

# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Amendment to Family Court Administrative Regulation 90-1; Juvenile Cases Dismissed or Withdrawn at Bar of Court

Where a juvenile petition has been dismissed without prejudice or prosecution withdrawn without prejudice, the procedure for reinstatement of said petition or appeal by way of re-arrest, is as follows:

1. *Administrative Judge to Entertain Petition:* A Petition to Reinstate Juvenile Petition/Petition to Re-Arrest and Rule to Show Cause shall be filed with Clerk of Courts, Juvenile Branch, who shall time-stamp, record and transmit said Petition, with the original petition, to the Administrative Judge of the Family Division, Court of Common Pleas, or his/her designee.

2. The Administrative Judge or his/her designee, without a hearing, shall grant or deny the Rule to Show Cause.

3. *If Rule denied by Administrative Judge:* If the Rule is denied, the Court shall state on the Rule the reason(s) for said denial and no further proceeding shall be held on the matter;

4. *If Rule issued by Administrative Judge:* If the Rule is issued:

(a) The Commonwealth shall serve by personal service or certified mail a copy of the Petition and the Rule to Show Cause, with a date, place, time of hearing and the name of the designated Judge upon the attorney of record and juvenile, within five (5) days of the date of the hearing.

(b) The designated presiding Judge shall take testimony and decide the issue of Reinstatement of Petition and/or Re-Arrest;

5. If the designated presiding Judge grants Reinstatement of Petition and/or Re-Arrest, the Certification/Adjudicatory Hearing shall proceed in accordance with the Rules of Court and the Juvenile Act.

6. *Contents of the Petition to Reinstate Juvenile Petition/Petition to Re-Arrest:* The Petition to Reinstate Juvenile Petition/Petition to Re-Arrest shall state the following:

a. Prior to disposition of the case, reason(s) for said disposition, date of disposition, name of presiding Judge;

b. The relief requested and specific reason(s) why said relief should be granted;

c. The present custody/commitment status of the juvenile.

7. *Time of Petition to Reinstate Juvenile Petition/Petition to Re-Arrest:* The Petition to Reinstate Juvenile Petition/Petition to Re-Arrest shall be filed and served within thirty (30) days after a juvenile petition has been dismissed without prejudice or prosecution with-

drawn without prejudice unless the time of filing has been extended by the Court for cause shown.

PAUL P. PANEPINTO,  
*Administrative Judge*  
*Family Court Division*

[Pa.B. Doc. No. 96-1005. Filed for public inspection June 21, 1996, 9:00 a.m.]

### PHILADELPHIA COUNTY

#### Family Court Administrative Regulation No. 96-6; Juvenile Court Detention and Pre-Trial Procedures

*And Now*, this 6th day of June, 1996, in order to maintain an efficient Juvenile Pre-Trial and Detention procedure, it is hereby *Ordered* and *Decreed* that:

1. Effective June 17, 1996, all Juvenile Pre-Trials shall be scheduled for hearing in Courtroom "A", 1801 Vine Street, Philadelphia, PA. Further, detention hearings shall be scheduled in Courtroom "A" on days listed for Pre-Trials.

2. All discovery shall be completed prior to or at Pre-trial listing.

3. Counsel for juveniles will be appointed promptly and counsel shall be prepared to discuss all issues at Pre-Trial Conference, including number of witnesses, length of trial, discovery and pre-trial motions.

4. Counsel shall make every effort to resolve the case at the Pre-Trial Conference by way of Consent Decree, Admission or Plea Agreement.

5. Pre-trial Conferences and detention hearings shall be scheduled on Tuesday, Wednesday and Thursday of each week, except as shall be modified by the Administrative Judge.

6. The Juvenile Master shall hear detentions the entire day at the Youth Study Center on Monday (or first day of week if a holiday) and Friday, except as shall be modified by the Administrative Judge.

7. The Master shall be available for further assignment at the discretion of the Administrative Judge.

8. All Violation of Probation Motions shall be listed before the Judge who entered the Order or the presiding Judge in "J" Court. No Master shall hear Violation of Probation Motions.

9. All Status of Transfer cases that involve commitment by a Judge shall be listed before the sentencing Judge.

10. Master at Detention Hearing shall order cases with multiple petitions to be scheduled for "A" Court for possible disposition and/or consolidation of cases. The cases will be placed on a Pre-trial list for the Court to resolve outstanding petitions and, if necessary, assign the cases to appropriate Courtroom(s).

11. Courtroom "A" shall be a general supervisory room. In the event the Master has inquiry regarding any procedure, he or she shall consult with Judge in Courtroom "A", 1801 Vine Street, Philadelphia, PA. This is

intended primarily for detention review inquiries by the Master.

12. All miscellaneous motions and requests of Master, ADA, Public Defender or counsel shall be made to the Judge presiding in "A" Court or a designee to be named by the Administrative Judge.

This Order is issued in accordance with Pa. Juvenile Act and Pa.R.C.P. No. 6 and shall become effective June 17, 1996. As required by Pa.R.C.P. No. 6, the original Order shall be filed with the Prothonotary and copies shall be distributed as provided by said Rule and shall be submitted to The Legal Intelligence, Jenkins Memorial Law Library and the law library for the First Judicial District.

PAUL P. PANEPINTO,  
Administrative Judge  
Family Court Division

[Pa.B. Doc. No. 96-1006. Filed for public inspection June 21, 1996, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### Amendment to Local Rule CR-101A: Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth; File No. 288-M-96

##### Order

And Now, this 6th day of June, 1996, *It Is Ordered* that the local rule for Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth in the 31st Judicial district composed of Lehigh County be, and the same is, hereby amended, to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of Common Pleas of Lehigh County.

By the Court

JAMES N. DIEFENDERFER,  
President Judge

#### Rule CR-101A. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Lehigh County having filed a certification pursuant to Pa.R.Crim.P. 107:

##### 1. Enumerated Offenses.

Criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging one or more of the following offenses shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing:

(a) Criminal homicide in violation of 18 Pa.C.S. § 2501; murder of any degree in violation of 18 Pa.C.S. § 2502;

voluntary manslaughter in violation of 18 Pa.C.S. § 2503; involuntary manslaughter in violation of 18 Pa.C.S. § 2504; homicide by vehicle in violation of 75 Pa.C.S. § 3732; or homicide by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735;

(b) Rape in violation of 18 Pa.C.S. § 3121; statutory sexual assault in violation of 18 Pa.C.S. § 3122.1; or involuntary deviate sexual intercourse in violation of 18 Pa.C.S. § 3123;

(c) Any offense enumerated in Act No. 1995-33 (SS1) which is *not* a "delinquent act" as defined in § 6302<sup>1</sup>(2)(i), (ii), and (iii) (delinquent act), and which is now treated as an adult offense.

##### 2. Re-Arrests and Refilings.

Police criminal complaints or arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing where the complaint or arrest warrant are for the rearrest of a defendant previously discharged, or to reinstate a charge or charges previously dismissed by an issuing authority for failure to prove a prima facie case, provided the current and the former cases arise out of the same criminal episode.

##### 3. Arrest Warrant Affidavits Requiring Sealing.

Arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the arrest warrant affidavit has the approval of an attorney for the Commonwealth prior to filing in any case where the affidavit contains information the disclosure of which, in the opinion of the police, would endanger the safety of an informant, jeopardize the integrity of an ongoing criminal investigation, or which for any other reason should not be disclosed at or about the time of the execution of the warrants. The judicial officer shall ask the police, prior to accepting an affidavit, whether it contains any such information, and if the police indicate it does, the judicial officer shall require that it be submitted to an attorney for the Commonwealth for approval in accordance with

<sup>1</sup> 6302(2) The term shall not include:

(i) The crime of murder.

(ii) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct, and a deadly weapon as defined in 18 Pa.C.S. § 2301 (relating to definitions) was used during the commission of the offense, which, if committed by an adult, would be classified as:

(A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).

(B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(C) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).

(D) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(E) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3125 (relating to robbery of motor vehicle).

(F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(G) Kidnapping as defined in 18 Pa.C.S. § 2901 (relating to kidnapping).

(H) Voluntary manslaughter.

(I) An attempt, conspiracy or solicitation to commit murder or any of these crimes, as provided in 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902 (relating to criminal solicitation) and 903 (relating to criminal conspiracy).

(iii) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct, and has been previously adjudicated delinquent of any of the following prohibited conduct, which, if committed by an adult, would be classified as:

(A) Rape as defined in 18 Pa.C.S. § 3121.

(B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123.

(C) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii).

(D) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3702.

(E) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125.

(F) Kidnapping as defined in 18 Pa.C.S. § 2901.

(G) Voluntary manslaughter.

(H) An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa.C.S. §§ 901, 902 and 903.

this Rule. If the police indicate it does not, the judicial officer shall accept the affidavit.

This Rule shall become effective on June 17, 1996.

[Pa.B. Doc. No. 96-1007. Filed for public inspection June 21, 1996, 9:00 a.m.]

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**NORTHAMPTON COUNTY**  
**Rules of Civil Procedure; 1996-CM-4699**

**Order of Court**

*And Now*, this 7th day of June, 1996, Northampton County Rule of Civil Procedure N1915.8—Disclosure of Expert Evaluations of Persons and Residences in Custody, Partial Custody or Visitation Actions—is hereby adopted as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Northampton County Rule of Civil Procedure N2064—Compromise Settlement and Physician's Statement of Extent of Injury—is hereby amended as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Seven (7) certified copies of the within rules shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy shall be filed with the Pennsylvania Civil Procedural Rules Committee and one (1) certified copy shall be filed with the Pennsylvania Domestic Relations Committee. One (1) copy of this rule shall be kept available in the Office of the Clerk of

Courts. A copy is directed to be published in the *Northampton County Reporter*.

*By the Court*

ROBERT A. FREEDBERG,  
*President Judge*

**Rule N1915.8. Disclosure of Expert Evaluations of Persons and Residences in Custody, Partial Custody or Visitation Actions.**

A party to a custody, partial custody, or visitation action shall not disclose the contents of an expert report prepared pursuant to Pa.R.C.P. 1915.8, including home study evaluations, and physical, mental and drug and/or alcohol evaluations, to anyone except an attorney, a party, or an expert consultant. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in sanctions. An attorney who provides said report to a party whom he represents or the Custody Conference Officer who provides said report to an unrepresented party shall advise the party of the limits on disclosure imposed by this rule.

**Rule N2064. Compromise Settlement and Physician's Statement of Extent of Injury.**

In cases involving personal injury, a written statement by the attending physician as to the nature and extent of the incapacitated person's injuries, the present condition, and prognosis shall be annexed to said petition, and no compromise order shall be entered by the Court unless said incapacitated person shall have appeared in court or shall have been excused from such appearance by the Court.

[Pa.B. Doc. No. 96-1008. Filed for public inspection June 21, 1996, 9:00 a.m.]

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