

RULE 113. TIME FOR FINAL HEARING

An action for divorce or annulment shall not be in order for final hearing until 60 days or more after service of the summons and complaint; nor shall it be in order for hearing until there is on file with the court a statement signed by the plaintiff, which may be contained in the complaint, stating whether any divorce or annulment actions have previously been commenced between the parties, and if so the designation of the court or courts involved and the disposition made of any such actions. Except as the court may otherwise direct, no case involving real estate shall be ready for final hearing until the real estate certificates have been completed as required by Rule 108.

If the responding party has not entered an appearance, the party initiating the action shall file a Federal Affidavit stating under oath that the responding party is not serving in the military or an affidavit signed by the responding party waiving rights conferred by the Service Members Civil Relief Act.

Other matters may be scheduled for trial at such time as pretrial proceedings are complete and the matter is in order for hearing on the merits. All actions under this chapter shall be transferred to the trial list by order of the court.

Advisory Notes June 2008

Rule 113 is based on Rule 80(i). By referring to final hearings, the rule clarifies that interim hearings are available to the parties before the 60 days.

The rule recognizes that the court has the authority to set cases for trial or final hearing and that in some actions such as Emancipation, Motions for Enforcement and Motion for Contempt, the court may order a case to a final hearing without going through the case management system. This paragraph of the rule is derived from Rule 80(h).