

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 3]

Amendment of Rules 301 and 302; No. 228 Judicial Administration Doc. No. 1

Order

Per Curiam

And Now, this 12th day of March, 2001, Rules 301 and 302 of the Pennsylvania Rules of Judicial Administration are amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rules 301 and 302 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 3. JUDICIAL COUNCIL OF PENNSYLVANIA

JUDICIAL COUNCIL OF PENNSYLVANIA

Rule 301. Judicial Council of Pennsylvania.

(a) *Establishment and Status.* There shall be a Judicial Council of Pennsylvania. All actions of the Judicial Council shall be subject to the supervision and approval of the Supreme Court.

(b) *Composition.* The Judicial Council shall consist of the following members:

- (1) The Chief Justice of Pennsylvania
- (2) Two Justices of the Supreme Court selected by the Supreme Court
- (3) The Court Administrator of Pennsylvania
- (4) The President Judge of the Superior Court
- (5) The President Judge of the Commonwealth Court
- (6) The President Judge of the Court of Common Pleas of Philadelphia County
- (7) The President Judge of the Court of Common Pleas of Allegheny County
- (8) The President of the Pennsylvania Conference of State Trial Judges
- (9) Three judges of the Courts of Common Pleas appointed by the Supreme Court from judicial districts other than the First and the Fifth judicial districts and no more than one of whom shall be from the same judicial district
- (10) One member appointed by the Supreme Court from judges of courts other than the appellate courts and the courts of common pleas

(11) Three non-judge members of the bar of the Supreme Court appointed by the Supreme Court from the Civil Procedural Rules Committee, the Criminal Procedural Rules Committee and the Minor Court Rules Committee, no more than one of whom shall be from the same Committee

(12) One non-judge member of the bar of the Supreme Court appointed by the Supreme Court

(13) Three non-lawyer electors appointed by the Chief Justice of Pennsylvania each of whom shall be selected from a different geographical area of the Commonwealth

(14) One member of the Senate of Pennsylvania, appointed by the President Pro Tempore of the Senate

(15) One member of the House of Representatives, appointed by the speaker of the House of Representatives

(16) Three members appointed by the Governor

(17) One member of the Senate of Pennsylvania, appointed by the Minority Leader of the Senate

(18) One member of the House of Representatives, appointed by the Minority Leader of the House of Representatives

(19) Such [**ex officio**] advisory members as may be appointed by the Chief Justice. [**Ex officio**] Advisory members shall not vote on matters before the Council.

(c) *Terms, etc.*

(1) A member of the Council other than the [**ex officio**] advisory member shall serve for a term of three years commencing on October 1 and may be selected or reappointed any number of times. A member shall continue to serve upon expiration of a term of membership until a successor has been selected or appointed except if the member holds membership by virtue of an office set forth in subdivision (a).

(2) Membership shall automatically terminate upon a member's death, resignation, removal or disqualification for original selection or appointment. A vacancy on the Council shall be [**filed**] filled by the respective selecting or appointing authority for the balance of the term.

(d) *Expenses.* All members of the Council shall be reimbursed for expenses necessarily incurred in the discharge of their official duties.

Rule 302. Organization and procedure.

(a) *Officers.* The Chief Justice of Pennsylvania shall be Chair and the Justice of the Supreme Court with most seniority on the Council shall be Vice-Chair. The Chair shall appoint the Secretary of the Judicial Council.

(b) *Staff.* The Executive Director shall be the chief administrative officer of the Judicial Council. The Court Administrator shall provide staff assistance to the Council when called upon to do so.

(c) *Meetings.* Meetings of the Council shall be held at such times as may be specified by the Chief Justice.

(d) *Quorum.* A majority of the members of the Judicial Council in office shall be a Quorum.

(e) *Committees.* The Chair may appoint from the Council membership one or more committees and designate one of the members of each committee as committee chair. A committee chair may appoint [**ex officio**] **advisory** members to a committee but such [**ex officio**] **advisory** members shall neither vote on matters before the committee nor be members of the Council.

(f) *Procedure.* Except as otherwise prescribed by these rules, the proceedings of the Judicial Council shall be governed by internal regulations adopted by the Council. Amended October 10, 1979, effective October 20, 1979; amended June 29, 1999, immediately effective.

[Pa.B. Doc. No. 01-496. Filed for public inspection March 23, 2001, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS [207 PA. CODE CH. 51]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL [246 PA. CODE CH. 100]

Order Amending Rules 7 and 112 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 126 Magisterial Doc. No. 1; Book No. 2

The Minor Court Rules Committee has prepared a Final Report explaining the amendments and revisions to Rules 7 and 112 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices, effective April 1, 2001. These rule changes correct cross-references to the newly renumbered Pennsylvania Rules of Criminal Procedure contained within the Rules of Conduct, Office Standards and Civil Procedure for District Justices. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 6th day of March, 2001, upon the recommendation of the Minor Court Rules Committee; the proposal having been submitted without publication in the interest of justice pursuant to Pa.R.J.A. No. 103(a)(3), and a Final Report to be published with this *Order*,

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 7 and 112 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2001.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 51. STANDARDS OF CONDUCT OF DISTRICT JUSTICES

Rule 7. Broadcasting, Televising, Recording, Photography.

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Official Note:

This rule is derived from Canon 3A(7)(a), (b) of the American Bar Association and Pennsylvania Supreme Court Code of Judicial Conduct. With respect to proceedings before district justices, it did not seem desirable to include the authority for reproduction for educational purposes set forth in Canon 3A(7)(c). This rule is not intended to affect or limit Pa.R.Crim.P. [27] 112.

Former Rule 6, relating to definitions, renumbered Rule 7 May 1, 1970; revoked Feb. 1, 1973. New Rule 7 adopted effective Feb. 1, 1973. Amended Oct. 17, 1975, effective in 90 days; June 30, 1982, effective 30 days after July 17, 1982; Note revised March 6, 2001, effective April 1, 2001.

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF DISTRICT JUSTICES

Rule 112. Temporary Assignments of District Justices.

A. The president judge of the court of common pleas of a judicial district, or in his **or her** absence the available judge of that court longest in continuous service, may assign temporarily the district justice of any magisterial district to any other magisterial district or the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia whenever such an assignment is required for the efficient administration of justice.

B. [**When a**] A district justice [**is**] temporarily assigned under subdivision A of this rule [, **he**] **shall have the jurisdiction and authority of the office the duties of which he or she** is temporarily performing and [**he**] may continue to exercise [**his**] jurisdiction and authority to his **or her** own magisterial district.

Official Note:

[**See the 1968 Constitution of Pennsylvania, Article V**] **See Pa. Const. art. V, § 10(a).** This rule does not provide for temporary assignment of senior district justices by president judges. [**See also Pa. R. Crim. P. 23 and 24**] **See also Pa.Rs.Crim.P. 132 and 133.**

Adopted June 1, 1971. Amended Oct. 17, 1975, effective in 90 days; April 25, 1979, effective in 30 days; **amended March 6, 2001, effective April 1, 2001.**

FINAL REPORT¹

Amendments and Revisions to Rules 7 and 112 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

On March 6, 2001, effective April 1, 2001, upon the recommendation of the Minor Court Rules Committee,

¹The Committee's Final Report should not be confused with the official Committee Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the Committee's explanatory Final Reports.

the Supreme Court of Pennsylvania amended or approved revisions to the Notes to Rules 7 (Broadcasting, Televising, Recording, Photography), and 112 (Temporary Assignments of District Justices) of the Rules of Conduct, Office Standards and Civil Procedure for District Justices.

I. Background

The Committee undertook a review of all cross-references to the Pennsylvania Rules of Criminal Procedure contained within the Rules of Conduct, Office Standards and Civil Procedure for District Justices in response to correspondence from Anne T. Panfil, Esq., Chief Staff Counsel to the Criminal Procedural Rules Committee. Ms. Panfil alerted the Committee that the Rules of Criminal Procedure have been reorganized and renumbered effective April 1, 2001, and suggested that the Committee review and change any cross-references to the Criminal Rules contained within the Rules of Conduct, Office Standards and Civil Procedure for District Justices before the effective date of the Criminal Rules changes.

The Committee identified two cross-references to the Criminal Rules that required revision, contained in the Note to Rule 7 and the Note to Rule 112. The Committee recommended that these cross-references be revised, effective April 1, 2001, to reflect the new numbering scheme of the Criminal Rules.

In conjunction with the revisions to the Criminal Rules cross-references, the Committee also recognized the need for several technical or "housekeeping" amendments to Rule 112.

This recommendation was submitted to the Supreme Court in accordance with Pa.R.J.A. No. 103(a)(3), without being published for public comment, because the amendments and revisions are technical and perfunctory in nature.

II Discussion of Rule Changes

A. Rule 7

The Note to Rule 7 of the Rules Governing Standards of Conduct of District Justices (Broadcasting, Televising, Recording, Photography) contains a reference to Pa.R.Crim.P. 27 (Publicity and Recording of Proceedings). The Committee recommended that this be revised to reference the new Pa.R.Crim.P. 112, effective April 1, 2001, with no substantive changes to the rule or Note.

B. Rule 112

The Note to Rule 112 of the Rules and Standards With Respect to Offices of District Justices (Temporary Assignments of District Justices) contains a reference to Pa.R.Crim.P. 23 (Continuous Availability and Temporary Assignment of Issuing Authorities) and 24 (Powers of Temporarily Assigned Issuing Authorities). The Committee recommended that this be revised to reference the new Pa.Rs.Crim.P. 132 and 133, effective April 1, 2001, with no substantive change to the rule or Note.

C. Other Technical and "Housekeeping" Amendments

In addition to the cross-references to the Rules of Criminal Procedure, while reviewing Rule 112, the Committee identified the need for several minor changes to correct citation form and to address gender neutrality concerns, and recommended that the rule and Note be amended accordingly.

[Pa.B. Doc. No. 01-497. Filed for public inspection March 23, 2001, 9:00 a.m.]

Title 25—LOCAL COURT RULES

SOMERSET COUNTY

Consolidated Rules of Court; No. 21 Misc. 2001

Adopting Order

And Now, this 6th day of March, 2001, it is hereby Ordered:

1. The following designated Somerset County Rules of Civil Procedure (Som.R.C.P.) are amended to read in their entirety, as reflected in copies of Rules following hereto, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

- Som.R.C.P. 1910.1. Support. Scope of Jurisdiction.
- Som.R.C.P. 1920. Divorce. General.
- Som.R.C.P. 1920.33. Procedure on Joinder of Related Claim for Distribution of Property.
- Som.R.C.P. 1920.51. Appointment of Master. Notice of Hearing.
- Som.R.C.P. 1920.53. Master's Hearing and Report.

2. The following designated Somerset County Rule of Civil Procedure (Som.R.C.P.), copy of which follows hereto, is hereby adopted as a Rule of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.C.P. 1910.12. Support. Office Conference. Hearing. Exceptions.

3. The following designated Somerset County Rule of Civil Procedure (Som.R.C.P.) is rescinded, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.C.P. 1910.11. Conference Procedure. Demand for Court Hearing. Procedure.

4. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the following Rules with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the following Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the following Rules with the Pennsylvania Civil Procedural Rules Committee and one (1) certified copy of this Order and the following Rules with the Pennsylvania Domestic Relations Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,
President Judge

SUPPORT**Som. R.C.P. 1910.1. Scope of Jurisdiction.**

A. All support proceedings governed by Pa. R.C.P. 1901.1 et seq. shall be filed in the Domestic Relations Section.

(Formerly R19-701).

B. All complaints under the Revised Uniform Reciprocal Enforcement of Support Act shall be filed in the Domestic Relations Section, whether the court is acting in behalf of the initiating or responding state or county.

C. All claims for alimony pendente lite and child support presented in a divorce action shall be processed through the Domestic Relations Sections.

1. To initiate proceedings in the Domestic Relations Section for determination of child support or alimony pendente lite, the party filing a complaint or petition in the divorce action containing a claim for alimony pendente lite or child support, shall file in the Domestic Relations Section:

a. A certified copy of the complaint or petition filed in the divorce action, and

b. A complaint on forms approved and provided by the Domestic Relations Section.

2. Upon filing of the Domestic Relations Section complaint, the claim for alimony pendente lite or child support shall proceed in accordance with the practice and procedure for support.

3. Income and expense statements required by Pa. R.C.P. 1920.31 and as required by the Rules of Civil Procedure governing support actions, shall be filed by the parties in the Domestic Relations Section in accordance with support procedure

4. Unless specifically ordered otherwise, all payment of child support and alimony pendente lite shall be made to the Domestic Relations Section.

Note: See also Som. R.C.P. 1920.31 governing divorce actions.

(Derived from former R19-401).

DIVORCE**Som.R.C.P. 1920. General.**

A. Administrative Fee and Required Advance Deposit of Costs.

1. In addition to the filing fee assessed for filing a complaint, and other fees required to be paid at the time a pleading or other document is filed, the following sums shall be deposited with the Prothonotary, unless excused by order of court for cause:

a. A non-refundable administrative fee in the amount of \$50.00 shall be paid to the Somerset County Prothonotary simultaneously with the filing of a divorce complaint which raises for the first time only a count for divorce under Divorce Code § 3301(c) or (d), or, in addition, a count raising custody issues.

b. In addition to the fee required in subparagraph (a), a non-refundable administrative fee in the amount of \$75.00 shall be paid to the Somerset County Prothonotary simultaneously with the filing of a divorce complaint, counterclaim or petition which raises for the first time any issue other than a count for divorce under Divorce Code § 3301(c) or (d) or custody.

c. Before any motion for referral to a Master is presented to the court, the moving party seeking the referral

shall deposit the additional sum of \$1,300.00 with the Prothonotary on account of the costs for Master's proceedings.

2. The Court or Master may require an additional deposit to cover the cost of employing an appraiser or other professional to provide necessary expert evidence to assist the Master in resolving the economic issues, provided that the Court or the Master shall first confer with counsel and unrepresented parties concerning such employment and the cost thereof. Any objection by any party to such employment or to the cost thereof may be brought promptly to the attention of the Motions Judge.

3. If it appears during the proceedings before the Master that additional amounts should be advanced to pay anticipated costs, and the parties are unwilling to advance the amount deemed necessary by the Master, the Master shall, by motion, request the Court to order additional payment from the parties. The Master shall include in the motion a certification as to whether the parties consent or object to the motion. The Master shall provide a copy of the motion to Counsel and unrepresented parties.

4. Any balance of advance deposits remaining after payment of costs and compensation shall be held by the Prothonotary for disposition in accordance with the allocation of costs between the parties by final decree.

5. No copy of any divorce or annulment decree shall be issued by the Prothonotary to any person unless all record costs in the case are paid, or unless the person to whom the copy is issued has by court order been excused from payment (in whole or in part) which may be granted only for inability to pay.

B. Master

For purposes of these rules, a Master's duties and authority shall be limited to determining cause for divorce or annulment, distribution of property, alimony, counsel fees, costs and expenses.

Note: Issues of alimony pendente lite and support shall be referred to the Domestic Relations Section, not to a Master, see: *Thomas v. Thomas*, 39 Somerset Legal Journal 157 (1981).

C. Application Of Advance Payment Of Costs For Administration Of The Master System.

1. Expenses incurred by the Master shall be charged against the advance paid by the parties pursuant to Som. R.C.P. 1920.A.1.c.

2. The time expended by the Master shall be charged against the payment of costs advanced by the parties pursuant to Som. R.C.P. 1920.A.1.c. at a minimum of \$225.00, and at the rate of \$75.00 per hour, or fraction thereof, in excess of two hours.

D. Compensation of Stenographers.

1. In uncontested cases, where there is testimony by plaintiff only, or testimony by defendant only on a counterclaim, and no testimony by the adverse party, the stenographer employed by the Master shall be entitled to an appearance fee of \$50.

2. In all other cases, the stenographer employed by the Master shall be entitled to an appearance fee of \$50 for a hearing lasting three hours or less, and \$100 for a hearing lasting more than three hours.

3. In all cases (including uncontested cases), the stenographer shall be paid a fee of \$1.85 per page for each page of the original transcript. The parties shall pay a

charge of \$.50 per page for each page of copy which they may request, which shall be paid by the party requesting the copy and may not be taxed as costs in this action.

4. In cases in which the testimony is voluminous or extraordinary services are required, the Master may recommend an increase in the stenographer's appearance fee for approval by the Court.

5. When the stenographer reports to the Master that the transcript is ready, the Master shall notify each party of intent to direct the Prothonotary to issue payment to the stenographer. The parties shall have ten (10) days within which to file objections with the Motions Judge, who shall promptly decide the same. If no objections are filed within such ten day period, upon request by the Master, the Prothonotary shall issue payment from the advanced costs deposited by the moving party, and shall deliver to the Master a check for the stenographer's compensation made payable to the stenographer.

6. Except as specifically set forth above, the ultimate liability or responsibility among the parties for the payment of stenographer's costs shall abide the final decree in the case.

Som.R.C.P. 1920.33. Procedure on Joinder of Related Claim for Distribution of Property.

A. In a case involving a claim for distribution of property, a Motion for Appointment Of Master may be presented only if (i) ninety (90) days have elapsed from service of the pleading or petition containing the claim for distribution of property, and (ii) the moving party has filed an inventory in the form required by Pa. R.C.P. 1920.33(a).

Note: Pa R.C.P. 1920.33(a) requires both parties to file an inventory within 90 days after service of a pleading or petition containing a claim for distribution of property.

B. If the responding party has failed to comply with the provisions of Pa. R.C.P. 1920.33(a) within thirty (30) days after referral to the Master, the Master shall report the failure to the Motions Judge for imposition of sanctions pursuant to Pa. R.C.P. 1920.33(c).

C. Within thirty (30) days after the referral to the Master, each party shall file and serve upon the other party, a pretrial statement pursuant to the provisions of Pa. R.C.P. 1920.33(b).

If a party fails to file and serve a pretrial statement within the thirty day time period required by this Rule, the Master shall so report to the Court for imposition of sanctions pursuant to the provisions of Pa. R.C.P. 1920.33(c) and (d)(1).

D. No hearing shall be scheduled before the Master until both parties have complied with the provisions of Pa. R.C.P. 1920.33(a) and (b) or an Order has been entered by the Court pursuant to the Master's report of failure of a party to comply.

Som.R.C.P. 1920.51. Appointment of Master. Notice of Hearing.

A. All cases for divorce or annulment, except cases under Divorce Code § 3301(c) (consent affidavits) and § 3301(d)(1)(i) (undenied two year separation), and all claims for property division, alimony, counsel fees, and costs, requiring resolution by litigation, shall be referred to a Master, unless otherwise ordered by the court for cause. The Court will select, appoint, and establish the duties of a standing Master or Masters. The compensation of the standing Master or Masters shall be set by the Somerset County Salary Board.

B. If the standing Master is unable to serve by reason of conflict of interest or otherwise, the Court shall appoint a Master from the list of those attorneys who have indicated a willingness to serve. The Master so appointed shall be entitled to compensation at an hourly rate as provided in Som. R.C.P. 1920.C.

C. Paragraph (7) of the prescribed form of motion for appointment of a master (Pa. R.C.P. 1920.74) shall state:

1. In all cases: the name(s) of other counsel who are or may be interested in the case, or a statement that no other counsel is known or believed to be interested; and

2. In property distribution cases:

a. Whether or not a divorce decree has been entered;

b. Whether or not the costs deposit has been paid pursuant to Som. R.C.P. 1920.A.1;

c. Whether or not each party has filed an inventory as required by Pa. R.C.P. 1920.33.

D. Notice of the date, time and place of presenting a motion for referral to the Master, and of the right to appear and be heard thereon, together with a copy of the motion, shall be given to all counsel of record and unrepresented parties at least ten (10) days prior to presentation.

E. An Order referring a case to the Master shall operate as a scheduling praecipe for scheduling of Master's Hearing. A copy of the Appointment Order shall be provided to the Court Administrator for placement of the case on a trial list.

F. Cases in which hearing is to be scheduled before a Master will be placed on the appropriate trial list as a non-jury case for scheduling. Counsel for the parties and the Master shall appear at the Call of the Civil Trial List pursuant to Som. R.J.A. 1022. Hearings before the Master will be placed on the civil trial schedule prepared pursuant to the provisions of Som. R.J.A. 1023. Once scheduled, the hearing may be continued only by Order of Court.

G. The Master shall be sworn to the faithful performance of duties as Master prior to hearing.

H. The Master shall sit in an appropriate room of the courthouse or other County facility as assigned by the Court Administrator.

I. Subpoenas for the appearance of witnesses before the Master shall be issued by the Prothonotary upon application of the Master, a party's attorney, or an unrepresented party.

J. The Master may schedule a prehearing conference for the purpose of reviewing exhibits, witnesses, and proposed testimony; simplification of the issues; entering stipulations; and other appropriate prehearing purposes. Attendance of counsel and unrepresented parties shall be mandatory.

K. It is the duty of the Master to give proper notice of hearings and conferences to counsel and unrepresented parties.

1. Notice of prehearing conferences and hearings shall state the date, time and place of the conference or hearing, and shall state the name and mailing address of the Master.

2. Notice of a prehearing conference shall state that the attendance of counsel and unrepresented parties is required.

3. Notice of a hearing shall state that the parties may appear and be heard and present witnesses.

4. Notices shall be given to counsel and unrepresented parties in accordance with Pa. R.C.P. 1920.51.

L. Where defendant is incarcerated:

1. The notice of hearing shall also state:

a. If defendant wishes to attend the hearing, he has the right to request the court to grant permission to do so and to make arrangements for him to be brought to the hearing; and

b. If the defendant wishes the court to permit him to attend the hearing and to make arrangements for him to be brought to the hearing, defendant must within ten (10) days write to the Master requesting to be present; and

c. If defendant makes such request in writing within said ten-day period to be present at the hearing, application to the court will be made for him; and

d. If defendant does not make a written request within said ten-day period to be present at the hearing, it will be presumed that he desires not to be present.

2. The hearing date shall be fixed sufficiently far in advance to allow time for the procedures above prescribed.

3. If defendant makes a timely request to be present at the hearing, the Master shall within ten (10) days thereafter:

a. Notify defendant's counsel of record thereof and that counsel shall make the necessary application to the court, or

b. Make the application to the court for the defendant if he has no counsel of record.

Note: See *Jones v. Jones*, 29 Somerset Legal Journal 152, 1 D. & C.3d 401 (1974). In general, notice of divorce hearing is governed by Pa. R.C.P. 1920.51.

M. A copy of the Master's notice of hearing shall be attached to the proof of notice required by Pa. R.C.P. 1920.51(e).

Som.R.C.P. 1920.53. Master's Hearing and Report.

A. Except as hereinafter provided, the Master's report shall be filed within the time limits provided by applicable Pennsylvania Rules of Civil Procedure.

B. A Master shall not file a report concerning equitable property division and related matters unless: (i) a Decree in Divorce or Annulment has been entered; or (ii) the issue of divorce was presented to the Master and a recommendation regarding divorce is included in the report; or (iii) the Court permits submission of the report by special Order.

C. Upon receipt of an order appointing a Master or a substitute Master to hear matters pertaining to equitable distribution of marital property, alimony or counsel fees and expenses, the Prothonotary shall note in the docket or other appropriate record, a date 8 months after the date of the appointment. If the Master's report has not been filed on or before the expiration of the 8 month period, the Prothonotary shall, on the next business day, forward to the Motions Judge a copy of the docket entries in the case. The Motions Judge shall promptly notify the Court Administrator that a status conference is to be scheduled. The Court Administrator shall issue a scheduling order for prompt scheduling of the status conference and shall provide a copy of the scheduling order to the Master, counsel for any party appearing in the action and any unrepresented party.

1. The Master, counsel, and unrepresented parties shall be present for the status conference unless excused by the hearing Judge for cause.

2. At the status conference, all participants shall be prepared to provide the hearing Judge with clear and concise explanations for the delay in filing the Master's report. If the delay has been caused by the failure of the Master to fulfill his or her duties, the Court may, upon motion of a party or on its own motion, discharge the Master and appoint a substitute Master to complete the case, or the Court may proceed under the terms of subparagraph 3 below. Any Master who has been discharged under the provisions of this Rule will forfeit any compensation to which he or she may otherwise be entitled, computed at the hourly rate provided for Som. R.C.P. 1920.C.

3. Prior to imposing sanctions described in subparagraph 2 above, the court may elect to issue an order to the offending party or to the Master directing compliance within a stated period of time. If the offending party or Master fails to comply with the terms of such an order, the court may impose the sanctions specified in subparagraph 2 above.

D. In indigent cases, the party proceeding as an indigent shall, at the Master's hearing, prove all averments in the petition for leave to proceed as an indigent, and respecting the adverse party's whereabouts, financial ability and resources.

(Derived from former R18-208).

E. The Master's Report shall include:

1. The following material, organized in the following order:

a. Facing page, stating:

(1) Case caption

(2) Title (Master's Report)

(3) Detail of costs payable to Master and stenographer, and

(4) Index to remainder of Report.

b. Recommendation as to relief to be granted or denied

c. Transcript of proceedings before Master, which shall include a verbatim transcript of all proceedings before the Master, preceded by an introduction specifying:

(1) Date(s), time(s) and place(s) of proceedings before the Master, and

(2) The names and addresses of all persons present and their status in the case, and

(3) A specific statement whether or not defendant was present or represented at the hearing.

d. Decree, in accordance with the recommendation, in the form prescribed by applicable Pennsylvania Rules of Civil Procedure, which shall also state liability for costs.

2. The information required by applicable Pennsylvania Rules Of Civil Procedure.

F. Upon completion of the Master's Report, the Master shall ascertain from the Prothonotary whether the balance of the costs deposit still held is sufficient to pay for the hours expended by the Master, computed at the hourly rate contained in Som. R.C.P. 1920.C. and any remaining stenographic and other costs, and:

1. If the balance of costs remaining is sufficient for payment of same, the Master shall file the report with the Prothonotary and proceed in accordance with Subsection F.3. of this Rule.

2. If the balance of costs remaining is not sufficient for payment of same, the Master shall lodge the Master's Report with the Prothonotary, sealed, which shall be available for review by no one other than the Master and the court, and the Master shall immediately send notice to counsel, the parties and the Motions Judge, advising that: (i) the Report has been lodged with the Prothonotary, (ii) upon payment of costs, the Report will be filed officially with the Prothonotary, (iii) that the moving party has a period of twenty (20) days within which to file a motion requesting relief from payment of the balance of costs, and (iv) if the costs are not paid, or if a motion for relief from payment of costs is not filed within such twenty (20) day period, the court will enter an order directing the moving party to pay the balance of costs. A motion for relief from payment of costs shall be transmitted to the Motions Judge for decision, *sec reg.* The ultimate responsibility between the parties for the costs and Master's compensation shall abide the final Decree.

Upon payment of the balance of costs, or upon entry of an order determining payment of costs, under this subsection, the Report shall be considered filed and the Master shall proceed as specified in Subsection F.3. of this Rule.

3. When the Report is filed or considered filed under Subsection F.1. or 2. of this Rule, the Master shall: (i) give notice of filing as prescribed by Pa.R.C.P. 1920.55-2, and (ii) file an affidavit of service of said notice.

4. The notice of filing of the report shall state the fact of filing, that any party has the right to file within ten (10) days after mailing of the notice, exceptions (objections) pursuant to Pa.R.C.P. 1920.55-2, that if any exception is filed it will be heard by the court, and if no exception is filed the Report will be presented to the court for the granting of a final Decree in divorce (or annulment), and determining equitable distribution and other collateral economic issues, as applicable.

(Formerly R18-209).

G. In any case, where there are insufficient costs on deposit to pay for the hours expended by the Master or for the stenographer's or other costs, the Court, upon motion filed by the Master, or on its own motion, may proceed to determine whether the moving party should be required to advance the balance necessary to pay the hourly rate of the Master or such other costs.

SUPPORT

Som.R.C.P. 1910.12. Office Conference. Hearing. Exceptions.

A. Promptly upon the filing of any complaint or request for modification or termination, the Domestic Relations Section shall schedule a conference, issue a scheduling order, and distribute a copy thereof to all counsel of record, and to all parties, whether or not represented by counsel of record.

B. The Domestic Relations Section may continue and reschedule the conference as may be necessary or convenient according to the needs and available facilities of the Section and as may be fair and reasonable to the parties, provided, however, that no more than two continuances for each party and no more than three continuances in the aggregate, shall be granted, unless Court approval is first obtained. If Court approval is required, a written Motion for Continuance, specifying the reasons therefor,

shall be presented to the Motions Judge. Continuances requiring Court approval will be granted only in extraordinary circumstances.

C. With the approval of the Domestic Relations Section, the parties or counsel may waive notice and agree to a date and time for conference.

D. If an agreement for support is reached at the conference, the written Order and recommendation referred to in Som. R.C.P. 1910.11(d) shall be transmitted to the Court in accordance with established assignment and Motions Judge practice. Upon receipt of the written Order and recommendation, the Judge shall either approve the recommendation and enter the Order, or disapprove the recommendation. Upon approval, the Domestic Relations Section shall promptly distribute a copy of the Order to each party and counsel.

E. If the parties do not reach agreement at the conference, or if the defendant does not appear at the conference, the Conference Officer shall submit to the Court, in accordance with established assignment and Motions Judge practice, a recommended Interim Order, to be entered by the Court as required by Pa. R.C.P. 1910.12, and unless the parties advise the Domestic Relations Section that a hearing is not requested, the case shall be scheduled for a hearing before the Hearing Officer. However, the parties, also, shall retain the option of agreeing to the Interim Order, and if the Domestic Relations Section is so notified in writing prior to the hearing, the hearing will be canceled and the Interim Order will be entered as the final Order.

F. When a hearing is to be scheduled before the Hearing Officer, the Domestic Relations Section shall schedule the hearing, issue a scheduling order, and distribute a copy thereof to all parties and counsel.

G. The Hearing Officer shall conduct the hearing and proceed otherwise as provided in Pa. R.C.P. 1910.12.

H. If exceptions are filed pursuant to the provisions of Pa. R.C.P. 1910.12(f), the Domestic Relations Section shall provide a copy of the exceptions to opposing counsel and unrepresented parties.

1. In addition to any other required fee, and unless otherwise ordered, a party filing exceptions shall pay a filing fee of \$30.00 to the Domestic Relations Section at the time the exceptions are filed.

2. Unless otherwise ordered, or unless certification is submitted pursuant to subparagraph H.4.(ii) of this Rule, a party filing exceptions shall also present to the Domestic Relations Section, at the time the exceptions are filed, a check or money order in the amount of \$25.00, made payable to the stenographer, as an advance payment toward record transcription.

3. Upon presentation of the check or money order pursuant to the requirements of the foregoing subparagraph H.1. of this Rule, or timely presentation of Order excusing payment, the Domestic Relations Section will transmit to the stenographer, the check or money order, if any, or a copy of the Order excusing payment.

a. If payment has been excused, the stenographer will immediately commence transcribing the record.

b. If payment has not been excused, upon receipt of the advance payment, the stenographer shall provide to the accepting party or parties a statement of the balance due

for transcription. Within ten (10) days of the mailing of the stenographer's statement, the excepting party shall pay the balance due directly to the stenographer. Where both parties have filed exceptions, each party shall pay an amount equal to one-half of the balance of the costs due. If the stenographer does not receive payment of the balance due within the time limit required by this Rule, the stenographer shall immediately notify the Domestic Relations Section.

c. If only one party has filed exceptions and that party has failed to make the advance payment or other amounts due for the cost of transcription within the required time limit, no transcript will be prepared.

d. If both parties file exceptions and one of the parties fails to make a required payment within the time limits required by this Rule, the transcript shall be prepared, with the total cost to be paid by the non-defaulting party prior to the date set for argument. A party who fails to make payment within the time limits required by this Rule will not be permitted to rely on the transcript in support of the exceptions.

4. A party filing exceptions will be excused from paying for a transcript only if (i) a Motion To Proceed In Forma Pauperis is presented to, and approved by, the Court within the ten (10) day period allowed for filing of exceptions; or (ii) a certification is filed within the ten (10) day period allowed for filing of exceptions, certifying that the record is not necessary for disposition of the exceptions.

5. Exceptions, when filed, shall contain, or have attached, a written certification that the required deposit has been paid, or that payment is not required by Court Order or because a transcript is not necessary for disposition of the exceptions. A copy of the Court Order or certification shall be attached to the exceptions. If the certification and attachments are not filed as required, no transcript will be prepared.

6. Any party requesting reallocation of the cost of transcription shall raise the matter specifically before the Court at argument on the exceptions, or the issue of reallocation shall be deemed waived by that party.

7. Advance payment of the transcript costs within the time limits required by this Rule shall be mandatory, unless a party is permitted to proceed in forma pauperis after petition to the Court, or unless otherwise excused by the provisions of this Rule. If the costs are not paid within the time limits required by this Rule, no transcript will be prepared.

I. Upon filing of exceptions, the Domestic Relations Section shall notify the Court Administrator, who shall schedule the same for argument, sec. reg. Upon issuance of the order listing the case for argument, the Domestic Relations Section shall notify counsel and parties of the date, time, and place of the argument.

J. Following argument on the exceptions, the Court will enter an appropriate final order in the case, copy of which shall be distributed by the Domestic Relations Section to counsel and unrepresented parties.

[Pa.B. Doc. No. 01-498. Filed for public inspection March 23, 2001, 9:00 a.m.]

YORK COUNTY

Administrative Order Amending Procedures at Duty District Justice Office and Providing for Filing Civil Bench Warrants in "Missile" Warrant System; No. 251 MA 2001

Administrative

And Now, this 7th day of March, 2001, pursuant to the authority and responsibility of the President Judge to exercise general supervision and administrative control over District Justices within the 19th Judicial District (Pa.R.C.P.D.J. 17) and to further implement more effective access to certain warrants of arrest within the Magisterial Information System to Support Improved Law Enforcement (MISSILE system), it is hereby *Ordered* as follows:

I. Amendment of Administrative Order of June 24, 1999:

Section III (B) of this Court's Administrative Order of June 24, 1999 (filed June 25, 1999), dealing with "Disposition of Warrants: Disposition of Summary Warrant / Bench Warrant on Arrest:" is hereby amended, and shall read, in part, as follows:

If an individual is arrested after regular court hours, and it appears that, in addition to any outstanding summary warrants, there is one or more outstanding bench warrants, warrants of arrest, or attachments issued by a Judge of the Court of Common Pleas, or warrants with commitments attached issued by a District Justice, the individual shall be served with all warrants outstanding, but shall not be taken before the Duty District Justice. The individual shall be taken directly to prison, to be returned the next business day, to the Court of Common Pleas or to the appropriate District Justice, pursuant to the appropriate warrants.

[The remainder of the text of that section shall remain as set forth in the prior order]

II. Amendment of Administrative Order of March 7, 1985, Establishing the "Missile" System:

The following text shall amend the Administrative Order of March 7, 1985, signed by the Honorable Robert I. Shadle, President Judge, and subsequent Administrative Orders and Memoranda pertaining to the "MISSILE" system:

BENCH WARRANTS ISSUED BY COMMON PLEAS JUDGES:

In addition to the warrants previously described, which are to be entered in the York County Magisterial Information System to Support Improved Law Enforcement ("MISSILE" SYSTEM), all bench warrants issued by a Judge of the Court of Common Pleas, whether civil or criminal in nature, and regardless of whether the warrant can be entered in any state or national database, shall be entered into the "MISSILE" System as soon as practical after issuance of the warrant.

It is Further Ordered, that in accordance with Pa.R.Civ.P. 230, the District Court Administrator shall:

(a) File seven certified copies hereof with the Administrative Office of the Pennsylvania Courts;

(b) Distribute two certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) File one certified copy hereof with the Criminal Rules Committee;

(d) Cause a copy hereof to be published in the *York Legal Record* at the expense of the County of York; and

(e) Supervise the distribution hereof to all Judges, District Justices, Municipal and State Police agencies of the 19th Judicial District, and to York County's Director of Emergency Operations, and the York County Sheriff.

By the Court

JOHN H. CHRONISTER,
President Judge

[Pa.B. Doc. No. 01-499. Filed for public inspection March 23, 2001, 9:00 a.m.]
