

Family Court  
September 15, 2022

**Q** May the bais din for *pruzbul* include *dayanim* who are related one to another, or related to the lender or borrowers?



**A** We noted recently in this forum that Sephardim follow the Shulchan Aruch and require for *pruzbul* a bais din that can extract money. They therefore must use a kosher bais din, without relatives. For Ashkenazim, who follow the Rama that any *b'nei Torah* can form a bais din for *pruzbul*, some *poskim* say that since the bais din isn't judging or deciding anything, it is like a bais din for *hataras nedarim* that may include relatives to one another or the petitioner. Others maintain that since a *pruzbul* makes it as if one gave over his debts for the bais din to collect on his behalf, it must be a bais din that can collect debts, so the *dayanim* mustn't be related to each other or the parties. Still others say that the *dayanim* can't be related to one another, because then it isn't a bais din, but they can be related to the parties.

(A related discussion is whether a *pruzbul* may be written at night. According to the view that the *dayanim* may be related to one another, it may, because a bais din that can rule is not required.)

As a matter of halacha, the Minchas Yitzchak (10:140), Sheivet Halevi (9:286), and R' Shlomo Zalman Auerbach (Shalmei Mo'ed) permit using *dayanim* related to one another or to the parties and writing a *pruzbul* at night, and they say this is the prevalent minhag. There were, however, some that were strict *lechat'chilah*.