

THE COURTS

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Adoption of Amendment to Local Rule 1915.3(h)

Order

And Now, to wit, this 19th day of November, 2002, it is hereby *Ordered* and *Decreed* that Local Rule 1915.3(h) is hereby *Adopted* and shall read as follows:

Local Rule 1915.3(h)

(h) A party may offer into evidence without further proof the following items:

(1) Reports and correspondence and records from physical health providers, educators, law enforcement departments and related officials if said documents are provided to opposing counsel or pro se party at least twenty (20) days before the scheduled hearing. If the moving party receives no written objections thereto not less than ten (10) days prior to the trial date, this evidence shall be admitted without the necessity of testimony from the scrivener. If objection is made, the party requesting the admission of said evidence may submit a specific written request for an evidentiary ruling to the Court Administrator for referral to the appropriate Judge. In no event shall the scheduled hearing be delayed as a result of the application of this rule.

(2) Reports and correspondence from mental health providers and custody evaluators if said documents are provided to opposing counsel or pro se party at least twenty (20) days before the scheduled hearing. If the moving party receives no written objection thereto, not less than ten (10) days prior to the trial date, this evidence shall be admitted without the necessity of testimony for the scrivener. If objection is made, the party requesting the admission of said evidence must be prepared to present the person whose testimony is waived by this Rule. In no event shall the scheduled hearing be delayed as a result of the application of this Rule.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 03-257. Filed for public inspection February 14, 2003, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Amendment to Local Rule 1920.31(f); Misc. Doc. No. 00-3708

Order

And Now, to wit, this 19th day of November, 2002, it is hereby *Ordered* and *Decreed* that Local Rule 1920.31(f) is hereby *Adopted* and shall read as follows:

Rule 1920.31(f) Hearings for Alimony Pendente Lite, Counsel Fees and/or Costs.

(1) Any party may seek Alimony Pendente Lite by completing and filing with the Office of Judicial Support

an application for Alimony Pendente Lite. The Office of Judicial Support shall promptly forward the application to the Domestic Relations Office which shall assign a PASCES identifying number and list the matter for hearing before the Master. The Domestic Relations Office will notify the parties of the hearing date and time. Applications for continuances shall be directed to the Domestic Relations Office.

(2) At the conclusion of the hearing, the Master shall file with the Court findings of fact, with recommendations and a proposed Order. The Order shall state that any party may request a hearing before a Judge by filing within ten (10) days after mailing of the Notice of Entry of the Order, a written Notice of Demand for hearing with the Office of Judicial Support. The party requesting a hearing before a Judge shall file the Notice of Demand with the Office of Judicial Support and serve a copy of the Notice of Demand on all parties and the Court Administrator's Office for assignment to a Judge in conformity with Pa.R.C.P. 440. If neither party requests a hearing before a judge within the ten-day period, the Master's recommended Order shall constitute the final Order.

(3) The Domestic Relations Office will close the case unless Ordered by the Court to collect the Alimony Pendente Lite. A request for a hearing before a Judge shall not stay the recommended Order. The hearing before the Judge shall be de novo.

(4) The Alimony Pendente Lite Application shall be in substantially the following form:

Domestic Relations Section of Delaware County
P. O. Box 543
Media, PA 19063
Phone: (610) 891-4314
Fax: (610) 891-1959

Application for Alimony Pendente Lite

(Please print clearly)

Divorce Docket Number: _____

Plaintiff's Name: _____

Social Security Number: _____ - _____ - _____

Date of Birth: ___ / ___ / ___

Address: _____

Is address confidential? Yes No

Home Phone Number: (_____) _____ - _____

Attorney's Name: _____

Attorney's Address: _____

Attorney's Phone Number: (_____) _____ - _____

Defendant's Name: _____

Social Security Number: _____ - _____ - _____

Date of Birth: ___ / ___ / ___

Address: _____

Is address confidential? Yes No

Home Phone Number: (_____) _____ - _____

Attorney's Name: _____

Attorney's Address: _____

Attorney's Phone Number: (_____) _____ - _____

Plaintiff's Signature: _____

Date: _____

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 03-258. Filed for public inspection February 14, 2003, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Local Rule 205.4; Misc. Doc. No. 00-3708

Order

And Now, to wit, this 28th day of January, 2003, it is hereby *Ordered* and *Decreed* that Local Rule 205.4 is hereby *Adopted* and shall read as follows:

Rule 205.4 Electronic Filing and Service of Legal Papers.

(a) *Legal Papers That May Be Filed Electronically:*

Parties may file the following legal papers with the Office of Judicial Support by means of electronic filing in any civil action or proceeding at law or in equity commenced in or appealed to the Court:

(1) secondary pleadings, petitions, motions, preliminary objections, praecipes, stipulations and affidavits of service, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923, except as set forth in Section (b).

(2) *Reports:*

Annual Audit
Board of Tax Collector
Cemetery Report
Oath of Office
Tax Collector Report

(3) *Liens/Scire Facias:*

Commercial Broker Lien
Commonwealth Tax Lien
Condominium Lien
Declaration of Covenant Lien
Environmental Resources Lien
Federal Judgment Lien
Foreign State Tax Lien
Mechanic's Lien
No Lien Agreement
Pension Benefit Lien
Planned Community Lien
Scire Facias sur Municipal Lien
Scire Facias sur Tax Lien
Unemployment Compensation Lien

(4) *Foreign Judgment/Execution:*

Foreign Execution
Foreign Judgment
Assurance of Voluntary Compliance

(b) *Legal Papers That May Not Be Filed Electronically:*

- (1) Original process;
- (2) Preliminary or special injunctions or temporary restraining orders;
- (3) Legal papers relating to Protection from Abuse matters within 23 Pa.C.S.A. 6101 et seq. and Domestic

Relations matters in any action governed by Pa.R.C.P. 1902—1920.92 (with the sole exception of custody pleadings pursuant to Pa.R.C.P. 1915.1—1915.24 which may be filed electronically) or otherwise filed pursuant to Pa.R.C.P. 1930.1—1940.8;

(4) A notice of appeal from an award of a board of arbitrators, or a notice of appeal or other legal paper the filing of which is prescribed by the Rules of Civil Procedure Governing Actions and Proceedings before District Justices:

(5) Any legal papers relating to the revival and the enforcement of judgments other than legal papers filed pursuant to Pa.R.C.P. Nos. 3031, 3117, 3118, 3119, 3142, 3143(d), (f), (g) & (h), 3144, 3145, 3146 and 3149.

(6) Those legal papers which are to be initially filed with the Court Administrator including certificates of readiness and applications for continuance.

(7) The following matters:

Health Department Judgments
Housing Court Judgments
Confession of Judgments
ACBA Fee Dispute Judgments
Judgments Rolls
Orphan's Court Judgments
PHEAA Judgments
Pennsylvania Agency Judgments
Workers' Compensation Judgments
District Justice Transcripts
Exemplification of Records
Amicable Ejectments
Petition for Name Change

(8) Any other legal papers, the electronic filing of which is expressly prohibited by the Pennsylvania Rules of Civil Procedure.

(c) *Filing, Access and Maintenance of Legal Papers:*

(1) The website address of the Office of Judicial Support is as follows:

www.co.delaware.pa.us

(2) The Office of Judicial Support shall provide electronic access at all times. The time and date of the filing and receipt shall be that registered by the Office of Judicial Support.

(3) The Office of Judicial Support shall provide a filing status message to the filing party setting forth the date and time of acceptance of the filing or the fact that the filing has not been accepted. A legal paper is not considered filed if the Office of Judicial Support responds to the attempted filing by notifying the filing party that the filing party has not:

(i) maintained sufficient funds to pay the fees and costs described in subsection (7); or

(ii) authorized payment by credit or debit card of these fees and costs.

(4) Access to the website shall be available to an attorney with the use of the attorney's Supreme Court identification number issued by the Court Administrator of Pennsylvania. Access is available to any other user properly identified by his or her social security number.

(5) The document which is electronically filed shall not be also filed by traditional paper means, though the filing party shall maintain the original hard copy of any legal paper that is electronically filed.

(6) The Office of Judicial Support shall maintain an electronic and a hard copy file for those documents identified in Section (a)(1). The Office of Judicial Support is not required to maintain a hard copy file for the legal papers identified in Section (a), subsections (2), (3) and (4).

(7) The procedure for the payment of the fees and costs of the Office of Judicial Support and the fees and costs for service by the Sheriff shall be set forth on the website of the Office of Judicial Support.

(d) *Service:*

Service of legal papers shall at all times be in accordance with the Pennsylvania Rules of Civil Procedure and may be made by electronic means as allowed by Pa.C.R.P. 205.4.(g) and as otherwise permitted herein.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 03-259. Filed for public inspection February 14, 2003, 9:00 a.m.]

DELAWARE COUNTY

Fees of Clerk of Orphans' Court Division; No. 031 of 2003

Order

And Now, To Wit, this 28th day of January 2003, in accordance with the provisions of Act 18 of April 21, 1994, upon the determination of the Clerk of the Orphans' Court that these fees are fair and reasonable, the following Bill of Costs is established to become effective on March 15, 2003, to be chargeable to the parties and to the Estates before this Court for settlement for all services of the Clerk of the Orphans' Court Division of the Court of Common Pleas of Delaware County, in the transaction of the business of this Court.

By the Court

KENNETH A. CLOUSE,
President Judge

Accounts of Executors and Administrators, of Trustees, Guardians of Minors and Incapacitated Persons, filing, advertising and adjudication costs:

| | | | |
|-----------------------------------|------------------------------|--------------|-----------|
| In estates not exceeding in value | | \$ 5,000 | \$ 105.00 |
| Over | \$ 5,000 and not exceeding | \$ 10,000 | \$ 135.00 |
| Over | \$ 10,000 and not exceeding | \$ 25,000 | \$ 180.00 |
| Over | \$ 25,000 and not exceeding | \$ 50,000 | \$ 210.00 |
| Over | \$ 50,000 and not exceeding | \$ 100,000 | \$ 255.00 |
| Over | \$ 100,000 and not exceeding | \$ 250,000 | \$ 375.00 |
| Over | \$ 250,000 and not exceeding | \$ 500,000 | \$ 460.00 |
| Over | \$ 500,000 and not exceeding | \$ 750,000 | \$ 550.00 |
| Over | \$ 750,000 and not exceeding | \$ 1,000,000 | \$ 750.00 |

Each succeeding \$500,000 or fraction thereof \$275 additional

| | |
|---|-----------|
| In addition to the above fees for filing there will be a fee for recording, per page | \$ 3.00 |
| Accounts, readvertising | \$ 70.00 |
| Accounts, certified copy of, per page (in addition to \$15.00 for certificate) | \$ 3.00 |
| Accounts, without Adjudication, filing of | \$ 90.00 |
| Adjudication, certified copy of, per page (in addition to \$15.00 for certificate) | \$ 3.00 |
| Adoption, report of intention to adopt | \$ 15.00 |
| Counseling surcharge | \$ 75.00 |
| Adoption, petition for, and order, per child | \$ 90.00 |
| Certification of Adoption | \$ 10.00 |
| Report of intermediary | \$ 40.00 |
| Foreign adoptions, filing of | \$ 75.00 |
| Petition and Order for Involuntary and Voluntary relinquishment | \$ 40.00 |
| Order and Motion for Appointment of Counsel re: Adoption | \$ 25.00 |
| Order to Vacate | \$ 25.00 |
| Leave to Petition for Petition Re: Adoption | \$ 20.00 |
| Petition for Release of Non-identifying information | \$ 100.00 |
| Petition for Releases of Identifying information | \$ 200.00 |
| Petition to Confirm Consent | \$ 40.00 |
| Allowance, petition for and order | \$ 40.00 |

| | |
|--|----------|
| Answer, filing of | \$ 20.00 |
| Appearance bond on attachment | \$ 20.00 |
| Appeal to Supreme or Superior Court, certificate of record and bond | \$ 70.00 |
| Assignment, filing of | \$ 10.00 |
| Attachment, petition and writ | \$ 40.00 |
| Auditor, order to | \$ 20.00 |
| Auditor's report, filing | \$ 20.00 |
| Award of real estate, certified copy | \$ 20.00 |
| Birth record, certified copy | \$ 10.00 |
| Delayed petition for (Act of 1941) and certified copy | \$ 20.00 |
| Certified copy (Act of 1941) | \$ 10.00 |
| Bond, refunding, filing of | \$ 15.00 |
| Certificate and Seal | \$ 10.00 |
| Citation | \$ 15.00 |
| Citation, petition for and order (including citation) | \$ 55.00 |
| Claim, filing of | \$ 20.00 |
| Declaratory Judgment, petition for | \$ 40.00 |
| Decree, certified copy of, per page (in addition to \$15.00 for certificate) | \$ 3.00 |
| Deed, execution of | \$ 75.00 |
| Deed of Trust, filing of (in addition to \$3.00 for recording per page) | \$ 25.00 |
| Discharge of executor or administrator, petition for | \$ 40.00 |
| Disclaimer | \$ 20.00 |
| Election to take under or against will, filing of | \$ 20.00 |
| Exceptions (filing of) or objections | \$ 20.00 |
| Exemplification of record per page | \$ 3.00 |
| Exemplification Certificate (under Act of Congress) | \$ 40.00 |
| Family Settlement | \$ 90.00 |
| Financial Statement, filing of and fiduciary qualification | \$ 25.00 |
| Guardian, filing petition for, and bond (for a minor) | \$ 40.00 |
| Inventory, filing, per page | \$ 10.00 |
| +3.00 each additional page | |
| Proof of deposit | \$ 5.00 |
| Guardian, petition for discharge, with account annexed | \$ 40.00 |
| Incapacitated person, filing petition for citation and bond (including citation and Emergency petitions) | \$ 55.00 |
| Emergency Guardianship, Filing of Extension Petition | \$ 40.00 |
| Inventory, filing, per page | \$ 10.00 |
| +3.00 each additional page | |
| Annual Reports | \$ 20.00 |
| Short Certificate | \$ 8.00 |
| Informal Settlement, notice of filing of | \$ 90.00 |
| Injunction, order in nature of and bond filing | \$ 20.00 |
| Interrogatories | \$ 15.00 |
| Joinder, filing of | \$ 10.00 |
| Marriage License | \$ 50.00 |
| Consent of parent or guardian | \$ 10.00 |
| Decree of Court, filing (including affidavit) | \$ 10.00 |
| Application for marriage license, certified copy of Application for and dup. cert. of marriage lic., certified copy | \$ 20.00 |

| | |
|---|-----------|
| Application for and dup. cert. of marriage lic. exemp. copy of | \$ 25.00 |
| Interpreter's Affidavit | \$ 15.00 |
| Marriage Clearance Certificate | \$ 40.00 |
| Non-resident Affidavit of Marriage outside of Commonwealth of Pa | \$ 25.00 |
| Replacement License Fee | \$ 25.00 |
| Search Re: Divorce | \$ 20.00 |
| Special Services: By Order of Court Only. | |
| Application of Marriage License (outside office) (mileage IRS rate) | \$ 100.00 |
| Waiver | \$ 20.00 |
| Minor's certificate and oath | \$ 15.00 |
| Money paid into court: | |
| Commission 2% of every dollar under \$1000. | |
| Commission 1% of every dollar exceeding \$1000. | |
| Mortgage, filing petition for leave, etc. including one description and bond | \$ 40.00 |
| Each additional description | \$ 10.00 |
| Opinion, filing of | \$ 25.00 |
| Oral depositions, notice of taking | \$ 20.00 |
| Order to continue | \$ 25.00 |
| Order to pay, petition for and order | \$ 40.00 |
| Orphans' Court Computerization Fee | \$ 10.00 |
| Power of Attorney (first 4 pages) | \$ 25.00 |
| Each additional page | \$ 3.00 |
| Petition, filing of, for additional security or waiver of additional security | \$ 40.00 |
| Praecipe | \$ 25.00 |
| Presumed decedent, filing petition for and decree | \$ 40.00 |
| Purchase money, filing petition for and bond | \$ 40.00 |
| Receipt, filing | \$ 10.00 |
| Redating short certificates | \$ 6.00 |
| Release, filing of, per name | \$ 10.00 |
| Report of guardian and Trustee Ad Litem | \$ 20.00 |
| Rule, petition for, and order (same as citations) | \$ 55.00 |
| Renunciation | \$ 10.00 |
| Sale of Real Estate, filing petition and bond and Decree | \$ 40.00 |
| Each additional description | \$ 10.00 |
| Satisfaction of Award (if not in accord with Adjudication) | \$ 10.00 |
| Schedule of Distribution, filing | \$ 20.00 |
| Search and certificate | \$ 20.00 |
| Small Estates, distribution, filing petition for estates less than \$25,000 | \$ 40.00 |
| Special Short Certificate | \$ 10.00 |
| State Judicial Computer System Fee | \$ 10.00 |
| Stipulation, filing of | \$ 20.00 |
| Subpoena | \$ 10.00 |
| Trustee, filing petition for, and bond | \$ 40.00 |
| Trustee Short Certificate | \$ 8.00 |
| Family Exemption, filing claim for and recording (personal estate) | \$ 20.00 |
| Real estate, one description | \$ 20.00 |
| Each additional description | \$ 10.00 |
| Waiver of fiduciary commission | \$ 10.00 |
| Withdrawal of Petition | \$ 25.00 |

Instruments not specifically listed will be charged at a rate comparable to this schedule for a like instrument, as determined by the Clerk of Orphans' Court Division.

[Pa.B. Doc. No. 03-260. Filed for public inspection February 14, 2003, 9:00 a.m.]

DELAWARE COUNTY
Fees of Register of Wills; No. 030 of 2003

Order

And Now, To Wit, this 28th day of January 2003, in accordance with the provisions of Act 69 of December 3, 1993, upon the determination of the Register of Wills that these fees are fair and reasonable, the following Bill of Costs is established to become effective on March 15, 2003 to be chargeable to the parties and to the Estates for probating of Wills and Testaments, and for all services of the Register of Wills of this County, in the transaction of the business of his office.

By The Court

KENNETH A. CLOUSE,
President Judge

Administration

* For granting Letters Testamentary, Letters of Administration and Letters of Administration C.T.A., including filing, probating and recording of Will one page

| | | | |
|----------------------|------------------------------|--------------|----------|
| estate not exceeding | | \$ 250 | \$ 20.00 |
| Over | \$ 250 and not exceeding | \$ 1,000 | \$ 35.00 |
| Over | \$ 1,000 and not exceeding | \$ 5,000 | \$ 50.00 |
| Over | \$ 5,000 and not exceeding | \$ 10,000 | \$ 75.00 |
| Over | \$ 10,000 and not exceeding | \$ 25,000 | \$125.00 |
| Over | \$ 25,000 and not exceeding | \$ 50,000 | \$150.00 |
| Over | \$ 50,000 and not exceeding | \$ 100,000 | \$180.00 |
| Over | \$ 100,000 and not exceeding | \$ 200,000 | \$215.00 |
| Over | \$ 200,000 and not exceeding | \$ 300,000 | \$250.00 |
| Over | \$ 300,000 and not exceeding | \$ 400,000 | \$300.00 |
| Over | \$ 400,000 and not exceeding | \$ 500,000 | \$350.00 |
| Over | \$ 500,000 and not exceeding | \$ 600,000 | \$420.00 |
| Over | \$ 600,000 and not exceeding | \$ 700,000 | \$500.00 |
| Over | \$ 700,000 and not exceeding | \$ 800,000 | \$580.00 |
| Over | \$ 800,000 and not exceeding | \$ 900,000 | \$660.00 |
| Over | \$ 900,000 and not exceeding | \$ 1,000,000 | \$750.00 |

Each succeeding \$100,000 or fraction thereof \$100 additional
For each additional page of Will \$ 3.00

* No probate accepted without death certificate

Affidavit, filing of, in relation to debts, etc.

In estates of non-resident decedents \$ 25.00

Short certificate, non-resident decedent \$ 8.00

Affidavit \$ 10.00

Answer, filing of \$ 20.00

Appeal, filing of \$ 35.00

Bond—Non-resident Executor's or Administrator's filing \$ 15.00

Caveat—filing and recording \$ 75.00

Bond, filing \$ 15.00

Withdrawal \$ 15.00

Certificate, short \$ 8.00

Redating short certificate \$ 6.00

Certificate, special short \$ 10.00

Certification under Act of Congress (Exemplification Cert.) \$ 40.00

Each additional page \$ 3.00

Certified copy of Will, Inventory and appraisement or account per page
(In addition to \$15.00 for certificate) \$ 3.00

Certifying record to Orphans' Court on appeal \$ 35.00

| | |
|---|----------|
| Citation, Petition for and order (including Citation) | \$ 55.00 |
| *Commission to take testimony of Executor or Administrator | \$ 40.00 |
| *Commission to take oath of witnesses | \$ 40.00 |
| Commission from Registers for witnesses, execution of | \$ 30.00 |
| Filing and Recording exemplified copies of Will, or of Letters of Administration, etc., whether recorded or not | \$ 40.00 |
| Each page | \$ 3.00 |
| Hearing, to schedule | \$100.00 |
| Inheritance Tax Certification. | \$ 25.00 |
| Inheritance Tax Return Fee | \$ 10.00 |
| Supplemental Filing | \$ 10.00 |
| Inventory, filing | \$ 20.00 |
| Each additional page or fraction of page | \$ 3.00 |
| Miscellaneous Estate—No letters granted, including statement of debts and deductions | \$ 35.00 |
| Name Search (per name) | \$ 25.00 |
| Non-appearing witness affidavit | \$ 10.00 |
| Order | \$ 25.00 |
| Petition and Order—including Letter Petitions | \$ 40.00 |
| Register of Wills Automation fee | \$ 10.00 |
| Renunciation, filing | \$ 10.00 |
| State judicial computer system fee | \$ 10.00 |
| Subpoena (Register of Wills) | \$ 10.00 |
| Supplemental Letters Testamentary | \$ 70.00 |
| Special Services: By Order of Court Only. | |
| Probate of Will (outside office)(mileage IRS rate) | \$100.00 |
| Affidavit of witness (mileage IRS rate) | \$ 80.00 |

* Refers to Commissions sent to other counties

Instruments not specifically listed will be charged at a rate comparable to this schedule for a like instrument, as determined by the Register of Wills

[Pa.B. Doc. No. 03-261. Filed for public inspection February 14, 2003, 9:00 a.m.]

FOREST AND WARREN COUNTIES

Adoption of Amendment to Local Rule of Criminal Procedure 1405; New Local Rules 1405.1 and 1409.1; Misc. No. 6 of 2003

Order

And Now, this 29th day of January, 2003, it is ordered that the annexed Local Rule of Criminal Procedure 1405 pertaining to probation/parole in the 37th Judicial District composed of Forest and Warren Counties be, and the same is, promulgated herewith, to become effective on the 30th day following publication of this rule in the *Pennsylvania Bulletin*.

The Court Administrator of the 37th Judicial District is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Criminal Procedural Rules Committee.

4. File one (1) copy with the Clerks of Court of the 37th Judicial District.

5. Forward one (1) copy for publication in the *Warren Times Observer* and *The Forest Press*.

By The Court

PAUL H. MILLIN,
President Judge

Amendment to Local Rule of Criminal Procedure 1405 and Promulgation of 2 new rules, Local Rule of Criminal Procedure 1405.1 Intermediate Punishment General Rules and Regulations and 1409.1 Violation of Intermediate Punishment.

Rule 1405 is amended by adding the following section:

21. Pursuant to Act 35 of 1995, 61 P. S. 331.27b, the defendant shall be subject to and agree to the warrantless search of defendant's person, property, vehicle, or residence and the seizure and appropriate disposal of any contraband found, if it is reasonably suspected that defendant is in violation of probation/parole.

Rule 1405.1 Intermediate Punishment General Rules and Regulations

All of the general Rules and Regulations for Probation/Parole established in Rule 1405 shall apply to Intermedi-

ate Punishment Supervision. The following additional Rules and Regulations shall also apply to Intermediate Punishment supervision.

1. The defendant shall abide by all of the rules and conditions of the Warren County Jail while serving the Jail/Work Release portion of the Intermediate Punishment sentence.

2. The defendant shall remain in his established place of residence at all times during the House Arrest/Electronic Monitoring portion of the sentence, unless a leave is approved by the Probation Office.

3. The defendant shall maintain telephone and electric service throughout the House Arrest/Electronic Monitoring portion of the Intermediate Punishment Sentence.

Rule 1409.1 Violation of Intermediate Punishment: Hearing and Disposition

The procedure for hearing and disposition established under Rule 1409 shall also apply to violations of Intermediate Punishment supervision.

[Pa.B. Doc. No. 03-262. Filed for public inspection February 14, 2003, 9:00 a.m.]

LEBANON COUNTY

Rules of the Court of Common Pleas; Family Division

Rule 52-FD-1900—General

A. All matters involving actions for Protection from Abuse, Support, Custody, Partial Custody and/or Visitation of Minor Children, Divorce or Annulment of Marriage shall be brought in the Family Division of the Court of Common Pleas of Lebanon County.

B. All actions and legal documents shall be filed in the manner required by the Prothonotary of Lebanon County, **or in matters of support, as required by the Domestic Relations Section of Lebanon County.**

C. These rules shall be interpreted as supplementing the Rules of Civil Procedure governing domestic actions (Pa.R.C.P. 1900 et seq.).

Rule 52-FD-1910.4—Commencement of Action

A. All pleadings and legal papers filed involving child support, spousal support, or paternity shall be filed in duplicate with the Domestic Relations Section.

B. If a claim for child or spousal support is raised ancillary to divorce litigation, it shall be referred to the Domestic Relations Section for disposition, and it shall be controlled by the procedural Rules governing child or spousal support claims made not ancillary to divorce litigation. **The party or attorney filing a complaint in Divorce with claims for child or spousal support shall file a separate complaint for child or spousal support with the Domestic Relations Section.**

Rule 52-FD-1910.10—Alternative Hearing Procedures

A. The Court of Common Pleas of Lebanon County adopts the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

B. The Court shall appoint a minimum of one Domestic Relations Hearing Officer who shall hear all cases involving claims for support. The Domestic Relations Hearing

Officer list shall consist of one or more members of the Bar of this Court experienced in family law who shall serve at the pleasure of the Court.

C. Proceedings before a Domestic Relations Hearing Officer shall be on the record and recorded by a Court Reporter employed by the Court of Common Pleas. The notes of testimony shall not be transcribed unless: (1) required by the Domestic Relations Hearing Officer to prepare the report and recommendation to the Court; or (2) ordered by the Court following the filing of exceptions.

(a) It shall be the responsibility of the party first filing exceptions to obtain an order directing the transcription of the notes of testimony if desired. The party filing the exceptions shall bear the costs of the original transcript.

(b) If both parties file exceptions, the cost of the original transcript shall be borne by the parties equally. Nothing herein shall prevent the Court from thereafter reallocating the cost of the transcript as part of a final order.

(c) Should neither party request a transcript, exceptions shall be decided by the Court on the basis of the record provided.

Rule 52-FD-1915.4-5—Custody Conciliation—Post Hearing Procedure

A. SETTLED CASE: If, prior to or during the custody conciliation process, the parties are able to reach an agreement, the Conciliator or the parties may submit a stipulation, motion for adoption of stipulation, and a proposed order of court to the Prothonotary. The Prothonotary shall then transmit the file to the Court for disposition of the matter.

B. CONTESTED CASE: Within ten days of the conclusion of the hearing, when the case remains contested, the Conciliator shall prepare and file a Summary Report. This report shall also become a part of the Court record and upon being submitted to the Court shall also be served upon the parties by the Prothonotary.

(1) The Summary Report shall include inter alia, the following:

(a) A synopsis of the facts gathered by the Conciliator during the conference and the hearing.

(b) A recommendation by the Conciliator regarding custody of the subject child(ren).

(c) A recommendation for allocation of costs and expenses between the parties.

(d) The names of counsel for the parties.

(e) An estimate of the length of the hearing to be conducted by the Court.

(f) A copy of the information provided to the Conciliator as required by Local Rule 1915.4-3C.

(g) A proposed order for the **[establishment of a hearing date] adoption of the recommendation before the Court.**

(2) Either party shall be permitted to present a petition with proposed order for a hearing de novo before the Court within fourteen (14) days of the date of filing of the Summary Report. **The recommendation of the Conciliator shall remain in effect until further Order.**

(a) If no request for a de novo hearing is presented within the time provided, upon motion of the Conciliator, the recommendation of the Conciliator regarding custody shall be adopted as an Order of this Court.

These Rules shall become effective April 1, 2003.

ROBERT J. EBY,
President Judge

[Pa.B. Doc. No. 03-263. Filed for public inspection February 14, 2003, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated January 28, 2003, Kevin Joseph Coffey, has been Disbarred on Consent from the Bar of the Commonwealth of Pennsylvania, to be effective on February 27, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides

outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 03-264. Filed for public inspection February 14, 2003, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Daniel Eban Berger, having been suspended from the practice of law in the State of New Jersey for a period of three months, the Supreme Court of Pennsylvania issued an Order dated January 28, 2003 suspending Daniel Eban Berger, from the practice of law in this Commonwealth for a period of three months, effective February 27, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 03-265. Filed for public inspection February 14, 2003, 9:00 a.m.]
