

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW [204 PA. CODE CH. 71]

Amendment of Rule 402 of the Pennsylvania Bar Admission Rules; No. 321 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 9th day of December, 2003, Rule 402 of the Pennsylvania Bar Admission Rules is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Pennsylvania Rule of Judicial Administration No. 103 or otherwise, the immediate amendment of Pa. B.A.R. 402 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and shall be effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter D. MISCELLANEOUS PROVISIONS

Rule 402. Confidentiality.

Except as otherwise prescribed in these rules, the actions and records of the Board shall not be open to inspection by the public. The Board may, however, publish a list of the names of applicants who successfully completed the bar examination administered by the Board, and may [,]:

(1) upon request from the dean of a law school, furnish the law school with the names of applicants from the law school who did not successfully complete the bar examination, provided the law school has agreed to only use such information internally within the law school and not to disclose the names of students who failed the bar examination to any person or organization outside of the law school, and

(2) upon written request from a state or county bar association located within this commonwealth, furnish such bar association with the names and addresses of those applicants who have successfully completed the bar examination administered by the board and who have not objected to the release of such information, provided the bar association has agreed to only use such information for purposes of

offering applicants membership in and services provided by or through the bar association.

[Pa.B. Doc. No. 03-2383. Filed for public inspection December 19, 2003, 9:00 a.m.]

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS [204 PA. CODE CH. 211]

Promulgation of Consumer Price Index and Judicial Salaries pursuant to Act 51 of 1995; No. 259 Judicial Administration; Doc. No. 1

Order

Per Curiam:

And Now, this 4th day of December, 2003, pursuant to Article V, Section 10(c) of the Pennsylvania Constitution and Section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, it is hereby *Ordered* that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the most recent 12-month period and the judicial salary amounts effective January 1, 2004, as required by Act 51 of 1995, amending the Public Official Compensation Law, Act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 et seq.

Annex A

TITLE 204. JUDICIAL SYSTEM PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 211. JUDICIAL SALARIES

Pursuant to Article V, Section 10(c) of the Pennsylvania Constitution and Section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, the Supreme Court of Pennsylvania has authorized the Court Administrator to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for the most recent 12-month period and the judicial salaries effective January 1, 2004, as required by Act 51 of 1995, amending the Public Official Compensation Law, Act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 et seq. See, No. 259 Judicial Administration Docket No. 1.

The Court Administrator of Pennsylvania reports that the percentage of increase in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U), for the 12-month period ending October 2003, was 2.4 percent. (See, U. S. Department of Labor, Bureau of Labor Statistics, Series CUURA102SAO, Tuesday, November 18, 2003).

The Court Administrator of Pennsylvania also reports that the following judicial salaries are adopted to implement Act 51 of 1995:

Section 2.1. Judicial salaries effective January 1, 2004.

(a) *Supreme Court*.—The annual salary of the Chief Justice of the Supreme Court shall be \$146,813 and the annual salary of each of the other justices of the Supreme Court shall be \$142,936.

(b) *Superior Court.*—The annual salary of the President Judge of the Superior Court shall be \$140,549 and the annual salary of the other judges of the Superior Court shall be \$138,459.

(c) *Commonwealth Court.*—The annual salary of the President Judge of the Commonwealth Court shall be \$140,549. The annual salary of each of the other judges of the Commonwealth Court shall be \$138,459.

(d) *Courts of common pleas.*—

(1) The annual salary of a president judge of a court of common pleas shall be fixed in accordance with the following schedule:

(i) Allegheny County, \$126,523.

(ii) Philadelphia County, \$127,120.

(iii) Judicial districts having six or more judges, \$125,330.

(iv) Judicial districts having three to five judges, \$124,733.

(v) Judicial districts having one or two judges, \$124,135.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$125,330.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$124,733.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$125,330.

(ix) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$124,733.

(2) The other judges of the courts of common pleas shall be paid an annual salary of \$124,135.

(e) *Philadelphia Municipal Court.*—The President Judge of the Philadelphia Municipal Court shall receive an annual salary of \$122,942. The annual salary for the other judges of the Philadelphia Municipal Court shall be \$120,854.

(f) *Philadelphia Traffic Court.*—The President Judge of the Philadelphia Traffic Court shall receive an annual salary of \$65,650. The annual salary for the other judges of the Philadelphia Traffic Court shall be \$65,054.

(g) *District justices.*—A district justice shall receive an annual salary payable by the Commonwealth of \$61,472.

(h) *Senior judges.*—The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$380 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge retired. A senior judge who so elects may serve without

being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 03-2384. Filed for public inspection December 19, 2003, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Order

Beaver County Local Rule Nos. 229(A) and 229(B) are amended to read as follows.

This Order and the following amended rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven (7) certified copies of this Order and the following rules to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court, one (1) certified copy with the Beaver County Law Library and one (1) with the Prothonotary of Beaver County to be kept for public inspection and copying.

By the Court

ROBERT E. KUNSELMAN,
President Judge

L.R. 229A

(F) Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E)(2) above, the Released Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems it necessary. If the Court finds that the Released Party has violated this local rule and that there is no material dispute as to the terms of the settlement or the terms of the release, the Court shall impose sanctions in the form of simple interest calculated at the rate equal to the prime rate as listed in the first edition of the Wall Street Journal published for the calendar year last preceding the date on which the Petition was filed, running from the twenty-first day to the date of delivery of the settlement funds; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the settlement funds.

L.R. 229B

(F) Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E) above, the Non-prevailing Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems necessary. If the Court finds that the Non-prevailing Party has violated this local rule and that there is no material dispute as to the terms of the award, the Court shall impose sanctions in the form of simple interest calculated at the rate equal to the

prime rate as listed in the first edition of the Wall Street Journal published for the calendar year last preceding the date on which the Petition was filed, running from the thirty-fifth day to the date of delivery of the award; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the award.

[Pa.B. Doc. No. 03-2385. Filed for public inspection December 19, 2003, 9:00 a.m.]

CARBON COUNTY

Amendment of Local Rules of Civil Procedure L1915.4—Prompt Disposition of Custody Cases; Mandatory Education Program for Parents in Custody Matters and L1915.4-1—Alternative Hearing Procedures for Partial Custody or Visitation Cases; No. 01-1115

Administrative Order 22-2003

And Now, this 5th day of December, 2003, in order to administratively provide mandatory education program dates and procedures for 2004, it is hereby

Ordered and Decreed that effective immediately, the Carbon County Court of Common Pleas hereby *Amends* Local Rule of Civil Procedure L1915.4 governing the prompt disposition of custody cases and the mandatory education program for parents in custody matters and Local Rule of Civil Procedure L1915.4-1 governing Alternative Hearing Procedures for Partial Custody or Visitation Cases.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the Carbon County Law Journal.
5. Forward one (1) copy to the *Carbon County Law Library*.
6. Keep continuously available for public inspection a copy of the Order in the Prothonotary's Office.

By the Court

RICHARD W. WEBB,
President Judge

Rule L1915.4 Prompt Disposition of Custody Cases. Mandatory Education Program for Parents in Custody Matters.

1. Upon the filing of any claim for custody, the moving party shall deposit with the Prothonotary the sum of \$300.00 unless excused by the Court.
2. All actions commenced under these rules shall be scheduled for an initial conference. The initial conference

shall be held to focus on issues of fact and law and to explore the possibility of a negotiated settlement and consent order.

3. A continuance of the initial conference may be granted by the Court upon good cause shown.

4. If the parties agree on a custodial arrangement, two hundred dollars shall be refunded to the depositing party and a consent order shall be entered in substantially the same form as set forth in "Form A" following Carbon County Local Rule L1915.7.

5. If the parties are unable to agree, the hearing officer shall immediately schedule a hearing.

6. At the conclusion of the pre-hearing conference, the hearing officer shall prepare a recommended Interim Order which said officer believes is in the best interest of the child(ren) and forward it to the Court within 10 days of the pre-hearing conference. The Interim Order shall require the parties to file a Pre-Trial Memorandum with the Prothonotary's Office within five (5) days prior to hearing, and shall contain the following:

- (A) A clear concise statement of the principal custody issues to be resolved by the Court;
- (B) Principles of law to be applied;
- (C) List of witnesses to be called and exhibits;
- (D) Listing of any evidentiary disputes; and Legal Argument.
- (E) Proposed Findings of Fact.
- (F) Proposed Custody Order.

7. In all custody proceedings where the interests of children under the age of eighteen (18) are involved, the parties shall attend and complete one 4-hour session entitled "Education Program for Divided Families," referred to in these local rules as "Program."

8. In all custody proceedings, each complaint or petition shall be in compliance with Local Rule L206.1 or Local Rule L205.3.

9. At the time of the filing of the Complaint/Petition, the Attorney or unrepresented party shall attach the Court Order requiring attendance at the Program as set forth in Exhibit "1," a registration form, and Program description.

10. The parties shall register BY MAIL for the Program within fifteen (15) days after he or she is served with the Court Order. NO RESERVATIONS WILL BE TAKEN OVER THE TELEPHONE.

11. Every party shall attend the Program within sixty (60) days from the date of the Order requiring attendance. Any request for an extension of time to complete the Program shall be made to the Court.

12. The fee for the Program is \$35.00 per party and must be submitted with the registration form. Certified check or money order will be accepted for payment. Checks and money orders shall be made payable to the Kathryn James. NOTE: NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

13. No final hearing shall be held or final order entered until all parties have attended and completed the Program, unless the Court waives the requirement upon petition filed for good cause shown. Refusal of the non-moving party to attend the Program shall be considered good cause by the Court. Failure to comply with the

Order may result in the dismissal of the action, striking of pleadings, or other appropriate action, including sanctions for contempt.

14. Upon filing of the Certificate of Completion, the Prothonotary shall provide a copy to Court Administration.

15. Copies of this Rule, Program Registration Form, and Program Description shall be available in the Prothonotary's Office of the Court of Common Pleas of Carbon County.

Exhibit "1"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

vs. : NO.
: CUSTODY ACTION

ORDER OF COURT

You are ORDERED to attend a program entitled "Education Program for Divided Families" in connection with the above-captioned custody action. You must register for the Program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the Program within sixty (60) days from the date of this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

No final hearing shall be held or final order entered where there are children under the age of eighteen (18) until all parties have attended the Program or by leave of Court.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

North Penn Legal Services
122-124 Iron Street
Lehigh, PA 18235
(610) 377-5400
www.northpennlegal.org

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Carbon County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the District Court Administrator's Office at (570) 325-8556. All arrangements must be made at least seventy-two (72) hours prior to any hearing or business before the Court. You must attend the scheduled Program.

BY THE COURT:

DATED: _____ J.

EDUCATION PROGRAM FOR DIVIDED FAMILIES

In cases involving custody of minor children, mandatory attendance at one 4-hour session entitled "Education

Program for Divided Families" is required. MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM.

PROGRAM CONTENT

The Program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

A. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.

B. Identifying and dealing with feelings such as anger toward your children, from your children, and toward your ex-spouse, as well as the healing process.

C. Open Discussion: explaining divorce, visitation problems, new relationships, parents at war with co-parent, etc.

WHO

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheads, PA 18322
Telephone: (570) 992-2027

WHEN

The Program is offered every month on one (1) Saturday from 9:00 A.M. until 1:00 P.M.

WHERE

The Program will be presented at the Carbon County Conservation District building located at 5664 Interchange Road, Lehigh, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North - building is between Gensis Day Care and the PA State Police Barracks). Directions: From the south (Palmerton, Lehigh), take 209 North (about 5 miles past the Turnpike entrance); From the northwest (Jim Thorpe, Lansford, Summit Hill) take 209 North; and from the north (Weatherly, Beaver Meadows) take 93 South to 209 North.

ATTENDANCE

Attendance at the Program is required of parties in a custody case where the interests of children under the age of eighteen (18) years are involved and is ordered by the Court. Additional interested persons may attend the seminar upon prior approval of the provider with the payment of ten (\$10.00) dollars.

PRESENTERS

A qualified counselor selected by the Court of Common Pleas of Carbon County will present the program.

NOTIFICATION

A copy of the Order requiring the parties to attend the Program, a Registration Form, and Program Description will be provided to the parties by the Attorney or unrepresented party upon filing of a custody action.

FEES

A fee of \$35.00 per party is required and will be used to cover all program costs. The fee must be submitted with

the registration form directly to the Provider. Certified check or money order will be accepted as payment. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

REGISTRATION

Register by MAIL, only. The provider must receive the registration form and program fee at least seven (7) days prior to the selected date. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through the provider.

VERIFICATION OF ATTENDANCE

Upon presentation of photo identification, the provider will record the party as "present" and shall provide to the Prothonotary of Carbon County a Certificate of Completion, which shall be filed of record. The Provider will give a Certificate of Attendance to each person who successfully completes the Program.

EVALUATION

Each participant shall complete a written evaluation of the Program upon the conclusion of the session. Said evaluation forms shall be presented to the Court upon request.

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheadsville, PA 18322
Telephone: (570) 992-2027

REGISTER BY MAIL, ONLY: Choose the date you want to attend, complete the attached form, and send it with your certified check or bank money order payable to Kathryn James to:

Kathryn M. James
P. O. Box 184
Brodheadsville, PA 18322

If you have any questions regarding the program or scheduling, call: (570) 992-2027.

2004 Registration Form—Education Program for Divided Families Carbon County, Pennsylvania

The Program is held at the Carbon County Conservation District building located at 5664 Interchange Road, Lehigh, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North—building is between Gensis Day Care and the PA State Police Barracks).

You are required to attend one 4-hour Saturday session. The cost of the Program is \$35.00 per party.

Other guests can attend for an additional \$10.00 fee.

Photo identification is required.

Parking is available on site.

Register at least seven (7) days prior to the date you want. IF TEN (10) PARTICIPANTS ARE NOT REGISTERED, THE CLASS WILL BE CANCELLED AND YOU WILL NEED TO RE-SCHEDULE. CONFIRMATIONS ARE NOT SENT. Come to the program you choose, unless notified that the class is full. Class may be cancelled due to bad weather. You will be informed of this cancellation by telephone and given a new class date. Class dates are subject to change.

If you cannot attend the class you registered and paid for, you must call Kathryn James at (570) 992-2027 to let her know of the change in plans. If the cancellation is made a week prior to the scheduled date, you may attend the next scheduled class at no additional charge. IF NO NOTICE OF CANCELLATION IS GIVEN OR IT IS NOT MADE ONE WEEK PRIOR TO CLASS, YOU MUST PAY AN ADDITIONAL \$10.00 TO TAKE THE NEXT CLASS.

Children SHALL NOT be brought to the Program.

Please be prompt. Latecomers are not admitted and must reschedule.

In case of a snowstorm, listen to the radio and/or television for cancellations—WLSH 1410 A.M., or TV WYOU—News 22. Call (570) 992-2027 to reschedule.

Docket Number: of custody case _____
Docket Number MUST be filled in for attendance credit. Please indicate County of jurisdiction: _____

Your Name: _____

Guest: _____

(Name and Relationship to Child)

Your Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ (Home) _____ (Work)

SATURDAYS—9:00 A.M. TO 1:00 P.M.

- Jan. 3, 2004 _____
- Feb. 7, 2004 _____
- March 6, 2004 _____
- April 3, 2004 _____
- May 1, 2004 _____
- June 5, 2004 _____
- July 10, 2004 _____
- August 7, 2004 _____
- Sept. 4, 2004 _____
- Oct. 2, 2004 _____
- Nov. 6, 2004 _____
- Dec. 4, 2004 _____

Send completed registration form and fee by certified check or money order payable to Kathryn James to:

Kathryn M. James
P. O. Box 184
Brodheadsville, PA 18322
Telephone: (570) 992-2027

NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

Rule L1915.4-1 Alternative Hearing Procedures for Partial Custody or Visitation Cases

1. Upon the filing of any claim for partial custody or visitation, the moving party shall deposit with the Prothonotary the sum of \$300.00 unless excused by the Court.

2. All actions commenced under these rules shall be scheduled for an initial conference. The initial conference shall be held to focus on issues of fact and law and to explore the possibility of a negotiated settlement and consent order.

3. A continuance of the initial conference may be granted by the Court upon good cause shown.

4. If the parties agree on a custodial arrangement, two hundred dollars shall be refunded to the depositing party and a consent order shall be entered in substantially the same form as set forth in "Form A" following Carbon County Local Rule L1915.7.

5. If the parties are unable to agree, the hearing officer shall immediately schedule a hearing.

6. The moving party shall be responsible to secure the services/attendance of an outside court reporter for said hearing and shall be responsible for the payment of said outside court reporter unless the Court places the payment responsibility on the other party.

7. Within 10 days of the conclusion of the hearing, the hearing officer shall file and serve a copy upon all parties a report stating the reasons for the recommendation along with a proposed order including a specific schedule of partial custody or visitation.

8. If exceptions are filed, no exceptions shall be argued before the Court unless written briefs have been filed. The moving party shall file three (3) copies of a brief and exceptions with the Prothonotary's Office no later than ten (10) days after filing of the hearing officer's report, and forthwith serve one (1) copy of the brief upon each adverse party or counsel of record. Each adverse party or his counsel of record shall file in the appropriate filing office three (3) copies of a brief in answer, not later than five (5) days after receipt of moving party's brief and forthwith serve a copy thereof upon all opposing parties or their counsel of record. All briefs shall be prepared in conformity with Local Rule L210. Transcription of the proceedings shall be filed of record by the party raising the objections. The cost of transcription shall be borne by the party filing the original exceptions unless otherwise ordered by the Court.

9. Argument shall be held within 45 days of the date that the last party files exceptions.

10. In all custody proceedings where the interests of children under the age of eighteen (18) are involved, the parties shall attend and complete one 4-hour session entitled "Education Program for Divided Families," referred to in these local rules as "Program."

11. In all custody proceedings, each complaint or petition shall be in compliance with Local Rule L206.1 or Local Rule L205.3.

12. At the time of the filing of the Complaint/Petition, the attorney and/or unrepresented party shall attached to the Complaint/Petition and provide all parties with the Court Order requiring attendance at the Program as set forth in Exhibit "1," a registration form, and Program description.

13. The parties shall register BY MAIL for the Program within fifteen (15) days after he or she is served with the Court Order. NO RESERVATIONS WILL BE TAKEN OVER THE TELEPHONE.

14. Every party shall attend the Program within sixty (60) days from the date of the Order requiring attendance. Any request for an extension of time to complete the Program shall be made to the Court.

15. The fee for the Program is \$35.00 per party and must be submitted with the registration form. Certified check or money order will be accepted for payment. Checks and money orders shall be made payable to the Kathryn James. NOTE: NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

16. No final hearing shall be held or final order entered until all parties have attended and completed the Program, except by leave of Court. Refusal of the non-moving party to attend the Program shall be considered good cause by the Court. Failure to comply with the Order may

result in the dismissal of the action, striking of pleadings, or other appropriate action, including sanctions for contempt.

17. Upon filing of the Certificate of Completion, the Prothonotary shall provide a copy to Court Administration.

18. Copies of this Rule, Program Registration Form, and Program Description shall be available in the Prothonotary's Office of the Court of Common Pleas of Carbon County.

Exhibit "1"

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CIVIL ACTION - LAW

vs. : NO.
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ORDER OF COURT

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FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

No final hearing shall be held or final order entered where there are children under the age of eighteen (18) until all parties have attended the Program or by leave of Court.

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AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Carbon County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the District Court Administrator's Office at (570) 325-8556. All arrangements must be made at least seventy-two (72) hours prior to any hearing or business before the Court. You must attend the scheduled Program.

BY THE COURT:

DATED: _____ J.

EDUCATION PROGRAM FOR DIVIDED FAMILIES

In cases involving custody of minor children, mandatory attendance at one 4-hour session entitled "Education

Program for Divided Families" is required. MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM.

PROGRAM CONTENT

The Program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

A. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.

B. Identifying and dealing with feelings such as anger toward your children, from your children, and toward your ex-spouse, as well as the healing process.

C. Open Discussion: explaining divorce, visitation problems, new relationships, parents at war with co-parent, etc.

WHO

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheads ville, PA 18322
Telephone: (570) 992-2027

WHEN

The Program is offered every month on one (1) Saturday from 9:00 A.M. until 1:00 P.M.

WHERE

The Program will be presented at the Carbon County Conservation District building located at 5664 Interchange Road, Lehigh ton, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North—building is between Genesis Day Care and the PA State Police Barracks). Directions: From the south (Palmerton, Lehigh ton), take 209 North (about 5 miles past the Turnpike entrance); From the northwest (Jim Thorpe, Lansford, Summit Hill) take 209 North; and from the north (Weatherly, Beaver Meadows) take 93 South to 209 North.

ATTENDANCE

Attendance at the Program is required of parties in a custody case where the interests of children under the age of eighteen (18) years are involved and is ordered by the Court. Additional interested persons may attend the seminar upon prior approval of the provider with the payment of ten (\$10.00) dollars.

PRESENTERS

A qualified counselor selected by the Court of Common Pleas of Carbon County will present the program.

NOTIFICATION

A copy of the Order requiring the parties to attend the Program, a Registration Form, and Program Description will be provided to the parties by the Attorney or unrepresented party upon filing of a custody action.

FEES

A fee of \$35.00 per party is required and will be used to cover all program costs. The fee must be submitted with

the registration form directly to the Provider. Certified check or money order will be accepted as payment. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

REGISTRATION

Register by MAIL, only. The provider must receive the registration form and program fee at least seven (7) days prior to the selected date. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through the provider.

VERIFICATION OF ATTENDANCE

Upon presentation of photo identification, the provider will record the party as "present" and shall provide to the Prothonotary of Carbon County a Certificate of Completion, which shall be filed of record. The Provider will give a Certificate of Attendance to each person who successfully completes the Program.

EVALUATION

Each participant shall complete a written evaluation of the Program upon the conclusion of the session. Said evaluation forms shall be presented to the Court upon request.

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheads ville, PA 18322
Telephone: (570) 992-2027

REGISTER BY MAIL, ONLY: Choose the date you want to attend, complete the attached form, and send it with your certified check or bank money order payable to Kathryn James to:

Kathryn M. James
P. O. Box 184
Brodheads ville, PA 18322

If you have any questions regarding the program or scheduling, call: (570) 992-2027.

2004 Registration Form—Education Program for Divided Families Carbon County, Pennsylvania

The Program is held at the Carbon County Conservation District building located at 5664 Interchange Road, Lehigh ton, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North—building is between Genesis Day Care and the PA State Police Barracks).

You are required to attend one 4-hour Saturday session. The cost of the Program is \$35.00 per party.

Other guests can attend for an additional \$10.00 fee.

Photo identification is required.

Parking is available on site.

Register at least seven (7) days prior to the date you want. IF TEN (10) PARTICIPANTS ARE NOT REGISTERED, THE CLASS WILL BE CANCELLED AND YOU WILL NEED TO RE-SCHEDULE. CONFIRMATIONS ARE NOT SENT. Come to the program you choose, unless notified that the class is full. Class may be cancelled due to bad weather. You will be informed of this cancellation by telephone and given a new class date. Class dates are subject to change.

If you cannot attend the class you registered and paid for, you must call Kathryn James at (570) 992-2027 to let

her know of the change in plans. If the cancellation is made a week prior to the scheduled date, you may attend the next scheduled class at no additional charge. IF NO NOTICE OF CANCELLATION IS GIVEN OR IT IS NOT MADE ONE WEEK PRIOR TO CLASS, YOU MUST PAY AN ADDITIONAL \$10.00 TO TAKE THE NEXT CLASS.

Children SHALL NOT be brought to the Program.

Please be prompt. Latecomers are not admitted and must reschedule.

In case of a snowstorm, listen to the radio and/or television for cancellations—WLSH 1410 A.M., or TV WYOU—News 22. Call (570) 992-2027 to reschedule.

Docket Number: of custody case _____ Docket Number MUST be filled in for attendance credit. Please indicate County of jurisdiction: _____

Your Name: _____

Guest: _____

(Name and Relationship to Child)

Your Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ (Home) _____ (Work)

SATURDAYS—9:00 A.M. TO 1:00 P.M.

Jan. 3, 2004	_____
Feb. 7, 2004	_____
March 6, 2004	_____
April 3, 2004	_____
May 1, 2004	_____
June 5, 2004	_____
July 10, 2004	_____
August 7, 2004	_____
Sept. 4, 2004	_____
Oct. 2, 2004	_____
Nov. 6, 2004	_____
Dec. 4, 2004	_____

Send completed registration form and fee by certified check or money order payable to Kathryn James to:

Kathryn M. James
P. O. Box 184
Brodheadsville, PA 18322
Telephone: (570) 992-2027

NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

[Pa.B. Doc. No. 03-2386. Filed for public inspection December 19, 2003, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 4th day of December 2003, Dauphin County Local Rules of Civil Procedure 2039, 2039A, 2039B, 2206, and 2206A are promulgated as follows:

Rule 2039 Petitions for Approval of Minors' Compromises

(a)(1) Petitions for Approval of Settlement or Compromise in matters in which a minor has an interest shall be

filed in the Orphans' Court Division where the minor resides if no suit has been previously filed or in the Prothonotary's Office under the docket number of the previously filed suit.

(2) The petition shall set forth:

(a) The factual background of the claim;

(b) The identification of the parties including the age of the minor and the addresses of the biological parents of the minor;

(c) Counsel's analysis of the liability and damages issues relevant to the determination of the reasonableness of the proposed settlement;

(d) Counsel's certification that the settlement is reasonable and in the best interest of the minor;

(e) The types and amounts of insurance coverage applicable to the claim and representation as to the efforts made to identify other collateral sources;

(f) Whether there are any unpaid liens, claims or debts. Where claims or debts have been waived, Petitioner shall attach as an exhibit written proof of waiver of such lien, claim or debt;

(g) A request for authorization of parent or natural guardian to sign the proposed release;

(h) A description of the type of account into which the settlement proceeds will be deposited;

(i) A statement of the proposed distribution of the settlement funds which includes the proposed percentage of counsel fees and an itemization of costs. The petitioner shall attach appropriate documentation in support of the itemized costs;

(j) Certification of the joinder of the parents or natural guardians in the proposed settlement.

(3) The petition shall contain the following exhibits:

(a) Copies of medical reports or records evidencing the diagnosis and prognosis of the minor's injuries;

(b) Investigative or police accident reports which provide background information regarding the incident which caused the minor's injuries;

(c) The counsel fee agreement with the parents or natural guardians of the minor executed by any attorney seeking recovery of counsel fees;

(4) Any amendments or supplements to the petition required by the court shall be filed of record.

(5) The Court may approve a petition without a hearing. If the Court schedules a hearing, the court may require the personal attendance and testimony of the guardian, the treating physician, the representative of the financial institution responsible for the investment of settlement funds or any other evidence which the court deems necessary to determine whether the proposed settlement adequately protects the minors interests.

(6) The Court may require a hearing on the issue of counsel fees if counsel seeks the recovery of fees in excess of 25% of the gross settlement amount. If a hearing on counsel fees is required, the court shall require the testimony of counsel primarily responsible for the preparation of the case.

(7) Except as otherwise required by the Court, the appearance of the minor shall not be required.

(8) The Petitioner shall attach a proposed order which includes the caption to the face of the petition substan-

tially in the form found in local rule 2039A which sets forth:

- (a) The court's authorization for the petitioner to enter into a settlement and release on behalf of the minor;
- (b) Reference to the total amount of the settlement;
- (c) A complete statement of the distribution of the settlement amount as set forth in the petition;
- (d) Identification of the type of account to be utilized, which account shall comply with Pa.R.C.P. 2039, including a provision that no withdrawal shall be made from

any such account until the minor attains majority or by a prior order of court;

(e) A provision that counsel shall provide the court with an Affidavit of Deposit of Minor's Funds within ten days from the date of the order. Said affidavit shall be substantially in the form found in local rule 2039B.

(b) The Court shall, in appropriate cases, authorize the parent or natural guardian to deposit cash to be paid for the benefit of the minor into an interest bearing, restricted account, insured by the Federal government, which conforms to the provisions of Pa.R.C.P. 2039.

Rule 2039A Form

_____, Parent and Natural Guardian : In the Court of Common Pleas
of _____, a minor, : Dauphin County, Pennsylvania
Plaintiff :
: v. : No.
: :
_____ , :
Defendant :

ORDER

AND NOW THIS _____ day of _____, 20 __, upon consideration of the Petition for Approval of Minor's Settlement, it is hereby ordered that the Petitioner is authorized to enter into a settlement in the gross sum of _____. Petitioner is authorized to sign a release and to mark the matter settled, discontinued and ended as to the above defendant(s).

The settlement amount shall be distributed as follows:

- TO: _____, attorney at law, \$ _____ for counsel fees;
- TO: _____, attorney at law, \$ _____ for reimbursement of costs;
- TO: _____, as Parent and Natural Guardian of _____, a minor, \$ _____ to be deposited into a restricted, federally insured account marked "No withdrawals prior to age 18 without prior court approval."

TOTAL AMOUNT OF DISTRIBUTION: \$ _____

Counsel shall provide to the Court, within ten (10) days from the date of this order proof of such deposit.

BY THE COURT:

J.

Rule 2039B Form

_____, Parent and Natural Guardian of : In the Court of Common Pleas
_____, a minor, : Dauphin County, Pennsylvania
Plaintiff :
: v. : No:
: :
_____ , :
Defendant :

AFFIDAVIT OF DEPOSIT OF MINOR'S FUNDS

The undersigned, counsel for _____, parents and natural guardians of _____, a minor, hereby certifies that the net settlement amount of \$ _____ as set forth in this Court's order dated _____ was deposited by _____ into a restricted, federally insured account, marked "No withdrawals prior to age 18 without prior court approval" on _____. Account No. _____ is entitled: _____, a minor. Proof of deposit is attached hereto as Exhibit A.

Counsel for Parents and Natural Guardians of _____, a minor

Rule 2206 Petitions for Approval of Wrongful Death and Survival Settlements

(a) RESERVED

(b)(1) Petitions for Approval of Wrongful Death and Survival Settlements shall be filed in the Orphans' Court Division where the estate is being administered if no suit has been previously filed or in the Prothonotary's Office under the docket number of the previously filed suit.

(2) The petition shall set forth:

(a) A heading briefly identifying the purpose of the petition;

(b) The factual background of the claim;

(c) Whether the decedent died intestate; if the decedent died testate, a copy of the will shall be attached to the petition;

(d) Identification of the wrongful death beneficiaries;

(e) Whether any wrongful death beneficiaries are minors or incapacitated persons and whether a guardian has been appointed for the person or estate;

(f) Counsel's analysis of the liability and damages issues relevant to the determination of the reasonableness of the proposed settlement;

(g) The types and amounts of insurance coverage applicable to the claim and representation as to the efforts made to identify other collateral sources;

(h) The proposed apportionment between wrongful death and survival recoveries including the factual basis for said apportionment;

(i) Whether there are any unpaid liens, claims or debts.

(j) A statement of the proposed distribution of settlement funds, which includes the percentage of requested counsel fees and an itemization of costs. The petitioner shall attach appropriate documentation in support of the itemized costs;

(k) Certification of joinder of the beneficiaries in the terms of the proposed settlement and petition.

(3) The petition shall contain the following exhibits:

(a) Copies of accident, medical or expert reports related to the alleged cause of death of decedent;

(b) The counsel fee agreement between any counsel seeking recovery of counsel fees and the administrator, executor or beneficiaries on whose behalf approval of settlement is sought;

(c) A copy of correspondence from the Pennsylvania Department of Revenue approving the proposed allocation of settlement funds between the wrongful death and the survival actions.

(4) Any amendments or supplements to the petition required by the court shall be filed of record.

(5) The Court may approve a petition without a hearing. If the Court schedules a hearing, the court may require the personal attendance and testimony of the administrator or executor of the estate on whose behalf the settlement is sought, the representative of the financial institution responsible for the investment of settlement funds received by a minor or incapacitated person, or any other evidence which the court deems necessary to determine whether the proposed settlement adequately protects the interests of the decedent's estate or the distribution to minors or incapacitated persons.

(6) The Court may require a hearing on the issue of counsel fees. If a hearing on counsel fees is required, the court shall require the testimony of counsel primarily responsible for the preparation of the case.

(7) The Petitioner shall attach a proposed order which includes the caption to the face of the petition substantially in the form found in local rule 2206A which sets forth:

(a) The court's authorization for the petitioner to enter into a settlement and release;

(b) Reference to the total amount of the settlement;

(c) A complete statement of the distribution of the settlement amount as set forth in the petition;

Rule 2206A Form

In Re: Estate of _____ ,
Deceased : In the Court of Common Pleas
: Dauphin County, Pennsylvania
:
: No.

ORDER

AND NOW THIS _____ day of _____, 20 _____, upon consideration of the Petition to Settle Wrongful Death and Survival Actions, it is hereby ordered that the Petitioner is authorized to enter into a settlement in the gross sum of _____. Petitioner is authorized to sign a release and to mark the matter settled, discontinued and ended as to the defendant(s).

The settlement proceeds shall be distributed as follows:

TO: _____, attorney at law, \$ _____ for counsel fees;

TO: _____, attorney at law, \$ _____ for reimbursement of costs;

The balance of the settlement is apportioned as follows:

Wrongful Death Action \$ _____

TO: (spouse)

TO: (child)

TO: (other)

Survival Action \$ _____

TO: _____, personal representative of the Estate of _____.

BY THE COURT:

J.

These rules shall be effective 30 days after publication in the *Pennsylvania Bulletin*.
By the Court

JOSEPH H. KLEINFELTER,
President Judge

[Pa.B. Doc. No. 03-2387. Filed for public inspection December 19, 2003, 9:00 a.m.]

WESTMORELAND COUNTY
Orphans' Court Rules; No. 65-96-214

Order

And Now this 3rd day of December, 2003 it is *Hereby Ordered* that the following Westmoreland County Orphans' Court Rules are amended:

1. WO107 by adding subsection (g),
2. WO116 by adding subsection (g),
3. WO407 by adding subsections (a)(2)(G) and (a)(5), and
4. WO602 by adding subsection (k).

This Order will be effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

DANIEL J. ACKERMAN,
President Judge

Rule WO107. Pleadings

(g) Fees

All pleadings, accounts, reports and other documents filed with the register or clerk shall be subject to the schedule of filing fees established by the register or clerk from time to time, with the exception of guardians or court appointed attorneys in adoption proceedings, papers filed by the court or the Office of the Court Administrator, or papers filed by any office of Westmoreland County Government. In the event of true financial hardship, an individual that has been appointed as administrator,

guardian, trustee, counsel, master, or auditor may file for in forma pauperis status by petition or other accepted local procedure, unless otherwise already addressed by order of court, for relief from such fees.

Rule WO116. Format of Pleadings and Documents

(g) Prior to granting letters testamentary or any form of letters of administration, the register shall require the petitioner to supply a certified original death certificate, evidencing the death of the person for whom such letters are being sought.

Rule WO407. Small Estates

- (a) Personalty
- (2)

(G) A letter from the Department of Public Welfare disclosing the amount, if any, of its claim for estate recovery.

(5) For estates of less than \$5,000.00, the court shall adopt an abbreviated procedure for settlement of a small estate by petition. The clerk shall make available such forms as are required to comply with such procedure.

Rule WO602. Petition to Compromise and Settle Minor's Claim

(k) A separate petition shall be filed for each minor, and the clerk shall assign separate file numbers to each such petition.

[Pa.B. Doc. No. 03-2387. Filed for public inspection December 19, 2003, 9:00 a.m.]