

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

PennDOT Appeals; Administrative Doc. No. 03 of 2001

And Now, this 9th day of March, 2001, *It Is Hereby Ordered and Decreed* that the Order issued on December 30, 1993, No. 04 Administrative Docket and March 17, 1994, No. 5 of 1994, amending Philadelphia Civil Rule No. *1301, is further amended and supplemented as set forth hereunder.

Effective Friday, March 9, 2001, Appeals from decisions of the Pennsylvania Department of Transportation will be scheduled for disposition before a judge of the Municipal Court of Philadelphia who has been assigned to preside as a Judge of the Court of Common Pleas.

This Order is issued in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, Phila. Civ. R. No. *51 and Pa.R.C.P. No. 239, and shall become effective on March 9, 2001. As required by Pa.R.C.P. No. 239, the original Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

JOHN W. HERRON,
Administrative Judge, Trial Division

[Pa.B. Doc. No. 01-536. Filed for public inspection March 30, 2001, 9:00 a.m.]

PHILADELPHIA COUNTY

SEPTA Strike; Administrative Doc. 04 of 2001

Order

And Now, this 13th day of March, 2001, it is hereby *Ordered and Decreed* that, in the event of a strike by SEPTA employees, all SEPTA counsel are excused from attending all Court ordered events for the duration of the strike and four (4) days after it ends;

Any Order issued against SEPTA shall be stayed for the duration of the strike and twenty (20) days thereafter;

No default judgments for failure to answer a Complaint or comply with a discovery Order will be issued for the duration of the strike and twenty (20) days thereafter;

Following resolution of the strike, civil case managers will be assigned to review every Case Management Order involving SEPTA as a party and they shall advance event dates as appropriate and reissue the Case Management Order without the necessity of counsel appearing; and

Following resolution of the strike, the Civil Judicial Team Leaders will reschedule all settlement conferences, pretrials and trials which were continued by reason of the strike.

By the Court

JOHN W. HERRON,
Administrative Judge, Trial Division

This Administrative Docket is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. ★51 and Pa.R.C.P. 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District. The Administrative Docket is also available on the Court's website at <http://courts.phila.gov>.

[Pa.B. Doc. No. 01-537. Filed for public inspection March 30, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LAWRENCE COUNTY

Domestic Relations Section Fee Schedule

Rule L1910.4. Domestic Relations Section Fee Schedule.

(1) The fees set forth in the following fee schedule shall be assessed when applicable, as taxable costs, upon the appropriate parties in the various causes of action and matters filed with the Lawrence County Domestic Relations Section.

(2) None of the fees set forth in the fee schedule shall be required to be paid in advance.

(3) Any fee may be imposed upon any party at the time of the support conference or at any time during the life of the cause of action or matter before the Court.

(4) All fees shall be assessed, collected, and administered by the Domestic Relations Section.

Domestic Relations Section Fee Schedule

Opening a Judgment	\$ 40.00
Appeal to Appellant Court	\$ 50.00
Warrant	\$ 16.00
Case Audits	Fee determined by Court Order
Certified Orders	\$ 5.00
Commencement of an Action	\$ 50.00
Computer Print-Out (per page)	\$ 2.00

Contempt Proceeding Preparation	\$160.00
Contempt Petition & Order	\$ 50.00
Appeal DeNovo	\$ 40.00
DRS Annual Administrative Fee For Obligor	\$ 25.00
Guideline Calculations	\$ 10.00
Incarceration & Milage Fee	\$ 40.00
Judicial Computer Fee	\$ 5.00
Judgments	\$ 54.00
Lien Searches (Per Name)	\$ 10.00
Ancillary Motion/Petition	\$ 10.00
Non-Sufficient Funds Fee	\$ 40.00
Ancillary Order	\$ 10.00
Personal Service & Mileage Rate	\$ 30.00
PIN Replacement Fee	\$ 8.00
Recommended Support Order	\$ 50.00
Sentencing Petition	\$100.00
Sentencing Order	\$ 40.00
Scheduling Blood Test for Non-DRS Cases	\$ 65.00
Stop Payment Check Fee	\$ 40.00
Ancillary Support Agreement	\$ 20.00
Photocopies (Per Page)	\$.80

[Pa.B. Doc. No. 01-538. Filed for public inspection March 30, 2001, 9:00 a.m.]

WASHINGTON COUNTY

Local Rules of Court Governing Support; No. 2001-1

Order

And Now, this 9th day of March, 2001; *It Is Hereby Ordered* that the Washington County Local Civil Rules of Court governing Support be adopted as follows and that all previous Washington County Local Rules of Court governing Support be rescinded.

This amendment shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

DEBBIE O'DELL SENECA,
Judge

SUPPORT

L-411.2. Non-Appearance by Parties.

[Rescinded as the subject matter is now covered by Pennsylvania Rule of Civil Procedure 1910.11 and 1910.12].

L-1012-1. Entry of Appearance.

All counsel shall file a Praeceptum for Appearance with the Domestic Relations Section Docket Clerk which includes the attorney's name, business address, telephone number and Supreme Court identification number. This appearance must be typed or legibly handwritten. If counsel fails to enter his or her appearance as prescribed by this Rule, he or she shall not be entitled to receive copies of orders, notices or other record matters.

L-1012-2. Withdrawal of Appearance.

Following entry of a final order from the matter for which counsel entered his or her appearance as set forth in L-1012-1, counsel may withdraw his or her appearance by filing of record a form as prescribed by the Domestic Relations Section for this purpose and without order of court. Any attorney filing this form shall certify that he or she has sent a copy of his or her withdrawal to his or her client before the Docket Clerk shall accept the withdrawal for filing.

L-1910.4. Fees.

(a) The Domestic Relations Section, in addition to any other fees imposed by these rules, shall impose and collect filing and service fees as prescribed by administrative order, *as amended*.

(b) Any fee imposed by this Rule shall not be collected from a party otherwise obligated by these rules to pay such a fee in the following circumstances:

(1) Where the party has been granted leave by the Court to proceed *in forma pauperis*;

(2) Where the Hearing Officer or the Court finds that the party is financially unable to pay;

(3) Where the party is a recipient of cash assistance from any state's Department of Public Welfare;

(4) Where any action requiring a fee is taken by the IV-D Attorney; or

(5) Where the Court otherwise directs.

(c) No fee shall be charged for any continuance granted under Rule L-1910.5(a)(1). A fee shall be charged for continuances under L-1910.5(a)(2).

L-1910-5. Continuances.

(a) Continuances of any matter scheduled before either a Conference Officer or a Hearing Officer shall only be granted as follows:

(1) For requests for continuances made 15 days or more before the scheduled conference or hearing date, the moving party must place his or her request in writing to the Intake Department Supervisor. All requests for continuance under this section shall include written consent from both parties to the continuance. The party requesting the continuance is responsible for notifying all interested parties of the rescheduled date and time of the conference and/or hearing.

(2) Requests for continuances of any conference or hearing which are made 14 days or less before the scheduled conference or hearing date shall only be granted by order of court.

(b) A fee shall be charged for continuances as prescribed by Rule L-1910.4 and no continuance shall be granted without payment of any required fee, unless waived by the Court or the Domestic Relations Section for good cause shown.

L-1910.10-1. Hearing Procedure.

(a) The alternative hearing procedure of Pa.R.C.P. 1910.12 is adopted in all actions for support through the Domestic Relations Section.

(b) If the parties are unable to reach an agreement during the support conference, the procedures of Pa.R.C.P. 1910.12(b)(1) shall be followed and an interim

order of support entered pending hearing before the Hearing Officer.

(c) Subject to the provisions of Rule L-1910.4(b), a party wishing to confirm and preserve a scheduled *de novo* hearing before the Hearing Officer shall pay costs in the amount of \$50.00 to the Domestic Relations Section within ten (10) days of the mailing of the interim order. Failure to pay such costs shall result in any scheduled hearing being administratively cancelled and the interim order being made final.

(d) When interim orders which are served upon the parties by mail, the Domestic Relations Section shall add three (3) days to the "mail date" appearing on the face of the order and the ten (10) day period shall run from that "mail date" for the purposes of Pa.R.C.P. 1910.12.

L-1910.10-2. Alimony Pendente Lite.

(a) If the parties to a support action have filed a Complaint in Divorce in which a claim is raised for alimony pendente lite, the Hearing Officer may hear the alimony pendente lite claim at the request of either party, provided however, that both a Master in divorce has been appointed and the Master's fee has been paid to the Prothonotary. Counsel requesting the hearing of an alimony pendente lite claim by the Hearing Officer shall provide documentary evidence of this appointment and payment of the fee to the Hearing Officer.

(b) If the Hearing Officer proceeds under this Rule and hears a claim for alimony pendente lite, the party moving for hearing of this claim by the Hearing Officer shall file with the Domestic Relations Section Docket Clerk a copy of the Complaint in Divorce raising the issue of alimony pendente lite within three (3) days of the hearing before the Hearing Officer. If the Complaint in Divorce is not filed within this time, the Recommendation of the Hearing Officer shall not be issued until a copy of the Complaint is properly filed.

L-1910.11(c). Exhibits.

[Rescinded].

L-1910.12-1. Office Conference.

[Rescinded due to the 1997 revisions to the Pennsylvania Rules of Civil Procedure].

L-1910.12-1. Exceptions.

(a) Where the parties to a support action are not given a copy of the Recommendation of the Hearing Officer at the conclusion of the hearing and notice of the Recommendation is given by mail to the parties and/or counsel of record, the Domestic Relations Section shall add three (3) days to the report date appearing on the face of the Recommendation prior to mailing. The 10 day period for the filing of exceptions prescribed by Pa.R.C.P. 1910.12(f) shall run from the Date of Report written on the Recommendation.

(b) All exceptions must be in writing and shall be filed with the Domestic Relations Section Docket Clerk. Any party filing exceptions shall provide an original and two (2) copies when filing. Further, the party filing exceptions shall provide to the Docket Clerk a receipt indicating that the \$50.00 deposit required by subsection (d) of this rule has been paid (subject to the provisions of Rule L-1910.4(b)) unless an attorney filing the exceptions on behalf of the party certifies in writing that no transcript is required.

(c) The party filing exceptions shall serve both opposing counsel and the opposing party with copies of the exceptions by the end of the next business day following the filing of the exceptions.

(d) Any party filing exceptions shall order from the court reporter the transcript of testimony unless the attorney for the party filing exceptions certifies in writing that the transcript is not required. Any party ordering the transcript shall pay a deposit of \$50.00 with the court reporter before the transcript is prepared. The deposit shall be applied against the total cost of the transcript. The Domestic Relations Judge will not be provided with a copy of the transcript unless the same has been ordered and paid for in full by a party or counsel.

(e) Briefs in support and in opposition to the exceptions shall be filed with the Domestic Relations Section Docket Clerk not later than the dates directed in the order of court setting the argument date on the exceptions. Each party filing a brief shall serve a copy of the brief on the opposing party and counsel not later than the end of the next business day following the filing of the brief with the Domestic Relations Section Docket Clerk. Every brief filed with the Domestic Relations Section Docket Clerk shall contain an original and one (1) copy.

(f) If the party filing exceptions fails to file a brief in support of those exceptions by the designated filing date, the responding party shall not be required to file a brief in opposition to those exceptions, but may file a brief if desired. However, if the responding party has filed exceptions in response to the other party's exceptions filing, the responding party shall file a brief in support of those cross or counter exceptions by the date directed in the argument notice.

L-1910.17-1. Administrative Service Fee.

Except as provided herein, every order of support shall require the payment of a \$25.00 annual administrative service fee to the Domestic Relations Section. This fee shall be charged to the defendant in a support action processed through the Domestic Relations Section. This fee shall be charged on any case in which the defendant is under an order of support of at least \$50.00 per month, in either a single or multiple support action. This fee shall be paid by the defendant only once yearly regardless of the number of cases involved. Only those defendants who have an active support order as of April 15 of that year shall be charged this fee. Payment shall be due within 45 days of the date of the mailing of the fee notice and shall be paid directly to the Domestic Relations Section and not to the Pennsylvania Support Collections and Disbursement Unit (SCDU). This fee shall be in addition to the amount of support which the defendant is ordered to pay.

L-1910.17-2. Consent Support Orders.

(a) All consent support orders shall be prepared on current forms provided by the Domestic Relations Section in conformance with the Pennsylvania Child Support Enforcement System (PACSES). Consent support orders prepared on forms other than the current form shall not be accepted for filing by the Domestic Relations Section Docket Clerk.

(b) The order must be clear and concise and shall adhere to both procedural and substantive statutory and case law requirements.

(c) If a support action has not yet been initiated for the case for which the consent support order is being filed, the consent support order shall include along with filing the current intake information sheet and a properly completed Complaint for support and shall also include the appropriate filing fee.

L-1910.17-3. Marriage Settlement Agreements.

In existing support cases where a marriage settlement agreement is signed following the entry of the support order which modifies the terms of the current support obligation, counsel for either party shall file a motion with the Court to incorporate the marriage settlement agreement into a Domestic Relations Order. The order prepared incorporating the marriage settlement agreement shall conform to the current consent support order used by the Domestic Relations Section, as set forth in Rule L-1910.17-2.

L-1910.17-4. Stipulations before the Divorce Master.

In existing support cases where the parties enter into a stipulation before the Divorce Master following the entry of the support order which modifies the terms of the current support obligation, counsel for either party shall file the stipulation with the Domestic Relations Section. Upon filing of this stipulation, a new order of support in conformance with that stipulation shall be drafted by the Domestic Relations Section and forwarded to the Court for entry.

L-1910.19. Support Order Modification.

(a) A filing fee as set forth in Rule L-1910.4 shall be charged for all petitions to modify an order of support. This fee shall be assessed against the party filing the petition to modify, except as provided in Rule L-1910.4(b). The petitioner shall file an original and three (3) copies of the petition with the Domestic Relations Section Docket Clerk.

(b) The Domestic Relations Section shall not accept for filing a petition which seeks any of the following without leave of court:

- (1) To decrease an order of \$50.00 or less;
- (2) To modify an order that is on appeal to the court pursuant to a recommended order; or,
- (3) To modify an order which has been entered within the past six (6) months.

(c) The Domestic Relations Section shall provide notice of the refusal to the party seeking the modification.

(d) A party who's petition has been refused must personally present to the Domestic Relations Judge a motion to permit the filing of the modification, on forms provided by the Domestic Relations Section. Notice of presentment of the motion must be given to the opposing party in accordance with L-200.5(e).

(e) If leave of court is granted to file the petition for modification, the date of the first attempted filing shall be used as the filing date.

L-1910.22. Attachment of Income.

[Rescinded due to 1997 amendments to the Pennsylvania Rules of Civil Procedure].

L-1920.4. Service.

[Rescinded].

[Pa.B. Doc. No. 01-539. Filed for public inspection March 30, 2001, 9:00 a.m.]

SUPREME COURT

Schedule of Holidays for Year 2002 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 229 Judicial Administration Doc. No. 1

Order

Per Curiam:

And Now, this 19th day of March, 2001, it is hereby ordered that the following paid holidays for calendar year 2002 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 1, 2002	New Year's Day
January 21, 2002	Martin Luther King, Jr. Day (Observed)
February 18, 2002	Presidents' Day (Observed)
March 29, 2002	Good Friday
May 27, 2002	Memorial Day (Observed)
July 4, 2002	Independence Day
September 2, 2002	Labor Day
October 14, 2002	Columbus Day (Observed)
November 5, 2002	Election Day
November 11, 2002	Veterans Day
November 28, 2002	Thanksgiving Day
November 29, 2002	Day After Thanksgiving
December 25, 2002	Christmas Day

[Pa.B. Doc. No. 01-540. Filed for public inspection March 30, 2001, 9:00 a.m.]

Sessions of the Supreme Court of Pennsylvania for the Year 2002; No. 127 Appellate Court Rules Doc. No. 1

Order

Per Curiam:

And Now, this 9th day of March, 2001, it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2002 as follows:

Philadelphia	February 4 through February 8
Pittsburgh	March 4 through March 8
Harrisburg	April 29 through May 3
Philadelphia (Administrative Session)	June 4

Pittsburgh	September 9 through September 13
Philadelphia	October 21 through October 25
Harrisburg	November 18 through November 22
Pittsburgh (Administrative Session)	December 4

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 01-541. Filed for public inspection March 30, 2001, 9:00 a.m.]
