

## **RULE 122. TRANSFER FROM SUPERIOR COURT TO DISTRICT COURT**

Any Family Division action pending in the Superior Court may be transferred to the District Court. Transfer shall be accomplished by filing a notice of transfer agreed to by the parties or their counsel and by paying to the clerk of the Superior Court any required fees. No transfer may be requested during a hearing or while the court has under advisement the merits of the action or any motion after hearing. The action may be transferred to a division of the District Court, located within the county in which either party resided at the commencement of the action. The notice must designate the receiving District Court. After a judgment has become final, the action may be transferred to any division of the District Court. The clerk shall file a copy of the record and all original papers in the action in the District Court in that division. Thereafter the action shall be prosecuted as if all prior proceedings in the action had taken place in the District Court.

### **Advisory Notes June 2008**

Rule 122 is similar to Rule 80(1). The court unification legislation authorized all actions for divorce and annulment pending in the Superior Court as original actions on or before December 31, 2000, to continue to be adjudicated in the Superior Court. At the same time, the unification legislation called for opportunity to transfer such actions to the District Court. This rule allows actions for divorce and annulment pending as original matters in the Superior Court to be transferred to the District Court for further processing under the Family Division rules. This transfer can only occur by agreement of the parties. Transfers cannot occur while the Superior Court is hearing or has under advisement the merits of any contested matter before it.