature, amount, duration and
24 manner of payment of alimony, the court shall consider all
25 relevant factors, including:

26 * * *

27 (13) The relative needs of the parties with
28 consideration to any cohabitation arrangements in place at
29 the time alimony is due and payable.

30 * * *

1 Section 13. Section 3706 and Chapter 39 of Title 23 are
2 repealed:

3 [§ 3706. Bar to alimony.

4 No petitioner is entitled to receive an award of alimony
5 where the petitioner, subsequent to the divorce pursuant to
6 which alimony is being sought, has entered into cohabitation
7 with a person of the opposite sex who is not a member of the
8 family of the petitioner within the degrees of consanguinity.

9 CHAPTER 39

10 MEDIATION

11 Sec.

12 3901. Mediation programs.

13 3902. Fees and costs.

14 3903. Review of programs.

15 3904. Existing programs.

16 § 3901. Mediation programs.

17 (a) Establishment.--A court may establish a mediation
18 program for actions brought under this part or Chapter 53
19 (relating to custody).

20 (b) Issues subject to mediation.--When a program has been
21 established pursuant to subsection (a), the court may order the
22 parties to attend an orientation session to explain the
23 mediation process. Thereafter, should the parties consent to
24 mediation, the court may order them to mediate such issues as it
25 may specify.

26 (c) Local rules.--

27 (1) The court shall adopt local rules for the
28 administration of the mediation program to include rules
29 regarding qualifications of mediators, confidentiality and
30 any other matter deemed appropriate by the court.

1 (2) The court shall not order an orientation session or
2 mediation in a case where either party or child of either
3 party is or has been a subject of domestic violence or child
4 abuse at any time during the pendency of an action under this
5 part or within 24 months preceding the filing of any action
6 under this part.

7 (d) Model guidelines.--The Supreme Court shall develop model
8 guidelines for implementation of this section and shall consult
9 with experts on mediation and domestic violence in this
10 Commonwealth in the development thereof. The effective date of
11 this chapter shall not be delayed by virtue of this subsection.

12 § 3902. Fees and costs.

13 (a) Imposition of fee.--A county in which the court has
14 established a mediation program may impose an additional filing
15 fee of up to \$20 on divorce and custody complaints to be used to
16 fund the mediation program.

17 (b) Assessment of additional costs.--The court may assess
18 additional costs of mediation on either party.

19 § 3903. Review of programs.

20 The Supreme Court shall monitor mediation programs
21 established by courts of common pleas. The Supreme Court shall
22 establish procedures for the evaluation of the effectiveness of
23 the program.

24 § 3904. Existing programs.

25 This chapter shall not affect any existing mediation program
26 established in any judicial district pursuant to local rule.]

27 Section 14. This act shall take effect in 60 days.