

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PENNSYLVANIA INTEREST ON LAWYERS TRUST ACCOUNT BOARD

PART IX. ACCESS TO JUSTICE ACT REGULATIONS

[204 PA. CODE CH. 401]

Order Promulgating Access to Justice Act Regula- tions; No. 315 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

Now, this 22nd day of August, 2003, upon the recommendation of the Pennsylvania Interest on Lawyers Trust Account Board, the proposal having been published before adoption at 33 Pa.B. 2468 (May 24, 2003);

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Access to Justice Act Regulations are promulgated in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IX. ACCESS TO JUSTICE ACT REGULATIONS

CHAPTER 401. ELIGIBILITY REGULATIONS APPLICABLE TO ACCESS TO JUSTICE ACT FUNDING

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§ 401.1. Definition of Terms.

“**Act**” means the Access to Justice Act, Title 42, Chapter 49 of the *Pennsylvania Consolidated Statutes*, and as it may be amended.

“**Applicant**” is the person who voluntarily requests legal assistance, or on whose behalf service is requested. The Applicant is the determining factor in defining “individual or family status” for eligibility determination purposes.

“**Fee-generating case**” means any case or matter which, if undertaken on behalf of a client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party.

“**Eligible Legal Services Provider**” is a not-for-profit entity incorporated in this Commonwealth, tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), or any

successor provision, which operates within this Commonwealth for the primary purpose of providing civil legal services without charge, and which operates to provide such civil legal services to eligible clients and victims of abuse under contract or subcontract with the Department of Public Welfare for the expenditure of funds appropriated by the General Assembly for the provision of legal services.

“Emancipated Minor”

(a) An emancipated minor is a person under 21 years of age (irrespective of whether he/she is receiving services designed for adults or children) who either:

(1) is married, whether he/she lives within, or away from, his/her parent’s household; or

(2) has left the parental household or has established himself/herself as a separate entity within the parental household; and

(i) is acting for himself/herself independent of control by his/her parents, or persons acting as loco parentis; and

(ii) is financially independent of his/her parents, although he/she may be receiving financial assistance or benefits to which he/she is entitled in his/her own right.

(b) An unmarried minor who, after living outside the parental household, returns to live with his/her parents or someone acting in loco parentis, is no longer considered emancipated unless he/she remains independent of control by his/her parents or someone acting in loco parentis, and is financially independent of them although he/she may be receiving financial assistance or benefits in his/her own right.

“Family”

(a) A family is one or more adults and unemancipated minor children, if any, who are related by blood or law, and who reside in the same household.

A Family includes:

(1) one person and his/her unemancipated minor children (natural and adoptive) who reside in the same household;

(2) two persons in a marriage or common law relationship who reside in the same household;

(3) two persons in a marriage or common law relationship and their joint unemancipated minor children (natural and adoptive) who reside in the same household;

(4) two persons in a marriage or common law relationship and their joint unemancipated minor children (natural and adoptive) and the unemancipated minor children (natural and adoptive) of either/both persons who reside in the same household.

(5) two persons who are residing together with a child(ren) in common.

(b) A pregnant woman shall be counted as one person in the determination of family size.

(c) A man and woman who are legally free to marry, who agree to live together as husband and wife without benefit of a marriage license, and both publicly and privately consider themselves married are regarded as living in a common law relationship.

(d) A person defined as "Individual" is not included in a family grouping.

(e) A person may choose to count as a family member any other person(s) residing in the same household who is claimed by that person as a tax dependent.

"Criminal proceeding" means the adversary judicial process initiated by a formal complaint, information, or indictment charging a person with an offense denominated "criminal" by applicable law and punishable by death, imprisonment, a jail sentence, or a fine.

"Individual" is any of the following:

- (a) an emancipated minor;
- (b) an unemancipated minor living with persons other than his/her natural or adoptive parents;
- (c) an unemancipated minor living in a residential facility serving dependent and delinquent children;
- (d) an adult who resides alone;
- (e) an adult who resides with another related or unrelated adult, other than persons who are married including those living in a common law relationship.

"Legal Assistance" means the provisions of any legal services consistent with the Rules of Professional Conduct of the Supreme Court of Pennsylvania and with the purposes and provisions of the Act.

"Lobbying Activities" are any efforts to influence Federal, State or local legislative or administrative action, including, but not limited to, activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to influence the introduction, amendment, passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body.

"Recipient" means an eligible Legal Services Provider that receives a grant of funds derived from the Act.

"Telephone Advice and Brief Service" means civil legal assistance provided to eligible Applicants by Recipients through a telephone service system which provides legal advice, information and brief services at or near the time an eligible Applicant contacts the Recipient. Such telephone service systems are often referred to as "helplines" or "hotlines." Legal assistance provided through these systems is limited to advice and counsel, brief services, and referral after legal assessments when such activities are likely to address the problem without the need for in-person initial contact and within a short time from the contact by the eligible Applicant.

§ 401.2. Application for Legal Assistance.

(a) An individual eligibility determination requires completion of a dated application form containing information which enables the Recipient to determine an Applicant's eligibility to receive the requested service.

(b) A written application is not required for general non-legal information and referral service.

(c) Application forms for extended services and in-person advice and brief services must be signed by the Applicant. The application form need not be signed by the Applicant for telephone advice and brief services.

(d) The application form must be completed by the Recipient from the information given by the Applicant, his/her authorized representative, or, by someone, includ-

ing Recipient's staff, acting responsibly for the Applicant if he/she is physically incapable of completing an application form, or in an emergency situation.

(e) The Recipient shall ensure that the Applicant, or the person responsible for giving the information, receives all the help necessary to provide accurate and complete information. Arrangements must be made for an interpreter to assist non-English speaking, deaf, and visually handicapped Applicants, on an as-needed basis in those individual cases for whom no alternative methods for communication can be substituted effectively.

(f) Individual eligibility determinations are made using the declaration method. The declaration method is the acceptance of an Applicant's statements that he/she meets the applicable eligibility criteria. This does not preclude the requirement to obtain documentation when needed to comply with requirements of funding sources of the grant Recipient organization. Documentation also can be required and obtained if there is substantial reason to doubt the accuracy or completeness of the information provided by the Applicant, but such documentation must be obtained in a manner that promotes the development of trust between the attorney and client.

§ 401.3. Eligibility Criteria.

Those financially eligible for civil legal assistance are:

(a) applicants whose family monthly gross income does not exceed 125% of the Federal Poverty Guidelines, as published annually in the *Federal Register* by the Department of Health and Human Services, adjusted according to family size.

(b) The Commonwealth of Pennsylvania authorizes the issuance of medical assistance based upon the combination of income and certain public policy circumstances. When an Applicant has a current medical access card for a category for which eligibility is based upon 125% of poverty income, no additional eligibility determination is needed for legal assistance.

(c) The Applicant must be a resident of Pennsylvania. No requirements as to citizenship or length of residence in the State may be imposed as a condition of eligibility. Temporary absences from Pennsylvania, with subsequent returns, or with a plan to return when the purpose of the absence, such as a trip or a visit, has been accomplished, do not interrupt residence. Out-of-State students and foreign students who are living in Pennsylvania while attending an education or job-training institution in Pennsylvania are considered residents of Pennsylvania. Migrant workers who are seasonally employed or seeking seasonal employment in Pennsylvania are considered residents of Pennsylvania.

(d) Legal assistance may be provided without regard to income when the Applicant is in need of protective services under the Protection from Abuse Act.

(e) Authorized Exceptions to Income Eligibility. The governing body of the recipient may adopt policies for the provision of legal assistance under the Act to an applicant whose family, monthly gross income, does not exceed 150 percent of the 125% of poverty eligibility income level (i.e. 187.5% of poverty income level). The determination of family, monthly gross income shall be made pursuant to the income inclusions and exclusions defined within Sections 401.4 and 401.5 except that the definition of medical expenses is modified as included below in (f)(2). When a recipient's policies provide for authorized exceptions to income eligibility, legal assistance can be provided when:

(1) The Applicant's circumstances require that eligibility should be allowed on the basis of one or more of the factors set forth in Section 401.3(f); or

(2) The person is seeking legal assistance to secure benefits provided by a governmental program for the poor.

In the event that a recipient determines to serve a person whose family, monthly gross income exceeds 125% of poverty, the factual basis for the decision shall be documented and retained by the recipient.

(f) Factors which shall be used in the determination of the eligibility of clients over the 125% of poverty income level shall include:

(1) Current income prospects, taking into account seasonal variations in income;

(2) Medical expenses, and in exceptional instances, with the prior, written approval of the Recipient's project director based on written documentation received by the recipient and available for review, if an Applicant's family, monthly gross income is primarily committed to medical or nursing home expenses, a person may be served even if that person's gross income exceeds 187.5 percent of the poverty income eligibility level;

(3) Fixed debts and obligations, including unpaid Federal, state and local taxes from prior years;

(4) Child care, transportation, and other expenses necessary for employment;

(5) Expenses associated with age or physical infirmity of resident family members; and

(6) Other significant factors related to financial inability to afford legal assistance.

(g) A Recipient may provide legal assistance to a group, non-profit corporation, association or other entity if the Recipient has determined that the group, non-profit corporation or association or other entity lacks and has not practical means of obtaining private counsel in the matter for which representation is sought and:

(1) at least a majority of the group's members are financially eligible for legal assistance; or

(2) for a non-membership group, at least a majority of the individuals who are forming or operating the group are financially eligible for legal assistance; or

(3) the group has as its principal function or activity the delivery of services to those persons in the community who would be financially eligible for legal assistance; or

(4) the group has as its principal function or activity the furtherance of the interests of those persons in the community who would be financially eligible for legal assistance and the representation sought relates to such function or activity.

In order to make a determination that a group, non-profit corporation, association or other entity is eligible for legal services as required by paragraph (a) of this section, a recipient shall collect information that reasonably demonstrates that the group, corporation, association or other entity meets the eligibility requirements set forth herein.

§ 401.4. Income Inclusions.

The sources of income to be included in determining the total monthly gross income are:

(a) money wages or salary earned by individuals 14 years of age or older before deductions for taxes, social

security, bonds, pensions, union dues, health insurance, and similar purposes for work performed as an employee including commissions, tips, piece-rate payments, and cash bonuses;

(b) Armed Forces pay which includes base pay plus cash housing and/or subsistence allowances, but does not include the value of rent-free quarters;

(c) voluntary or court-ordered spousal and/or child support received by a present or former spouse;

(d) voluntary or court-ordered child support;

(e) net income from non-farm self employment, defined as gross receipts minus expenses from one's own business, professional enterprise, or partnership. Gross receipts include the value of all goods sold and service rendered. Business expenses include costs of goods purchased, rent, heat, light, power, depreciation charges, wages and salaries paid, business taxes (no personal income taxes), and similar expenses. Inventory changes may be considered in determining net income only when they are documented by income tax returns or other official records which reflect inventory changes. The value of marketable merchandise consumed by the proprietors of retail stores is not included as part of net income;

(f) net income from farm self-employment, defined as gross receipts minus operating expenses from the operation of a farm by a person on his/her own account, as an owner, renter, or share-cropper. Gross receipts include the value of all products sold, government subsidies—crop loans, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand gravel and similar items. Operating expenses include the cost of feed, fertilizer, seed, and other farming supplies, cash wages paid to farm hands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes (not State and Federal income taxes), and similar expenses. The value of fuel, food, or other farm products used for family living is not included as part of net income. Inventory changes may be considered in determining net income only when they are documented by income tax returns or other official records which reflect inventory changes;

(g) net income from non-resident real property income, defined as gross receipts minus the expenses for continuing the income such as depreciation charges, business taxes (not personal income taxes), interest on mortgage, repairs, and similar expenses;

(h) Social Security pensions, survivors' benefits, permanent disability insurance payments, and special benefit payments made by the Social Security Administration before deductions of health insurance premiums;

(i) Railroad retirement, disability, and survivors' benefit payments made by the U.S. Government under the Railroad Retirement Act before deductions of health insurance premiums;

(j) State Blind Pension payments made by the Department of Public Welfare;

(k) Public assistance or welfare payments such as General Assistance, SSI and State Supplemental payments, only when the person is not the Applicant;

(l) private pension and annuities, including retirement benefits paid to a retired person or his/her survivors by a former employer or by a union, either directly or through an insurance company;

(m) government employee pensions received from retirement pensions paid by Federal, State, County, or other governmental agencies to former employees including members of the Armed Forces or their survivors;

(n) unemployment compensation received from government unemployment agencies or private companies during periods of unemployment and any strike benefits received from union funds;

(o) worker's compensation received from private or public insurance companies for injuries incurred at work. The cost of this insurance must have been paid by the employer and not by the worker;

(p) Veterans payments, defined as money paid periodically by the Veterans Administration to disabled members of the Armed Forces or to the survivors of deceased veterans, and subsistence allowances, paid to veterans for education and on-the-job training, as well as the so-called "refunds" paid to ex-service persons as GI insurance premiums. The two basic educational programs sponsored by the Veterans Administration are the G.I. Bill Educational Training Program and the VA Vocational Rehabilitation Program. There is a different method for providing funds to veterans in these programs. The veteran in G.I. Bill Education Training Program receives a monthly sum which may be used totally for education or subsistence, or partially for education and partially for subsistence. The VA calls this monthly sum a "rate." Therefore, all the money received by the G.I. Bill veteran is counted as income. The Veteran in a VA Vocational Rehabilitation Program receives what the VA calls a "subsistence allowance" and the VA itself handles the educational costs directly. Therefore, for the disabled veteran in the Vocational Rehabilitation Program, the subsistence allowance and the veteran's disability allowance is counted as income;

(q) dividends including dividends from stockholdings or membership in association;

(r) interest on savings checking accounts and bonds;

(s) income from estates and trust funds;

(t) net income from royalties;

(u) net income from room and board payments, paid singly or in combination, and for rent from apartments, determined by deducting the sum of (1) and (2) from the total gross receipts.

(1) Deductions for minimal costs:

(i) \$10 per month for each tenant (lone person) or tenant group (two or more persons living together as a family normally would) whose rent arrangements with the landlord/landlady are independent of other persons, or

(ii) \$20 per month for each boarder, or

(iii) \$30 per month for each separate tenant-boarder (person not included in (a) or (b) above) whose rent and board arrangements with the landlord/landlady are independent of other persons.

(iv) \$30 per month for the first person and \$20 per month for each additional person in a tenant-boarder group (persons not included in (a), (b), or (c) above) whose joint rent and board arrangements with the landlord/landlady are independent of other persons, and;

(2) The following amount is deducted to recognize costs above the minimum: 50% of the remainder after the deduction in (1).

§ 401.5. Income Exclusions.

Sources of income not counted in determining monthly gross income and income exclusions are:

(a) earnings of a child under 14 years of age;

(b) any medical expense not reimbursed through medical insurance which exceeds 10% of the total family monthly gross income. The medical expense must have been incurred within 90 days from the date of the application and be expected to continue or be incurred for a period of six months after the application. Medical expenses include bills for doctors, hospital costs, dental services, and health care premiums;

(c) voluntary or court-ordered child support paid out by the Primary Recipient or a member of his/her family to a present or former spouse not residing in the same household;

(d) voluntary or court-ordered child support paid out by the Primary Recipient or a member of his/her family for his/her child who is not residing in the same household;

(e) payments made pursuant to the Alaska Native Claims Settlement Act, to the extent that such payments are exempt from taxation under Section 21(a) of the Act;

(f) per capita payment to, or funds held in trust for, any individual in satisfaction or judgment of the Indian Claims Commission or the court of claims;

(g) money received from the sale of property, such as stocks bonds, a house, or a car unless the person was engaged in the business of selling such property, in which case the net proceeds would be counted as income from self-employment;

(h) withdrawals of bank deposits;

(i) money borrowed;

(j) tax refunds including tax rebate from any source;

(k) gifts;

(l) lump sum inheritances or insurance payments;

(m) lump sum lottery winnings;

(n) capital gains;

(o) the value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons;

(p) the value of USDA donated foods;

(q) the value of supplemental foods assistance under the child Nutrition Act of 1966 and the special food service programs of children under the National School Lunch Act, as amended;

(r) loans and grants, such as scholarships, obtained and used under conditions that preclude their use of current living costs;

(s) any grant or loan, to an under-graduate student for education purposes, made or insured under any program administered by the Commissioner of Education under the Higher Education Act;

(t) any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(u) any home produce used for household consumption;

(v) the value of rent-free quarters;

(w) any payment made on behalf of any individual for household expenses such as rent, food, utilities;

(x) payments to VISTA volunteers pursuant to Section 404(g) of the Domestic Assistance Act of 1973;

(y) any payments to vendors by a State agency including foster care payments;

(z) payments made to an institution by an Applicant's relative or other person for the costs of institutional care for the Applicant; and

(aa) stipends derived from the Foster Grandparents Programs under P. L. 93-113, Section 404(9).

§ 401.6. Change in Circumstances.

If an eligible client becomes financially ineligible through a change in circumstances, a Recipient shall discontinue representation if the change in circumstances is sufficiently likely to continue such that the client could afford private legal assistance, and discontinuation is not inconsistent with the attorney's professional responsibilities.

§ 401.7. Grievance Procedure.

(a) Complaints about legal assistance.

(1) A Recipient shall establish procedures for determining the validity of a complaint about the manner or quality of legal assistance that has been rendered.

(2) The procedures shall provide at least:

(i) Information to a client at the time of the initial visit about how to make a complaint, and

(ii) Prompt consideration of each complaint by the director of the Recipient, or the director's designee, and, if the director of the Recipient is unable to resolve the matter,

(iii) An opportunity for complainant to submit an oral and written statement to a member(s) of the Recipient's grievance committee established by the governing body, preferably a board member who is himself/herself client eligible.

(3) A file containing every complaint and a statement of its disposition shall be preserved for examination. The file shall include any written statement submitted by the complainant.

(b) Complaints about denial of assistance. A Recipient shall establish a simple procedure for review of a decision that a person is financially ineligible, or that assistance is prohibited by the Act or Regulations, or by priorities established by the Recipient pursuant to section 401.9. The procedure shall include information about how to make a complaint, adequate notice, an opportunity to confer with the director of the Recipient or the director's designee, and, to the extent practicable, with a representative of the governing body, preferably a board member who is himself/herself client eligible.

§ 401.8. Prohibited Use.

Recipients of funds under this Act are prohibited from using them for the following purposes:

(a) *Political and Lobbying Activities.* Funds shall not be used to contribute to or be made available to any political party or association, or the campaign of any candidate for public or party office or similar political activities or to support or oppose candidates from public or party office or to support or oppose candidates for public or party office or to support or oppose any ballot questions or to engage in lobbying activities, except that:

(1) A Recipient of funds may engage in lobbying activities in response to a request from a governmental agency,

legislative body, committee, member or staff thereof made to the recipient, consistent with the Rules of Professional Conduct.

(2) A Recipient may engage in lobbying activities in the provision of legal services to an eligible client on a particular application, claim or case, which directly involves that client's legal rights and responsibilities, however this shall not be construed to a permit a Recipient to solicit a client, in violation of the Rules of Professional Conduct, for the purpose of making such representation possible.

(b) *Fee generating case.* Funds shall not be used to provide legal assistance in a fee-generating case unless other adequate representation is unavailable. All Recipients shall establish procedures for the referral of fee-generating cases.

(1) Other adequate representative is deemed to be unavailable when the Recipient has determined that free referral is not possible because:

(i) The case has been rejected by the local lawyer referral service, or by two private attorneys, or the Recipient's experience within the previous six months with similar cases is that the current case will not be accepted by a private attorney; or

(ii) Neither the referral service nor any lawyer will consider the case without payment of a consultation fee; or

(iii) Emergency circumstances compel immediate action before referral can be made, but the client is advised that if appropriate, and consistent with professional responsibility, referral will be attempted at a later time; or

(2) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other non-pecuniary relief, or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims; or

(3) A court appoints a Recipient or an employee of a Recipient pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction; or

(4) An eligible client is seeking benefits under Subchapter II of the Social Security Act, 42 U.S.C. 401, et seq., as amended, Federal Old Age, Survivors, and Disability Insurance Benefits; or Subchapter XVI of the Social Security Act, 42 U.S.C. 1381, et seq., as amended, Supplemental Security Income for Aged, Blind, and Disabled.

(5) A Recipient may seek and accept a fee awarded or approved by a court or administrative body, or included in a settlement, if the requirements of sub-section 401.8 (b)(1) are met.

(6) When a case or matter subject to this sub-section results in a recovery of damages, other than statutory benefits, a Recipient may accept reimbursement from the client for out-of-pocket costs and expenses incurred in connection with the case or matter, if

(i) The requirements of sub-section 401.8(b)(1) are met, and

(ii) The client has agreed in writing to reimburse the Recipient for such costs and expenses.

(7) Nothing in this part shall prevent a Recipient from:

(i) Requiring a client to pay court fees when the client does not qualify to proceed *informa pauperis* under the rules of the jurisdiction; or

(ii) Acting as a co-counsel with a private attorney when the case meets the standards set forth in sub-section 401.8(b)(1) and accepting part of any fees that may result from a shared case.

(c) *Defense of Criminal Prosecutions.*

(1) Funds shall not be used to provide legal assistance with respect to a criminal proceeding, unless authorized by sub-section 401.8(c)(2).

(2) Legal assistance may be provided with respect to a criminal proceeding;

(i) Pursuant to a court appointment made under a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction, if authorized by the Recipient after a determination that it is consistent with the Recipient's primary responsibility to provide legal assistance to clients in civil matters; or

(ii) When professional responsibility requires representation in a criminal proceeding arising out of a transaction with respect to which the client is being, or has been, represented by a Recipient.

(3) **Actions Attacking Criminal Convictions.** Funds shall not be used to provide legal assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act and the action is brought against an official of the court or against a law enforcement official for the purpose of challenging the validity of the criminal conviction.

However, this sub-section does not prohibit legal assistance pursuant to a court appointment made under a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction, if authorized by the Recipient after a determination that it is consistent with the primary responsibility of the Recipient to provide legal assistance to eligible clients in civil matters.

(d) *Statutory Right to Counsel.* Funds shall not be used to provide legal assistance in cases in which the Commonwealth of Pennsylvania has an obligation to provide counsel to the indigent through another source identified by statute.

§ 401.9. Priorities in Allocation of Resources.

Recipients daily must make decisions concerning what cases to handle, what area of client need to pursue, what models of delivery of services to choose, what communities to serve, and related issues. A high quality Recipient program responds effectively to changing client needs and integrates its priority setting process into its daily operations. This section is intended to assure that Recipients plan and perform services provided under the Act in a way that responds to existing and changing client and community needs, promptly and strategically.

(a) The governing body of a Recipient shall adapt procedures for establishing priorities in the allocation of its resources. The procedures adopted shall:

(1) Include an effective appraisal of the needs of eligible clients in the geographic areas served by the Recipient;

(2) Insure an opportunity for participation by representatives of all significant segments of the client community and the Recipient's employees in the setting of priorities.

(b) The following factors could be among those considered by the Recipient in establishing priorities:

(1) the appraisal described in paragraph (a)(1) of this section;

(2) the population of eligible clients in the geographic areas served by the Recipient, including all significant segments of that population with special legal problems or special difficulties of access to legal services;

(3) the resources of the Recipient;

(4) the availability of another source of free or low-cost legal assistance in a particular category of cases or matters;

(5) the availability of other sources of training, support, and outreach services;

(6) the relative importance of particular legal problems of the individual clients of the recipient;

(7) the susceptibility of particular problems to solution through legal processes;

(8) whether legal efforts by the recipient will complement other efforts to solve particular problems in the area served; and

(9) whether legal efforts will result in efficient and economic delivery of legal services.

(c) A Recipient shall allocate resources consistent with the purposes and requirements of the Act and regulations, and in a manner that assures such resources are put to their highest and best use in meeting client needs. To the extent possible efforts should be made to provide that all potentially eligible clients in the Recipients' service area have reasonably equal access to similar types of services. If the governing body of the Recipient so desires, the types of services may vary so as to take into account different priorities in different parts of the Recipient's service area, a higher incidence of a particular kind of problem, the considerably higher costs of providing services, or differences in individual client financial resources.

(d) The governing body of a Recipient shall establish policies and procedures that assure clients that cases which are accepted for representation of eligible clients substantially comply with the priorities adopted by the Recipient.

(e) **Annual Review.** Priorities shall be set periodically and shall be reviewed by the Recipient at least annually.

[Pa.B. Doc. No. 03-1732. Filed for public inspection September 5, 2003, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to Rules Relating to Domestic Relations; No. 398 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 20th day of August, 2003, Pennsylvania Rule of Civil Procedure 1910.16-1 is amended as follows.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.*

[The] (1) Except as set forth in subdivision (2) below, the support guidelines set forth the amount of support which a spouse or parent should pay on the basis of both parties' net monthly incomes as defined in Rule 1910.16-2 and the number of persons being supported. The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her other expenditures.

(2) In actions in which the plaintiff is a public body or private agency pursuant to Rule 1910.3, the amount of the order shall be calculated under the guidelines based upon each obligor's net monthly income as defined in Rule 1910.16-2, with the public or private entity's income as zero. In such cases, each parent shall be treated as a separate obligor and a parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent.

(i) The amount of basic child support owed to other children not in placement shall be deducted from each parent's net income before calculating support for the child or children in placement, including the amount of direct support the guidelines assume will be provided by the custodial parent.

Example. Mother and Father have three children and do not live in the same household. Mother has primary custody of two children and net monthly income of \$1,500 per month. Father's net monthly income is \$3,000. The party's third child is in foster care placement. Pursuant to the schedule at Rule 1910.16-3, the basic child support amount for the two children with Mother is \$1,235. As Father's income is 67% of the parties' combined monthly net income, his basic support obligation to Mother is \$827 per month. The guidelines assume that Mother will provide \$408 per month in direct expenditures to the two children in her home. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor's income will be \$2,173 for purposes of this calculation (\$3,000 net less \$827 in support for the children with Mother). Because the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the schedule amount of basic support for one child at the \$2,173 income level, or \$505 per month. Mother/obligor's income will be \$1092 for purposes of this calculation (\$1,500 net less \$408 in direct support to the children in her custody). Her support obligation will be 100% of the schedule amount for one child at that income level, or \$268 per month.

Example. Mother and Father have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as above, Father's income for

determining his obligation to the children in placement would be \$2,500 (\$3,000 less \$500 support for two children of prior marriage). His obligation to the agency would be \$842 per month (100% of the schedule amount for two children at the \$2,500 per month income level). Mother's income would not be diminished as she owes no other child support. She would owe \$521 for the children in placement (100% of the schedule amount for two children at the \$1,500 income level).

(ii) If the parents reside in the same household, their respective obligations to the children who remain in the household and are not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and that amount shall be deducted from the parents' net monthly incomes for purposes of calculating support for the child(ren) in placement.

Example. Mother and Father have four children, two of whom are in placement. Mother's net monthly income is \$4,000 and Father's is \$2,000. The basic support amount for the two children in the home is \$1,532, according to the schedule at Rule 1910.16-3. As Mother's income is 67% of the parties' combined net monthly incomes, her share would be \$1,026, and Father's 33% share would be \$506. Mother's income for purposes of calculating support for the two children in placement would be \$2,974 (\$4,000 less \$1,026). She would pay 100% of the basic child support at that income level, or \$961, for the children in placement. Father's income would be \$1,494 (\$2,000 less \$506) and his obligation to the children in placement would be \$521.

(iii) In the event that the combined amount the parents are required to pay exceeds the cost of placement, the trier of fact shall deviate to reduce each parent's obligation in proportion to his or her share of the combined obligation.

(3) The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her expenditures.

* * * * *

Explanatory Comment—2003

New subdivision (2) is intended to clarify in particular the calculation of child support when a child is in a foster care or institutional placement and not in the custody of either parent.

[Pa.B. Doc. No. 03-1733. Filed for public inspection September 5, 2003, 9:00 a.m.]

**Title 234—RULES OF
CRIMINAL PROCEDURE**

[234 PA. CODE CH. 7]

Order Amending Rule 720; No. 297 Criminal Procedure Rules; Doc. No. 2

On August 21, 2003, effective January 1, 2004, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted amendments to Rule of Criminal Procedure 720. The Criminal Procedural Rules Committee has prepared a Final Report explaining the

amendments to Pa.R.Crim.P. 720 (Post-Sentence Procedures; Appeal). These amendments provide further clarification that (1) the time for an appeal when a post-sentence motion is not filed timely is the date of the imposition of sentence; (2) the judge's order denying a post-sentence motion must be entered promptly and must contain the notice information required by the rule; and (3) the judge may not vacate sentence. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 21st day of August, 2003, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 32 Pa.B. 6077 (December 14, 2002), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 811), 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 Rule of Criminal Procedure 720 is hereby amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2004.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART B. Post-Sentence Procedures

Rule 720. Post-Sentence Procedures; Appeal.

(A) TIMING.

* * * * *

(3) If the defendant does not file a **timely** post-sentence motion, the defendant's notice of appeal shall be filed within 30 days of imposition of sentence, except as provided in paragraph (A)(4).

(4) If the Commonwealth files a **timely** motion to modify sentence pursuant to Rule 721, the defendant's notice of appeal shall be filed within 30 days of the entry of the order disposing of the Commonwealth's motion.

(B) OPTIONAL POST-SENTENCE MOTION.

* * * * *

(3) Time Limits for Decision on Motion.

The judge shall not vacate sentence pending decision on the post-sentence motion, but shall decide the motion as provided in this paragraph.

* * * * *

(c) When a post-sentence motion is denied by operation of law, the clerk of courts shall forthwith enter an order on behalf of the court, and **[shall], as provided in Rule 114**, forthwith **[furnish]** shall serve a copy of the order **[by mail or personal delivery to]** on the attorney for the Commonwealth, the **[defendant(s)]** **defendant's attorney**, **[and defense counsel]** or **if unrepresented the defendant**, that the post-sentence motion is deemed denied. This order is not subject to reconsideration.

(d) **If the judge denies the post-sentence motion, the judge promptly shall issue an order and the order shall be filed and served as provided in Rule 114.**

(e) If the defendant withdraws a post-sentence motion, the judge promptly shall **[enter]** issue an order memorializing the withdrawal, **and the order shall be filed and served as provided in Rule 114. [The order shall include the information required by paragraph (B)(4).]**

(4) Contents of Order.

An order denying a post-sentence motion, whether **[signed]** issued by the judge pursuant to paragraph (B)(3)(d) or entered by the clerk of courts pursuant to paragraph (B)(3)(c), or an order **[entered]** issued following a defendant's withdrawal of the post-sentence motion, shall include notice to the defendant of the following:

* * * * *

Comment

See Rules **[622,]** 606, **[and]** 608, and 622.

* * * * *

TIMING

* * * * *

If no timely post-sentence motion is filed, the defendant's appeal period runs from the date sentence is imposed. See paragraph (A)(3). Under paragraph (A)(4), however, when the defendant has not filed a post-sentence motion but the Commonwealth files a **timely** motion to modify sentence under Rule 721, it is the entry of the order disposing of the Commonwealth's motion that commences the 30-day period during which the defendant's notice of appeal must be filed. See Rule 721(B)(2)(b).

* * * * *

DISPOSITION

* * * * *

If the trial judge decides the motion within the time limits of this rule, the judge may **[reconsider that decision]** grant reconsideration on the post-sentence motion pursuant to 42 Pa.C.S. § 5505 or Pa.R.A.P. 1701.1, but the judge may not vacate the sentence pending reconsideration. Rule 720(B)(3). The reconsideration period may not be used to extend the timing requirements set forth in paragraph (B)(3) for decision on the post-sentence motion: the time limits imposed by paragraphs (B)(3)(a) and (B)(3)(b) continue to run from the date the post-sentence motion was originally filed. The trial judge's reconsideration must therefore be resolved within the 120-day decision period of paragraph (B)(3)(a) or the 30-day extension period of paragraph (B)(3)(b), whichever applies. If a decision on the reconsideration is not reached within the appropriate period, the post-sentence motion, including any issues raised for reconsideration, will be denied pursuant to paragraph (B)(3)(c).

* * * * *

If the motion is denied by operation of law, paragraph (B)(3)(c) requires that the clerk of courts enter an order denying the motion on behalf of the court and immediately notify the attorney for the Commonwealth, the **[defendant(s), and defense counsel]** defendant's attorney, or if unrepresented the defendant, that the motion has been denied. This notice is intended to protect

the defendant's right to appeal. The clerk of courts must also comply with the notice and docketing requirements of Rule 113.

The disposition of a motion to modify a sentence imposed after a revocation hearing is governed by Rule [408] 708 (Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition).

* * * * *

MISCELLANEOUS

* * * * *

For bail proceedings pending the outcome of the post-sentence motion, see Rules [523 and] 521 and 523.

* * * * *

Official Note: Previous Rule 1410, adopted May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1410. Present Rule 1410 adopted March 22, 1993 and amended December 17, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996. *Comment* revised September 26, 1996, effective January 1, 1997; amended August 22, 1997, effective January 1, 1998; *Comment* revised October 15, 1997, effective January 1, 1998; amended July 9, 1999, effective January 1, 2000; renumbered Rule 720 and amended March 1, 2000, effective April 1, 2001; **amended August 21, 2003, effective January 1, 2004.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the August 21, 2003 changes to Rule 720 concerning the timeliness of filings and the order published at 33 Pa.B. 4438 (September 6, 2003).

FINAL REPORT¹

Proposed Amendments to Pa.R.Crim.P. 720

Post-Sentence Motions: Time For Appeal; Court Order; Reconsideration

I. Introduction

On August 21, 2003, effective January 1, 2004, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Pa.R.Crim.P. 720 (Post-Sentence Procedures; Appeal). The amendments to Rule 720 provide further clarification that (1) the time for an appeal when a post-sentence motion is not filed timely is the date of the imposition of sentence; (2) the judge's order denying a post-sentence motion must be entered promptly and must contain the notice information required by the rule; and (3) the judge may not vacate sentence.

II. Discussion

The Committee has continued to monitor Rule 720 (Post-Sentence Procedures; Appeals) since its adoption in 1993. As a result of this monitoring, on several occasions

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

while reaffirming the Rule 720 procedures as adopted, the Committee has recommended a few changes to clarify the intent and purpose of the rule.² Since the Court's most recent changes in 1999, two additional issues have been raised with the Committee that we concluded necessitate further clarification in Rule 720:³ 1) there continues to be some confusion about the time for appeal when a defendant files an untimely post-sentence motion; and 2) there is some confusion about the content of, and the filing and service of, the judge's order denying a post-sentence motion.

The Committee considered these issues and concluded the post-sentence procedures in Rule 720 are meeting the needs of the criminal justice system without unduly burdening the courts. However, in an exercise of caution and as an aid to the trial and appellate courts, as explained below, a few additional changes have been made to Rule 720.

1. Untimely Post-Sentence Motions

An issue that has come up from time to time in the case law concerns the time for appeal when a defendant files a post-sentence motion beyond the 10-day time limit of Rule 720(A)(1), and, notwithstanding the untimeliness of the motion, the trial court disposes of the motion. Although the appellate courts have determined in these cases the time for appeal runs from the imposition of sentence and have quashed the appeals, some concurring and dissenting opinions and some correspondence with the Committee have suggested Rule 720 should provide a mechanism for the trial judge to decide these untimely motions.

The Committee reviewed the case law and the Committee's Rule 720 history,⁴ and concluded Rule 720 should not be amended to permit the trial judge to dispose of the untimely filed post-sentence motion. Post-sentence motions are optional, and the defendant has not lost the opportunity for post-sentence review if the trial judge is not authorized to dispose of untimely filed post-sentence motions; the review will occur in the Superior Court when the case is appealed. Furthermore, to permit the trial judge to vacate sentence within the 30-day time period permitted by 42 Pa.C.S. § 5505 would be contrary to the purpose of the rule, and would open the door for the potential recurrence of the types of abuses the Court eliminated with the adoption of Rule 720.

The Committee agreed, however, as an aid to the bench and bar, that Rule 720(A)(3) and (A)(4) should be amended by the addition of "timely" before "post-sentence motion." Although we believe the rule is clear without these changes, adding "timely" will remove any doubt about the intent of these provisions.

A correlative revision to the fourth paragraph of the "Disposition" section of the Comment also has been made. The Committee reviewed the rule and Comment, and the Rule 720 history, in view of (1) the suggestions the

² For example, in 1997, the Court amended Rule 720, *inter alia*, to make it clear that the judge may not vacate sentence, see Committee's explanatory Final Report at 27 Pa.B. 4553 (September 6, 1997), and in 1999, amended the rule to clarify the procedures when a defendant withdraws a post-sentence motion, see Committee's explanatory Final Report at 29 Pa.B. 3836 (July 24, 1999).

³ Another issue raised in correspondence concerns the ongoing problem with obtaining trial transcripts in a timely manner. This is an issue that continues to concern the Committee, but we have concluded these problems cannot be resolved by the Criminal Rules. See, e.g., the Committee's discussion in section (3)(b) (Transcript Preparation) of the Final Report at 23 Pa.B. 1701, 1704 (April 10, 1993).

⁴ See Committee Final Reports explaining the provisions of new Rule 1410 (now Rule 720) and the 1997 amendments, in particular the explanation of the optional nature of the post-sentence motion and the interplay of Rule 720 with 42 Pa.C.S. § 5505 and Pa.R.A.P. 1701, at 23 Pa.B. 1699 (April 10, 1993), 24 Pa.B. 334 (January 15, 1994), and 27 Pa.B. 4553 (September 6, 1997).

Committee received that, pursuant to 42 Pa.C.S. § 5505, the trial judge should be able to vacate sentence to decide an untimely-filed post-sentence motion, and (2) the fact that some trial judges have been using 42 Pa.C.S. § 5505 to vacate sentence to extend the time for decision on the post-sentence motion. We noted as part of the 1997 changes to Rule 720, which had been intended to make it clear that the trial judge may not vacate sentence under Rule 720, that the specific references to 42 Pa.C.S. § 5505 and Pa.R.A.P. 1701 had been deleted. The Committee agreed, given the obvious and continuing confusion, these references must be again included in the Comment.

2. Judge's Order

The other issue addressed by the changes concerns the judge's order denying a post-sentence motion. Apparently, because Rule 720(B)(3) does not address the trial judge issuing an order, there is some confusion about the procedures for the entry, filing, and service of the judge's order and the contents of the order. The Committee reaffirmed that it is important to ensure the defendant receives notice of the denial of the post-sentence motion as soon as possible in view of the 30-day appeal period.⁵ Accordingly, Rule 720 has been amended by adding a new paragraph (B)(3)(d) that makes it clear that (1) the trial judge must promptly issue his or her order and (2) the order must be filed and served as provided in Rule 114 (Notice and Docketing of Orders).

3. Correlative Clarifying Amendments

The Committee noted the apparent continued confusion concerning the application of the Rule 114 filing and service requirements to Rule 720 orders. To address this, references to Rule 114 have been added to paragraphs (B)(3)(c) and (B)(3)(e).

Another area of confusion seems to be the application of paragraph (B)(4) to the orders entered or issued pursuant to paragraph (B)(3). Accordingly, the introductory statement in paragraph (B)(4) has been amended by adding specific references to the orders required in paragraphs (B)(3)(d) and (B)(3)(e).

During the Committee's discussion of the need to clarify Rule 720 concerning orders, some members suggested the term "enter" when used in reference to the judge's order was inaccurate and could cause confusion. They thought the more accurate term in these circumstances is "issue." Accordingly, "enter" in paragraphs (B)(3)(d) and (e) has been changed to "issue." For the sake of clarity and conformity, the term "signed" that is used in paragraph (B)(4) also has been changed to "issued."

Finally, paragraph (B)(3)(c) concerning whom is to be served has been amended to make it clear that service is necessary on a defendant's attorney only unless the defendant is unrepresented, in which case service is on the defendant.

[Pa.B. Doc. No. 03-1734. Filed for public inspection September 5, 2003, 9:00 a.m.]

⁵ The appeal period runs from the entry of the order, whether it is the judge's order denying the motion or the order entered by the clerk of courts denying the motion by operation of law. See 24 Pa.B. 334 (January 15, 1994). The Comment refers to Pa.R.A.P. 108 (Date of Entry of Orders) that provides "in computing any period of time under these rules involving the date of entry of an order . . . , the day of entry shall be the day the clerk of court . . . mails or delivers copies of the order to the parties . . ."

Title 25—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2003-5—Ignition Interlock Requirement; Misc. 7-2003

Order of Court

And Now, this 19th day of August, 2003, is hereby ordered that it shall be deemed part of the sentence imposed on all defendants convicted of a second or subsequent violation of 75 Pa.C.S.A. § 3731 that the installation of ignition interlock devices as required by 42 Pa.C.S.A. § 7001 et seq. is mandated. The Clerk of Criminal Division shall so note on the official record of the sentencing and shall submit a copy to the Department of Transportation of the Commonwealth.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 03-1735. Filed for public inspection September 5, 2003, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 51 Misc. 2003

Adopting Order

And Now, this 8th day of August, 2003, it is hereby *Ordered*:

1. Somerset County Rule of Judicial Administration 1901.2A (Som.R.J.A. 1901.2A), Procedure For Disposition, copy of which follows, is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

2. Somerset County Rule of Judicial Administration 1901.6 (Som. R.J.A. 1901.6) Inactive Cases, District Justices, is amended to read in its entirety as reflected in revised Som. R.J.A. 1901.6, as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the attached 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.

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

Som. R.J.A. 1901.2A. Inactive Cases. Procedure For Disposition.

Actions governed by the Pennsylvania Rules of Civil Procedure shall be processed for inactivity in accordance with the provisions of Pa.R.C.P. 230.2.

All other actions listed as inactive shall be processed in accordance with the provisions of Somerset County Rules of Judicial Administration 1901.3, 1901.4, 1901.5 and 1901.6.

Som. R.J.A. 1901.6. Inactive Cases. District Justices.

A. Following June 30th of each year, each District Justice shall search his or her respective dockets and shall prepare lists of all inactive open cases and collection cases.

B. After giving at least thirty (30) days written notice of hearing to parties and counsel, the District Justice

shall issue an order dismissing the case without prejudice, continuing the case for further proceedings, or in the case of collection cases referring for collection if collection proceedings are warranted.

C. If court approval is deemed required, the District Justice may submit an appropriate petition to the court, certifying compliance with the procedure required by this Rule.

[Pa.B. Doc. No. 03-1736. Filed for public inspection September 5, 2003, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts Within the 7th Judicial District; No. 199 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of August, 2003, upon consideration of the Petition to Reestablish the Magisterial Districts of the 7th Judicial District (Bucks County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the addition of Magisterial Districts 07-1-12 and 07-3-02, within Bucks County, to be effective January 2, 2006, is granted. The newly created vacancies in said new districts shall be filled in the 2005 municipal election. It is further *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 07-1-01, 07-1-06, 07-1-07, 07-1-08, 07-2-01, 07-2-02, 07-3-01 and 07-3-03, within Bucks County, to be effective January 2, 2006, is granted; and that the Petition, which provides for the reestablishment of Magisterial Districts 07-1-02, 07-1-03, 07-1-04, 07-1-09, 07-1-10, 07-1-11, 07-2-03, 07-2-05, 07-2-07 and 07-2-08, within Bucks County, as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 07-1-01 District Justice Leonard J. Brown	Bensalem Township (Lower East 1-4, 6-8; Lower West 1&2; Upper West; Lower Middle 1-4)
Magisterial District 07-1-02 District Justice Frank W. Peranteau, Sr.	Bristol Borough Bristol Township (1-1, 1-2, 1-3, 4-1, 4-2, 4-3)
Magisterial District 07-1-03 District Justice Joanne V. Kline	Bristol Township (2-1, 2-2, 2-3, 3-1, 3-2, 3-3, 5-1, 5-2, 5-3, 5-4, 6-1, 6-2, 6-3, 10-1, 10-2, 10-3)
Magisterial District 07-1-04 District Justice Robert L. Wagner, Jr.	Tullytown Borough Bristol Township (7-1, 7-2, 7-3, 8-1, 8-2, 8-3, 8-4, 9-1, 9-2, 9-3, 9-4, 11-1, 11-2, 11-3)
Magisterial District 07-1-06 District Justice Susan E. McEwen	Lower Southampton Township
Magisterial District 07-1-07 District Justice Joseph P. Falcone	Hulmeville Borough Langhorne Borough Langhorne Manor Borough Pennel Borough Middletown Township (Lower 1, 2, 13 & Upper 2, 4)
Magisterial District 07-1-08 District Justice John J. Kelly, Jr.	Middletown Township (Upper 1, 3, 5-8 and Lower 3-12)
Magisterial District 07-1-09 District Justice Charles A. Cappuccio	Ivyland Borough Warminster Township
Magisterial District 07-1-10 District Justice Jan Vislosky	Falls Township
Magisterial District 07-1-11 District Justice Michael J. Burns	Morrisville Borough Yardley Borough Lower Makefield Township
Magisterial District 07-1-12 District Justice To Be Determined	Bensalem Township (Lower East-5, Upper 1-12, Lower Middle-5)
Magisterial District 07-2-01 District Justice H. Warren Hogeland	Northampton Township Upper Southampton Township
Magisterial District 07-2-02 District Justice Philip J. Daly	Doylestown Borough Doylestown Township

Magisterial District 07-2-03 District Justice Ruth C. Dietrich	East Rockhill Township West Rockhill Township Perkasie Borough Sellersville Borough Telford Borough (Bucks County)
Magisterial District 07-2-05 District Justice C. Robert Roth	Quakertown Borough Richlandtown Borough Trumbauersville Borough Milford Township Richland Township
Magisterial District 07-2-07 District Justice Donald Nasshorn	Newtown Borough Upper Makefield Township Wrightstown Township Newtown Township
Magisterial District 07-2-08 District Justice Robert E. Gaffney	Chalfont Borough New Britain Borough Silverdale Borough Hilltown Township New Britain Township
Magisterial District 07-3-01 District Justice Robert A. Schnell, Jr.	New Hope Borough Buckingham Township Solebury Township
Magisterial District 07-3-02 District Justice To Be Determined	Warrington Township Warwick Township
Magisterial District 07-3-03 District Justice M. Kay DuBree	Riegelsville Borough Bedminster Township Bridgeton Township Dublin Township Durham Township Haycock Township Nockamixon Township Plumstead Township Springfield Township Tinicum Township

[Pa.B. Doc. No. 03-1737. Filed for public inspection September 5, 2003, 9:00 a.m.]

Reestablishment of the Magisterial District Within the 9th Judicial District; No. 200 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of August, 2003, upon consideration of the Petition to Reestablish the Magisterial Districts of the 9th Judicial District (Cumberland County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the addition of Magisterial Districts 9-1-03 and 9-2-02, within Cumberland County, to be effective January 2, 2006, is granted. The newly created vacancies in said new districts shall be filled in the 2005 municipal election. It is further *Ordered and Decreed* that the realignment of Magisterial Districts 09-1-01, 09-1-02, 09-2-01, 09-2-02, 09-3-01, 09-3-02 and 09-3-03, within Cumberland County, to be effective January 2, 2006, is granted; and that the reestablishment of Magisterial Districts 09-3-04 and 09-3-05, within Cumberland County, as they previously existed, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 09-1-01 District Justice Charles A. Clement, Jr.	Shiremanstown Borough New Cumberland Borough Lower Allen Township
Magisterial District 09-1-02 District Justice Robert V. Manlove	Camp Hill Borough Lemoyne Borough Wormleysburg Borough
Magisterial District 09-1-03 District Justice To Be Determined	East Pennsboro Township

Magisterial District 09-2-01
District Justice Paula P. Correal

Lower Frankford Township
Lower Mifflin Township
North Middleton Township
Upper Frankford Township
Upper Mifflin Township

Magisterial District 09-2-02
District Justice To Be Determined

Borough of Carlisle

Magisterial District 09-3-01
District Justice Harold E. Bender

Newburg Borough
Shippensburg Borough
Hopewell Township
Shippensburg Township
Southampton Township

Magisterial District 09-3-02
District Justice Helen B. Shulenger

Newville Borough
Cooke Township
Dickinson Township
North Newton Township
Penn Township
South Newton Township
West Pennsboro Township

Magisterial District 09-3-03
District Justice Susan K. Day

Mt. Holly Springs Borough
Middlesex Township
South Middleton Township

Magisterial District 09-3-04
District Justice Thomas A. Placey

Hampden Township
Silver Spring Township

Magisterial District 09-3-05
District Justice Gayle A. Elder

Mechanicsburg Borough
Monroe Township
Upper Allen Township

[Pa.B. Doc. No. 03-1738. Filed for public inspection September 5, 2003, 9:00 a.m.]

Reestablishment of the Magisterial Districts Within the 17th Judicial District; No. 202 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of August, 2003, upon consideration of the Petition to Reestablish the Magisterial Districts of the 17th Judicial District (Snyder and Union Counties) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the addition of Magisterial District 17-3-05, within Snyder County, to be effective January 2, 2006, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 17-3-03 and 17-3-04, within Snyder County, to be effective January 2, 2006, is granted. The newly created vacancy in the new magisterial district shall be filled in the 2005 municipal election. It is further *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 17-3-01 and 17-3-02, within Union County, to be effective immediately, is hereby granted.

Said Magisterial Districts shall be as follows:

Magisterial District 17-3-01
District Justice Leo Armbruster

Lewisburg Borough
East Buffalo Township
Gregg Township
Kelly Township
White Deer Township

Magisterial District 17-3-02
District Justice Jeffrey L. Mensch

Hartleton Borough
Mifflinburg Borough
New Berlin Borough
Buffalo Township
Hartley Township
Lewis Township
Limestone Township
Union Township
West Buffalo Township

Magisterial District 17-3-03
District Justice John T. Robinson

Selinsgrove Borough
Chapman Township
Penn Township
Union Township

Magisterial District 17-3-04
 District Justice Willis E. Savidge

Beavertown Borough
 McClure Borough
 Middleburg Borough
 Adams Township
 Beaver Township
 Center Township
 Franklin Township
 Freeburg Township
 Jackson Township
 Middlecreek Township
 Perry Township
 Spring Township
 Washington Township
 West Beaver Township
 West Perry Township

Magisterial District 17-3-05
 District Justice To Be Determined

Shamokin Dam Borough
 Monroe Township

[Pa.B. Doc. No. 03-1739. Filed for public inspection September 5, 2003, 9:00 a.m.]

Reestablishment of the Magisterial Districts Within the 22nd Judicial District; No. 203 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of August, 2003, upon consideration of the Petition to Reestablish the Magisterial Districts of the 22nd Judicial District (Wayne County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Wayne County, as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 22-3-01
 District Justice Mitchell J. Laabs

Hawley Borough
 Dreher Township
 Lehigh Township
 Palmyra Township
 Paupack Township
 Salem Township
 Sterling Township

Magisterial District 22-3-02
 District Justice Bonnie P. Lewis

Bethany Borough
 Honesdale Borough
 Berlin Township
 Cherry Ridge Township
 Dyberry Township
 Texas Township

Magisterial District 22-3-03
 District Justice Jane E. Farrell

Waymart Borough
 Prompton Borough
 Canaan Township
 Clinton Township
 Lake Township
 South Canaan Township

Magisterial District 22-3-04
 District Justice Ronald J. Edwards

Starrucca Borough
 Buckingham Township
 Damascus Township
 Lebanon Township
 Manchester Township
 Mt. Pleasant Township
 Oregon Township
 Preston Township
 Scott Township

[Pa.B. Doc. No. 03-1740. Filed for public inspection September 5, 2003, 9:00 a.m.]

Reestablishment of the Magisterial Districts Within the 55th Judicial District; No. 201 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of August, 2003, upon consideration of the Petition to Reestablish the Magisterial Districts of the 55th Judicial District (Potter County) of the Commonwealth of Pennsylvania, it is hereby Ordered and Decreed that the Petition, which provides for the elimination of Magisterial District 55-3-02, effective January 2, 2006, is hereby granted; and that the Petition, which also provides for the realignment of Magisterial Districts 55-3-01, 55-4-01 and 55-4-03, within Potter County, to be effective January 2, 2006, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 55-3-01 District Justice Annette L. Easton	Austin Borough Coudersport Borough Eulalia Township Homer Township Keating Township Portage Township Summit Township Sweden Township Sylvania Township Wharton Township East Fork Township
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Magisterial District 55-4-01 District Justice Barbara J. Easton	Oswayo Borough Shinglehouse Borough Allegany Township Clara Township Genesee Township Hebron Township Oswayo Township Pleasant Valley Township Roulette Township Sharon Township
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Magisterial District 55-4-03 District Justice Lisa M. Burton	Galeton Borough Ulysses Borough Abbott Township Bingham Township Harrison Township Hector Township Pike Township Stewardson Township Ulysses Township West Branch Township
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[Pa.B. Doc. No. 03-1741. Filed for public inspection September 5, 2003, 9:00 a.m.]
