

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VI. JUDICIAL COUNCIL OF PENNSYLVANIA [204 PA. CODE CHS. 101 AND 103]

Rules of Organization and Procedure for Judicial Council of Pennsylvania; Order No. 1 of 1999

Order

And Now, this 31st day of August, 1999, the Judicial Council of Pennsylvania, acting pursuant to Rules 302 and 311 of the Pennsylvania Rules of Judicial Administration, orders:

- (1) Chapter 101, Section 101.1, of Title 204 of the *Pennsylvania Code* is amended as follows.
- (2) Chapter 101, Section 101.2, of Title 204 of the *Pennsylvania Code* is rescinded.
- (3) Chapter 103 of Title 204 of the *Pennsylvania Code* is replaced in its entirety as follows.
- (4) This Order shall take effect immediately.

By the Judicial Council

JOHN P. FLAHERTY,
Chief Justice

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VI. JUDICIAL COUNCIL OF PENNSYLVANIA CHAPTER 101. GENERAL PROVISIONS

§ 101.1. Title and [citation] Citation of Part.

This Part shall be known and may be cited as the "Judicial Council Rules."

§ 101.2. Rescinded.

Note: See Pa.J.R.A. 102 for the definition of words used in these rules.

(Editor's Note: The Judicial Council of Pennsylvania is deleting in its entirety the text of Chapter 103 appearing at 204 Pa. Code pages 103-1—103-8, serial pages (236449)—(236456) and replacing it with the following.)

CHAPTER 103. JUDICIAL COUNCIL ORGANIZATION AND PROCEDURE

Sec.	
103.1.	Membership.
103.2.	Members Ex Officio.
103.3.	Officers.
103.4.	Meetings.
103.5.	Committees.

§ 103.1. Membership.

- (a) The membership of the Judicial Council shall be as provided by Pa.R.J.A. 301(b).
- (b) If a member who is the president judge of a court is unable to attend a meeting of the Council, the member

shall appoint another judge of that court to attend the meeting and be the member's proxy on all matters, including voting.

§ 103.2. Members Ex Officio.

(a) Each Justice of the Supreme Court who is not a member of the Judicial Council shall be an ex officio member and have the right to attend meetings of the Council and to be heard upon any question or matter under consideration. The Executive Director of the Council shall furnish each Justice who is an ex officio member with a copy of all documents distributed to the Council at the time they are distributed and notice of all meetings of the Council including the agenda and supporting papers.

(b) The Judicial Council may appoint ex officio members, including members of the General Assembly, who may attend and participate in the meetings and the work of the Council. Ex officio members shall serve in such capacity and for such time as the Council may determine, but they shall not have a vote on matters before the Council.

§ 103.3. Officers.

(a) The chair, vice-chair and secretary of the Judicial Council shall be as provided by Pa.R.J.A. 301(b).

Official Note: Section 103.3(a) is derived from Pa.R.J.A. 302(a).

(b) In the absence or disability of the chair, the vice-chair shall exercise the powers and perform the duties of the chair.

(c) The chair and vice-chair of the Judicial Council shall be ex officio members of all committees of the Council.

§ 103.4. Meetings.

(a) As provided by Pa.R.J.A. 302(c), the Judicial Council shall meet at such times as may be specified by the Chief Justice.

(b) The Executive Director shall prepare a proposed agenda for each meeting of the Council and distribute it to the members two weeks prior to the meeting for comments and additions. The Executive Director shall then prepare a final agenda, to be approved by the Chief Justice, and distribute it, together with supporting papers, to the members of the Council in advance of the meeting.

Official Note: Rule 103.2(a) requires the Executive Director to distribute the Council materials to Justices of the Supreme Court who are ex officio members.

§ 103.5. Committees.

(a) The Judicial Council may appoint from its membership one or more committees as the Council deems necessary to assist in its functions.

(b) Each committee shall meet on the day of the meeting of the Judicial Council and at such other times as the committee's chair may require.

(c)(1) Each committee may appoint one or more ex officio members, including members of the General Assembly, who may attend and participate in the meetings and the work of the committee. Ex officio members shall serve in such capacity and for such time as the particular

committee may determine, but ex officio members shall not have a vote on matters before the committee.

(2) Each committee may appoint an advisory committee to assist the committee in its assigned function. An advisory committee shall serve in such capacity and for such time as the particular committee may determine. Members of an advisory committee shall not by virtue of membership on an advisory committee be deemed members of the Council or of the appointing committee.

[Pa.B. Doc. No. 99-1613. Filed for public inspection September 24, 1999, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Amendments to Local Orphan's Court Rules; Rule L.15.1.C—As Amended, Rule L.15.1D and Rule L.15.1G

Order

Now, this 7th day of September, 1999, the Court hereby adopts the following Beaver County Local Orphan's Court Rules, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further Ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of the Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedure Rules Committee and one (1) copy to the *Beaver County Law Journal* for publication in the next issue of the *Beaver County Law Journal*.

It is further ordered that this local rule shall be kept continuously available for public inspection and copying in the Beaver County Prothonotary's Office and the Register of Wills Office.

By the Court

ROBERT C. REED,
President Judge

Amendments to Local Orphan's Court Rules

Rule L.15.1.C—As Amended

The present rule L.15.1C is hereby revoked and the following rule substituted.

The procedure set forth below shall be followed in involuntary termination cases.

Procedure to Notify Birth Parent of Hearing

A. If address of parent is known, send certified restricted letter to parent. When green card is returned by parent, prepare a Proof of Notice and have this notarized.

B. If location of parent is known, parent can be personally notified by giving a copy of the notice to parent, noting time and place. On return to office, prepare Proof of Notice, sign and have notarized.

C. If parent's whereabouts are unknown:

1. Search record for all documented addresses of parents.

2. Contact as many of the following places as possible in an attempt to locate missing parent: Known relatives and friends, state and local prisons, clerk of courts, domestic relations non-support office, CHRI (state police), local phone book, local post office, and any agency which might be involved with the parent. Document these attempts on contact sheets.

3. Send certified, restricted letter with notice to last known address of parent.

4. Publish notice in newspaper, the general circulation of which covers area where parent last lived.

5. Publish notice of hearing in *Beaver County Law Journal*.

If whereabouts of parent or parents are unknown, an Affidavit of Search must be filed by petitioner. See Exhibit A.

Notice of the hearing shall be given as set forth in Exhibit B.

The Petition for Involuntary Termination shall be as set forth in Exhibit C.

The Decree Nisi shall be as set forth in Exhibit D.

The Final Decree shall be as set forth in Exhibit E.

The Notice of Right of Appeal shall be as set forth in Exhibit F.

D. Time of notice shall be as provided for in Supreme Court Orphan's Court Rules.

E. The following forms shall be used.

1. Exhibit A—Affidavit of Search—for use if whereabouts of parent are unknown.

2. Exhibit B—Notice of Hearing

3. Exhibit C—Petition for Involuntary Termination

4. Exhibit D—Decree Nisi

5. Exhibit E—Final Decree

6. Exhibit F—Notice of Right of Appeal

Rule L.15.1D

(c) In any case where a parent is incarcerated or undergoing a civil commitment and a request has been made for the appointment of counsel, counsel will be appointed and arrangements made for the parent to be present at the hearing.

Rule L.15.1G

A copy of the Decree Nisi, the adjudication, the Final Decree and Notice of Right of Appeal shall be mailed, by the Clerk of the Orphan's Court, to counsel of record within one (1) business day after filing.

If there is no counsel of record, a copy of the Decree Nisi, the adjudication, the Final Decree and Notice of Right of Appeal shall be mailed, by the Clerk of the Orphan's Court, to the parent within one (1) business day after filing. If the parent has no known address, notice shall not be required.

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY PENNSYLVANIA
ORPHAN'S COURT DIVISION

IMPORTANT NOTICE

IN RE: _____ : _____ No. _____ of _____
To: _____, parents of _____

The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. 1 in the Beaver County Courthouse on _____, 1999 at _____ o'clock _____.m.

RIGHTS TO YOUR CHILD(REN)—You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child(ren) may be ended by the Court without your being present, which means that you will lose all rights to custody, visitation, communication with your child(ren). If termination is granted you will receive no notice of future legal proceedings concerning your child(ren).

LEGAL REPRESENTATION—You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below to find out where you can get legal help.

LAWYER REFERRAL SERVICE
788 Turnpike Street, Beaver, PA 15009 (724) 728-4888

If you have contacted Lawyer Referral Service and still have not been able to obtain a lawyer, you can still appear at the hearing to request the appointment of a lawyer. If you are indigent, the Court will appoint a lawyer to represent you.

RIGHTS IF INCARCERATED—If you cannot attend the hearing because you are or will be in jail, and want a lawyer, or to appear at the hearing, you must write within ten (10) days of the receipt of this notice to:

ORPHAN'S COURT JUDGE, BEAVER COUNTY COURTHOUSE, BEAVER, PA 15009

A Petition has been filed asking the Court to put an end to all rights you have to your child, _____. A copy of said Petition is attached hereto.

Name of Attorney _____ Address _____

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
ORPHAN'S COURT DIVISION

IN RE: ADOPTION OF _____ : _____ No. _____ of _____

PETITION FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS
(Section 2512—Adoption Act)

AND NOW, this _____ day of _____, 19____, comes the Petitioner(s), and sets forth the following facts:

- 1. Names of Petitioner(s) _____
2. Describe the relationship of the Petitioner(s) to the child _____

3. Regarding the child(ren), provide the following information:

Table with 7 columns: Name, Age, DOB, Race, Sex, Religious Affiliation

4. Regarding the parent(s) who are the subject of the Petition, provide the following:

Table with 7 columns: Name, Age, DOB, Race, Sex, Religious Affiliation

5. Was the mother married at any time during one year prior to the birth of the child(ren)?

Yes _____ No _____

If yes, provide the name of each husband and mother's maiden name:

6. The Petitioner(s) is authorized to seek termination pursuant to Section 2512 of the Adoption Act on the basis that the petitioner(s) is/are (check the applicable status):

- _____ a parent who seeks termination with respect to other parent;
- _____ an agency;
- _____ an individual having custody or standing in loco parentis to the child, who has filed a report of intention to adopt as per Section 2531 of the Adoption Act;
- _____ an attorney representing a child or a guardian ad litem representing a child who has been adjudicated dependent under 42 Pa.C.S. § 6431(c) (relating to adjudication).

7. The grounds for termination of parental rights upon which the petitioner(s) rely are: (check applicable grounds)

- ___ the parent by conduct continuing for a period of at least (6) months immediately preceding the filing of the petition either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties;
- ___ the repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent;
- ___ the parent is the presumptive but not the natural father of the child;
- ___ the child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three months after the child is found;
- ___ the child has been removed from the care of the parent by the Court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child;
- ___ in the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four month period to provide substantial financial support for the child;
- ___ the parent is the father of a child who was conceived as a result of a rape;
- ___ the child has been removed from the care of the parent by the Court or under a voluntary agreement with an agency, twelve (12) months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

8. The facts which support each of the grounds checked above, and which establish that termination of parental rights would be in the best interests of the child, are set forth as follows (provide a statement of the facts underlying your petition, or a report from Children and Youth Services.)

9. If the petitioner(s) is not an agency, has a Petition for Adoption been filed or is adoption presently contemplated?

Yes _____ No _____

Is the child(ren) placed in the care of the petitioners?

Yes _____ No _____

If yes, give the date of placement _____

- 10. The petitioner(s) will assume custody of the child(ren) if this petition is granted.
- 11. If the father of the child(ren) has not been identified, has a claim of paternity been filed?
 Yes _____ No _____
- 12. Is either parent entitled to benefits under the Soldiers' and Sailors' Civil Relief Act (50 U.S.C.A. § 501, et seq).
- 13. The following exhibits are attached:
 _____ birth certificate of child(ren);
 _____ consent of parent for petitioner under age eighteen (18).
 _____ statement of facts or report from Children and Youth Services

14. VERIFICATION:

I, (We) verify that the statements made in this Petition are true and correct. I understand that statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

WHEREFORE, the Petitioner(s) request that a hearing be scheduled and a citation issued to the respondent(s) directing them to appear before the Court at a day and time scheduled.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA**

ORPHAN'S COURT DIVISION

AFFIDAVIT OF SEARCH
(To be filed if parents' whereabouts are unknown)

IN RE: _____ : No. _____ of _____

I hereby certify that I have made the following efforts to locate the parent(s):

- 1. Searched file for addresses (Children and Youth Services)
- 2. Contacted or searched (place a checkmark beside those that are applicable).
 _____ Known relatives and friends
 _____ Phone Book
 _____ Post Office
 _____ Prisons, State and Local
 _____ Clerk of Courts
 _____ CHRI

3. Publication

I verify that the statements herein are true and correct and subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: Adoption of _____ : No. _____
 _____ : Docket _____ Page _____
 _____ : Filing Fee _____
 (ADOPTEE's name as on birth certificate) : Attorney _____

DECREE NISI
(Involuntary Termination of Parental Rights)

AND NOW, this _____ day of _____, 19____, after review of the record and after an evidentiary hearing following due notice, the Court makes the following findings and judicial determinations:

- 1. Petitioner(s) has/have established a legal basis for terminating the parental rights of _____
 hereinafter referred to as Respondent(s):
- 2. The following subsection(s) of 23 Pa.C.S.A. Section 2511 establish the basis for terminating the parental rights of Respondent(s).

Check the applicable subsections

- ___ a. The parent(s) by conduct continuing for a period of at least six months immediately preceding the filing of the Petition either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties.
- ___ b. The repeated and continued incapacity, abuse, neglect or refusal of the parent(s) has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being, and the conditions and causes of the incapability, abuse, neglect or refusal cannot or will not be remedied by the parent(s).
- ___ c. The parent is the presumptive but not the natural father of the child.
- ___ d. The child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent(s) is/are unknown and cannot be ascertained by diligent search, and the parent(s) does/do not claim the child within three months after the child is found.
- ___ e. The child has been removed from the care of the parent(s) by the Court or under a voluntary agreement with an agency for a period of at least six (6) months, the conditions which led to the removal or placement of the child continue to exist, the parent(s) cannot or will not remedy those conditions within a reasonable period of time, the service or assistance reasonably available to the parent(s) are not likely to remedy the condition which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.
- ___ f. In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the Petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four-month period to provide substantial financial support for the child.
- ___ g. The parent is the father of a child who was conceived as a result of a rape.

3. The decision of the Court is based on the following findings of fact.

4. It is hereby Ordered, Adjudged and Decreed that the parental rights of the above-mentioned Respondent(s) to adoptee are forever terminated.

5. The adoption of ADOPTEE may continue without further notice to or consent of the above-mentioned Respondent(s).

6. The custody of ADOPTEE is hereby transferred to

a. the adopting parent(s) _____

b. an approved Agency and such Agency is hereby authorized to give consent to the adoption of ADOPTEE.

7. Unless exceptions are filed with the Clerk of the Orphans' Court within ten (10) days after the entry of this decree, the decree will be made final.

BY THE COURT,

P.J.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
ORPHAN'S COURT DIVISION**

IN RE:

No. ____ of 19__

FINAL DECREE

AND NOW, this ____ day of 19__, whereas a Decree Nisi was entered in the within matter, and exceptions having been filed, the exceptions are hereby dismissed and it is therefore ORDERED, ADJUDGED and DECREED that a final decree be entered and that all parental rights and duties of _____ are terminated forever. The adoption of the said child may be decreed without further consent of or notice to the aforesaid parent.

In accordance with 23 Pa.C.S.A. § 2905(d), said parent is advised of the continuing right to place and update personal and medical history information, whether or not the medical condition is in existence or discoverable at this time, on file with the Court and with the Department of Welfare.

BY THE COURT:

_____, P.J.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
ORPHAN'S COURT DIVISION**

IN RE:

No. ____ of ____

NOTICE OF RIGHT OF APPEAL

A Final Decree has been entered in the above-captioned matter, permanently terminating your parental rights and obligations with regard to the following child or children: _____. The adoption of said child or children may proceed without your further consent or notice.

You are hereby advised of your right to take an appeal from the Final Decree. Pursuant to Pa.R.A.P. 903, notice of appeal must be filed within thirty (30) days after the entry of the Final Decree.

[Pa.B. Doc. No. 99-1614. Filed for public inspection September 24, 1999, 9:00 a.m.]

**BEDFORD COUNTY
Local Rule under Rule 400.1 of the Pennsylvania
Rules of Civil Procedure**

Order of Court

And Now, this 30 day of August, 1999, the Court upon Petition of Jim Wright, the Sheriff of Bedford County, hereby establishes a Local Rule of Court pursuant to Rule 400.1 of the Pennsylvania Rules of Civil Procedure providing that:

With respect to all actions filed in Bedford County, Pennsylvania, original process be served within the Commonwealth:

(i) by the Sheriff or a competent adult in the actions in equity, partition, prevent waste and declaratory judgment when declaratory relief is the only relief sought; and

(ii) by the Sheriff in all other actions.

This local rule shall be filed in the manner set forth in Pa.R.C.P. Rule 239 and shall be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

DANIEL HOWSARE,
President Judge

**Petition of Jim Wright, Sheriff of Bedford County,
for Adoption of a Local Rule "Opting-Out"
Pursuant to Pa.R.C.P. 400.1 et seq.**

And Now, comes Jim Wright, the Sheriff of Bedford County, who petitions this Court as follows:

1. That by Order dated June 14, 1999, the Supreme Court of Pennsylvania did adopt amendments to the Procedural Rules of Civil Procedure effective September 1, 1999.

2. That pursuant to Section 400.1 of said Rules, each county has the authority to "opt-out" of the provisions

permitting service of original process and certain other legal papers by persons other than the Sheriff.

3. That your Petitioner avers that the adoption of the local rule aforesaid will maintain the integrity of the service of original process and other legal papers within the confines of this County and is in the best interests of the citizens and residents of this County.

Wherefore, your Petitioner moves this Honorable Court pursuant to Rule 400.1 to adopt a Local Rule of Court pursuant to Pa.R.C.P. Rule 400.1

[Pa.B. Doc. No. 99-1615. Filed for public inspection September 24, 1999, 9:00 a.m.]

**BUCKS COUNTY
Order Promulgating Rule of Civil Procedure
400.1*(c) Regarding Service of Process; No. 99-
30,000**

Order of Court

And Now, this 27th day of August, 1999, Bucks County Rule of Civil Procedure 400.1*(c) is hereby promulgated as follows:

Rule 400.1*(c) Original process shall be served within the Commonwealth:

(1) by the sheriff or a competent adult in the actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(2) by the sheriff in all other actions.

By the Court

R. BARRY MCANDREWS,
President Judge

[Pa.B. Doc. No. 99-1616. Filed for public inspection September 24, 1999, 9:00 a.m.]

COLUMBIA COUNTY

Order Establishing Uniform Costs for Driving Under the Influence Prosecutions; Criminal Division, No. 1 of 1999

Order

And Now, this 16th day of July, 1999, *It Is Ordered* that the Administrative Order establishing costs for Driving Under the Influence prosecutions, be, and the same is, promulgated herewith, to become effective thirty (30) days after the publication of the Administrative Order in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of the 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 the Court of Common Pleas of Columbia County.

By the Court

GAILEY C. KELLER,
President Judge

Order

And Now, this 16th day of July, 1999, the District Attorney of Columbia County having informed the Court: (A) that the county of Columbia has obtained a Pennsylvania Department of Transportation grant enabling it to establish a centralized location ("DUI Center") for the testing and initial processing of Driving Under the Influence cases,¹ (B) that after said center becomes operational, all police agencies in said County have agreed to use above said DUI Center in such cases initiated by the officers of the departments, and (C) that a specific condition of said grant is that the Court enter an Administrative Order establishing a uniform cost to be assessed against each defendant convicted of, or admitted to the Accelerated Rehabilitative Disposition ("ARD") Program for Driving Under the Influence, which will insure that after the first six (6) months of operation under the grant, the DUI Center will be self-supporting.

It Further Appearing That the District Attorney has estimated that in order to meet self-supporting requirement, an appropriate cost for each defendant convicted of, or admitted to the ARD Program for Driving Under the Influence, would be One Hundred and Seventy-Five (\$175.00) Dollars.

It Is Therefore Ordered and Decreed That:

1. The District Attorney shall file a certification to the above File Number, in the Office of the Clerk of Court-Criminal, immediately upon the opening of said DUI Center, indicating the date when it became operational.

2. Effective as to all cases where the charges of Driving Under the Influence were initiated on or after the date so certified by the District Attorney, the sum of One Hundred and Seventy-Five (\$175.00) Dollars shall be assessed as costs in each such case against every Defendant convicted of Driving Under the Influence² or admitted to the ARD Program.³ This charge shall be in addition to all

¹Driving under the influence of alcohol or controlled substance in violation of 75 Pa.C.S. § 3731.

²The Act of August 9, 1955, P. L. 323, § 1403, 16 P. S. § 1403, authorizes such costs.

³Pa.R.C.P. 182, authorizes costs in ARD dispositions, and 75 Pa.C.S. § 3731(e)(6) authorizes certain additional costs in DUI/ARD cases.

other authorized costs and supervision fees not duplications⁴ of the processing, booking and testing costs herein authorized.⁵

3. The funds so collected as costs for the DUI Center shall be paid into the General Fund of the County of Columbia, but separately identified in the County's records and accounts so that the amounts collected during any period can be readily determined. The Police Department of the Town of Bloomsburg shall maintain appropriate records of all processed through the DUI Center, including the dates of processing and the final disposition and dates thereof, as well. These records shall reflect the number of defendants whose cases are processed by the DUI Center, including the number of defendants released without filings, the numbers charged, convicted, admitted to ARD, discharged and acquitted of such charges initiated through the DUI Center, and the dates of all such processings, filings and dispositions. The Police Department of the Town of Bloomsburg shall also keep complete and accurate records of the actual costs of personnel, equipment and materials expended in the operation of the DUI Center, and complete such expenses to the cases processed and disposed of. The Police Department of the Town of Bloomsburg shall account to the Court on an interim quarterly basis with these figures, and shall annually submit to the Court a complete calculation based upon actual experience so that the costs assessed for said DUI Center can be reviewed and adjusted, if necessary, to reflect, as accurately as possible, the actual costs of its operation distributed equally among the defendants convicted and admitted to the ARD Program.

4. The Court directs, in accordance with the District Attorney's agreement, that qualified officers from the police departments in Columbia County selected by the Supervisor of the DUI Center and approved by the District Attorney for said County shall remain and be paid as employees of their respective municipalities for services performed when operating the DUI Center and the Township/Town/Borough will thereafter be reimbursed. The District Attorney shall make an annual general evaluation of the operation of the DUI Center and review with the various police agencies using the DUI Center its efficiency and effectiveness in providing services to the public.

By the Court

GAILEY C. KELLER,
President Judge

[Pa.B. Doc. No. 99-1617. Filed for public inspection September 24, 1999, 9:00 a.m.]

COLUMBIA AND MONTOUR COUNTIES

Amendment to Local Court Rules, 26th Judicial District, No. 1-99

Order of Court

And Now, this 13th day of September, 1999, the Court hereby adopts the following Local Rule of Civil Procedure, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*:

⁴Where blood samples are analyzed by the Pennsylvania State Police Regional Crime Laboratory rather than the Laboratory attached to the DUI Center, and costs for such analysis are assessed pursuant to 42 Pa.C.S. § 1725.3, the laboratory component of the DUI Center costs shall be deducted from the costs taxed under the Order, and the authorized user fee taxed pursuant to Section 1725.3.

⁵See 75 Pa.C.S. § 1548.

Rule 400.1(b)(1):

Original process shall be served within the Commonwealth

- (i) by the sheriff or a competent adult in all actions in equity, partition, prevent waste, and for declaratory judgment when declaratory relief is the only relief sought, and
- (ii) by the sheriff in all other actions.

It is further ordered that the District Court Administrator shall file seven (7) copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee.

By the Court

GAILEY C. KELLER,
President Judge

[Pa.B. Doc. No. 99-1618. Filed for public inspection September 24, 1999, 9:00 a.m.]

ERIE COUNTY

Local Rule under Rule 400.1 of the Pennsylvania Rules of Civil Procedure; No. 90551-1999

Order

And Now, to-wit, this 30th day of August, 1999, the Court having received the Petition of Robert Merski, the Sheriff of Erie County, hereby establishes a Local Rule of Court pursuant to Rule 400.1(b)(1) of the Pennsylvania Rules of Civil Procedure providing that:

With respect to all actions filed in Erie County, Pennsylvania, original process shall be served within the Commonwealth:

- (i) by the sheriff or a competent adult in the actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and
- (ii) by the sheriff in all other actions.

By the Court

MICHAEL M. PALMISANO,
Judge

[Pa.B. Doc. No. 99-1619. Filed for public inspection September 24, 1999, 9:00 a.m.]

FAYETTE COUNTY

Local Rule 1107, Juror Information Questionnaires; No. 186 of 1999, Criminal Division

Order

And Now, this 2nd day of September, 1999, pursuant to Rule 6 of the Pennsylvania Rules of Criminal Procedure, it is hereby ordered that the above-stated Local Rule be adopted as follows.

The Clerk of Courts is directed as follows:

- (1) Seven certified copies of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.
- (2) Two certified copies of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Criminal Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Clerk of Courts. Upon request and payment of reasonable costs of reproduction and mailing, the Clerk shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

WILLIAM J. FRANKS,
President Judge

**Rule 1107
Juror Information Questionnaires**

**Rule 1107.1
General**

Confidential Juror Information Questionnaires ("questionnaires") will be maintained securely in the office of the Jury Commissioners. The juror questionnaires shall not constitute a public record.

**Rule 1107.2
Copies**

Complete and accurate copies of the original questionnaires ("copies") shall be collated into numbered binders which shall be available only to judges, attorneys for the Commonwealth and defendants' attorneys. Attorneys and judges may examine copies prior to jury selection by making arrangements with the designated custodian. The Court Administrator shall be the official custodian. Copies shall be made available from and returned to the office of the Court Administrator. Copies shall not constitute public records.

**Rule 1107.3
Restrictions**

Copies shall not be removed from the designated area except upon prior court order for good cause shown. The designated area shall be any courtroom. Copies shall not be duplicated, distributed or published. Defendants shall not be furnished copies of the questionnaires unless they are unrepresented by counsel at trial.

**Rule 1107.4
Dispositions of Questionnaires and Copies**

(A) **Impaneled jurors; original questionnaires.** All original questionnaires of all impaneled jurors shall be retained by the Jury Commissioners in a sealed file and shall be destroyed (1) year after the trial session in which they were selected, unless otherwise ordered by the Court.

(B) **Impaneled jurors; copies.** At the completion of selection of all juries for each trial session, all copies shall be returned to the Jury Commissioners and destroyed, unless otherwise ordered by the trial judge upon timely request of any unrepresented defendant, any defendant's attorney, or the attorney for the Commonwealth.

(C) **Jurors not impaneled.** All original and all copies of questionnaires of all jurors not impaneled and not

selected for any trial shall be destroyed upon completion of the jurors' service.

**Rule 1107.5
Supplemental Questionnaires**

The Jury Commissioners are hereby authorized to require the completion of a supplemental confidential juror information questionnaire mandated by Pa.R.Crim.P. 1107.

**Rule 1107.6
Completion of Questionnaires and Supplemental Questionnaires**

The Jury Commissioners shall develop appropriate procedures for distributing or mailing, collecting, collating, copying, binding, maintaining, securing and destroying questionnaires, supplemental questionnaires and all copies, as provided and required by law. The Jury Commissioner shall, in writing, inform jurors of the procedures for maintaining confidentiality of the questionnaires.

[Pa.B. Doc. No. 99-1620. Filed for public inspection September 24, 1999, 9:00 a.m.]

JEFFERSON COUNTY

**Adoption of Local Rule L400.1(b)(1); No. 644 of
1999 C.D., Miscellaneous Docket**

Order

And Now, this 23rd day of August, 1999, upon Petition from the Sheriff of Jefferson County, it is hereby ordered:

1. The following Rule is hereby adopted as Rule L400.1(b)(1) of the Local Rules of Civil Procedure of the 54th Judicial District of Pennsylvania. This Rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

2. The Prothonotary of Jefferson County shall:

a. file ten (10) certified copies of this Order and the following Rule with the Administrative Office of the Pennsylvania Courts;

b. distribute two (2) certified copies of this Order and the following Rule to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*;

c. file one (1) certified copy of this Order and the following Rule with the Pennsylvania Civil Procedural Rules Committee;

d. file one (1) certified copy with the *Jefferson County Legal Journal* for publication in the next issue.

e. maintain a copy of this local rule continuously available for public inspection and copying; and

f. file proof of compliance with this Order in the docket for this Rule which shall include a copy of each transmittal letter.

By the Court

WILLIAM L. HENRY,
President Judge

Rule L400.1(b)(1). Person to Make Service.

Original process shall be served within the Commonwealth:

(i) by the Sheriff or a competent adult who is not a party in the following actions: equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(ii) by the Sheriff in all other actions.

[Pa.B. Doc. No. 99-1621. Filed for public inspection September 24, 1999, 9:00 a.m.]

MCKEAN COUNTY

**Adoption of Local Rules; No. 158 December Term,
1904**

**McKean County Local Rules of Court
Person to Make Service**

Rule L400.1

With respect to all actions filed in McKean County, Pennsylvania, original process shall be served within the Commonwealth.

(i) by the sheriff or a competent adult in the actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(ii) by the sheriff in all other actions.

Note: This Rule is promulgated pursuant to the provisions of Pa. R.C.P. 400.1, as adopted by Order of the Supreme Court of Pennsylvania of June 14, 1999, at No. 316 Civil Procedural Rules Docket No. 5.

By the Court

JOHN M. CLELAND,
President Judge

[Pa.B. Doc. No. 99-1622. Filed for public inspection September 24, 1999, 9:00 a.m.]

**COURT OF JUDICIAL
DISCIPLINE**

Court Sessions; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 10th day of September, 1999, it is hereby *Ordered* that the sessions of the Court of Judicial Discipline shall be held in the year 2000 commencing as follows:

January 18—21

March 21—24

May 16—19

September 19—22

November 14—17

[Pa.B. Doc. No. 99-1623. Filed for public inspection September 24, 1999, 9:00 a.m.]

SUPREME COURT

Accreditation of the American Board of Certification as a Certifying Organization; No. 5 Disciplinary Rules Docket

Bar Association Review and Certifying Board, the American Board of Certification is hereby accredited as a certifying organization in the area of creditors' rights law for a period of five calendar years.

[Pa.B. Doc. No. 99-1624. Filed for public inspection September 24, 1999, 9:00 a.m.]

Order

Per Curiam:

And Now, this 10th day of September, 1999, upon consideration of the recommendation of the Pennsylvania